Cyswllt Amgylchedd Cymru | Wales Environment Link

Consultation response: NRW's proposed approach to regulating the release of gamebirds

Deadline: 20th June 2023

Introduction

We greatly welcome Natural Resources Wales' review of the regulatory regime for the release of non-native gamebirds into the Welsh countryside. Some members will be submitting individual and more detailed response to the consultation, but we are providing a collective response that broadly supports NRW's proposals.

If anything, the proposals could go further and more could be done to prevent negative or impacts to nature that are both difficult to manage and monitor, but we understand the tentative approach to regulating in this area.

4. Do you agree that common pheasant and red-legged partridge should be added to Part 1 of Schedule 9 of the Wildlife & Countryside Act 1981 in Wales? This change would mean that releasing those species in Wales would need to be carried out under licence. Please give reasons for your views.

We support the proposal to add Pheasant and Red-legged Partridge to Schedule 9 Part 1 of the W&CA 1981. We consider this an appropriate and justified response to the review and agree that the voluntary approach to self-regulation is ineffective. Our member organisations, who own and manage land, have observed that self-regulation is not effective in preventing damage to woodlands and other habitats, and there are examples of substantial releases of game birds taking place without consultation and with no responsibility taken for adverse impact on neighbours and wildlife.

Schedule 9 is the most suitable legal mechanism by which Welsh Government should meet its duties under the Environment (Wales) 2016 Act and The Conservation of

Habitats and Species (Amendment) (EU Exit) Regulations 2019. It may be appropriate for there to be a lighter-touch mechanism for smaller/lower impact releases.

However, we do question how many releases would actually be affected by the proposal for a buffer of 500m around protected sites; high-density releases generally fall outside of designated areas like SPAs or SACs so whilst a welcome change, the proposals could certainly go further for greater impact.

5. If these species are added to Schedule 9, please give us your views on whether our proposed licensing approach would be effective and proportionate?

We broadly support the proposals for licensing. We believe that a strict regime is necessary in relation to the protected sites network and support the proposal to include all SSSIs for consideration. We also support the precautionary approach being adopted to sensitivity to impact in the selection of these sites.

A specific licensing scheme for sensitive sites is consistent with Welsh Government's 30x30 objective and the proposals to replace the individual site consenting process with species licences will provide a more consistent approach.

We believe that to resolve the widely-recognised gaps in knowledge about the numbers, scale and impact of released gamebirds, all licensees should be required to submit numbers and locations of each species released to NRW annually. This would help inform future policy-making by NRW and Welsh Government. For example, it would aid understanding of whether tighter regulation of releases in SSSIs has a displacement effect to land outside the designated area network.

However, we are greatly concerned that a 'lesser' approach of General Licensing will apply to sensitive habitats outside the SSSI network, including those identified as of principal importance under Section 7 of the Environment Act (Wales) 2016. We would favour all releases being subject to bespoke licenses, but if NRW is minded not to adopt that straightforward approach, we believe that the scope of "sensitive sites" is currently inadequate to address the issues highlighted in the evidence reports. We believe that:

- on a precautionary basis, the definition of sensitive sites should include a buffer within river Special Areas of Conservation, to minimise deterioration of freshwater sites.
- all Ancient Semi Natural Woodland (and a buffer) should be governed by bespoke licences, given that NRW draws attention to the fact that 91% is outside SSSIs and the recognition that it may be particularly sensitive to damage by large numbers of released gamebirds. A summary of evidence on potential adverse impacts of game bird releases in woodland is provided in the response from Coed Cadw / Woodland Trust.
- releases on all Local Wildlife Sites/Sites of Importance for Nature Conservation (SINCs) should be subject to bespoke licences. These undergo robust selection criteria in a similar way to SSSIs and are recognised as an integral part of national and local planning legislation in Wales.
- designated landscapes (National Parks and AONBs) should be subject to the same level of protection as SSSIs, to fulfil their first purpose and support delivery of species and habitat objectives set out in management plans.

In addition, there are threatened species of high conservation concern where the population is greater outside SSSIs and the designations listed above, which are at risk from predation or grazing by gamebirds, disease transfer or the abundance of generalist predators supported by gamebird biomass. Given that considerable effort is going into the conservation of some of these species, e.g. Curlew, we suggest that the General Licence approach proposed away from “sensitive sites” will not be sufficient and do not believe that NRW has taken sufficient account of these in its proposals.

We believe that the cost of licences should not be borne by the taxpayer or from core NRW funds. Charging for bespoke licences should follow the recent NRW Strategic Review of Charging which explicitly states that charges should be made for the release of species listed on Schedule 9 of the Wildlife & Countryside Act. There is no justification in the proposals as to why fees should be waived in relation to species licensing on sensitive sites, as the release of non-native gamebirds does not meet the criteria published by NRW on 31st March 2023.

We support the concept of a buffer around sensitive sites in determining the licensing approach, but believe 500m to be inadequate, based on the evidence provided in Annex 2. The largest studies show that a sizeable proportion of both Pheasant and Red-legged Partridges will move more than 500m from release pens during the first 3-6 months after release. Furthermore, the regulatory regime should also seek to mitigate the risk of disease transfer and predator abundance/survival that may be supported by gamebird releases. We would endorse having a minimum of 1000m as a buffer.

We believe that the consultation does not adequately address the question of enforcement, which will be especially important in the early years of a new regime, given the contentious nature of the topic. NRW should be clear about how it intends to monitor and check on licence compliance, such as through spot-check field visits. This need reinforces our view that licensees should be required to report the number and location of releases each year, to enable a risk-based approach to enforcement.

We support the proposal to review the licensing scheme in five years and urge NRW to make this a formal commitment. A pre-requisite of an effective review is to address the gaps in evidence on the impact of gamebirds identified in the consultation documents, including basic information about the scale and distribution of releases and information on post-release management. The NRW proposals do not provide a roadmap to address these gaps, and thus there is a very real risk that in five years, NRW will be in no better position to inform licensing policy with evidence. We strongly believe that, to maintain confidence in the licensing regime by all stakeholders, NRW must commit to standards of data collection and prioritised research that's relevant to Wales.

6. We have based the proposed general licence conditions for pheasant release on the recommendations in the GWCT guidelines for sustainable gamebird releasing. However, the guidelines do not include specific density thresholds for red-legged partridge and there appears to be less evidence on which to base conditions relating to partridge. We have used what evidence is available, and expert opinion, to propose conditions for partridge releases. These are either based on a density threshold linked to the area of cover crop provided, or on density per hectare of release pen (as with pheasants), depending on how the birds

are released. We would welcome views on whether these proposals are appropriate and workable and whether they could they be improved.

Given the lack of evidence on the impact of Red-legged Partridges at different release densities, "1000 birds per ha of dedicated cover crop provided" seems arbitrary. There is no understanding of the impacts on semi-natural habitats, where it would be neither feasible nor desirable to provide a cover crop. We suggest that until the evidence gap is addressed and a maximum of 1000 birds/ha can be shown not to cause damage to biodiversity, a more precautionary approach should be taken to assessing the threshold. This may mean that a much lower threshold is necessary away from arable cropped land.

7. The GWCT guidelines include a recommendation that no more than one third of woodland with game interest should be used for release pens. This is to ensure sufficient woodland remains that can benefit from habitat management activities. We would like to include this recommendation in our proposed general licence. However, we would prefer to be able to define what can be included in the calculation. Do you have suggestions for how this might be achieved?

We fully support the inclusion of a spatial dimension to regulation and press for NRW to include this as a licence condition, not merely a recommendation. We believe it is important to set a limit on the total area that release pens can cover.

Since the GWCT guidelines are very specific about what should be included in that calculation (and specifically exclude "*the central part of large woodland blocks where there is no game interest*"), it is essential that NRW takes a consistent approach to assessing this. Shoot managers and NRW officers must have a common understanding of what is permitted, else the licence conditions will not be enforceable.

Unfortunately, we cannot see how the GWCT guidelines can be incorporated unless there is a GIS-based licensing system that enables licensees to add the boundaries of their shooting rights and uses existing environmental/habitat data to calculate the maximum area of release pen permitted, based on the 33% cap.

8. Location and density appear to be the main factors influencing the environmental impact of releases, but we recognise that smaller releases in less sensitive areas are likely to present reduced risks. It may be appropriate that small gamebird releases taking place away from sensitive protected sites and their buffer zones are not subject to the same general licence conditions that apply to larger releases. Do you think this is something we should consider? Please give reasons.

We recognise that the smaller the number of gamebirds released, the lower the risk of environmental damage but we do not agree with the implicit assumption that all sensitive sites are protected. “Less sensitive areas” are still likely to contain pockets and networks of sensitive habitats that have no statutory protection and risk being particularly degraded by high-density releases of large numbers of gamebirds, and by the cumulative impact of multiple release locations in the same area.

Arguably, as these gamebirds are not native species, their interactions with habitats can be damaging and makes monitoring more difficult, especially when they are treated differently form other non-native species being released. Whilst captive gamebirds are classed as poultry, they’re classed as wild birds when released, and the liability on the breeders becomes non-existent as soon as they’re free to wander. This makes avian flu risks more difficult to manage and they can cause ecological issues, especially in large numbers, predating on at-risk amphibians and reptiles. Their cumulative impact is almost impossible to monitor properly, in all kinds of habitats, not just those designated or deemed ‘sensitive’.

We would not be averse to different conditions for smaller releases, but that does depend on the definition of “small” (there is no indication in the proposals) and subject to addressing our concerns about Ancient Semi-natural Woodland and other sensitive habitats outside SSSIs, and the need for mandatory reporting by licensees.

10. Is there a way we can increase the use of Welsh or provide more opportunities for people to use the Welsh language?

Wider engagement of game managers with the whole community around release sites, including through the medium of Welsh, would be beneficial. NRW could consider how it could facilitate this as part of collaborative land management.

Wales Environment Link (WEL) is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales. WEL is a respected intermediary body connecting the government and the environmental NGO sector. Our vision is a thriving Welsh environment for future generations.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.

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