

**Do you agree that common pheasant and red-legged partridge should be added to Part 1 of Schedule 9 of the Wildlife and 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. - Adding to Schedule 9**

fully supports the inclusion of Pheasant and Red-legged Partridge on Schedule 9 Part 1 of the Wildlife & Countryside Act. We consider this a justified response to the evidence.

Self-regulation, as highlighted in the proposals, is inadequate and we see very little evidence that users are united and willing to meet even the voluntary conditions of the Code of Shooting Practice. To meet the requirements of existing laws, NRW and Welsh Government cannot depend on self-regulation. Should further evidence of environmental impact relating to releases emerge, NRW and Welsh Government has no ability to influence a voluntary code. Thus, government regulation is essential, as is in place for other forms of land-management.

Given the risks of disease transfer to wild birds in wetlands, especially of highly pathogenic avian influenza, resulting from the release of high densities of Mallards in Wales, we believe that NRW should assess whether this species is also added to Schedule 9.

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

supports the proposals for licensing and in particular support the decision to include all SSSIs for consideration on a precautionary basis, not only SPAs and SACs. We also support a consistent approach to the application of licences through a dedicated national scheme.

However, there are several ways in which we believe that it could and should be improved.

We consider that all releases should be subject to specific licenses. We have serious reservations about General Licences and the extent to which they properly implement the derogations from the purpose of nature protection legislation. While it may be considered that technically a General Licence is lawful, members' experience is that it does not alter behaviour of users sufficiently in the way that a specific licence does, especially given that the consultation says almost nothing about enforcement. If licence users anticipate there is very low risk of being caught, especially if there is no reporting requirement, how can NRW be confident that they will follow the conditions?

As a member of Gylfinir Cymru, a partnership working to prevent the extinction of breeding Curlews in Wales, we are very worried about the impact of predation on Curlew eggs and chicks. Given the known high densities of generalist predators in Wales, which may also be a factor in the decline of other Red-listed species, we believe that NRW should be too. While there is still much to learn about the drivers of the high abundance in the populations of these generalist predators, the release of gamebird biomass has been suggested by several reviews as partly responsible. Many Welsh Curlews breed outside the SSSI network, and so will not benefit from any restrictions that could be imposed by a specific licensing scheme.

We believe that the definition of sensitive sites is insufficient, by being restricted only to some SSSIs. The consultation document highlights that 91% of documents Ancient Semi-natural Woodland falls outside this definition, yet this can be an attractive habitat in which to site release pens. We believe it is unsafe to assume that damage will not be caused to the sensitive wildlife, particularly ground flora, in this habitat.

We also consider that the proposed buffer of 500m around sensitive sites is inadequate, because NRW should be assessing the risk to the sites from a range of factors. The average maximum distance moved by Pheasants is far greater than 500m, even in the first few months after release when supplementary food is usually provided. However, direct damage to a sensitive site is not the only risk that should be considered. The risk of disease transfer and of predation at levels supported by gamebird biomass are just two other factors. The risk of spreading avian influenza between Pheasants and wild birds was highlighted by a UK Government risk assessment on which Welsh Government bases its HPAI Mitigation Strategy. We understand that increasing the buffer zone beyond 500m was considered by Natural England as a way to address this risk, and believe that NRW should also assess this. Secondly, if availability of gamebirds influences populations of predators that have home ranges larger than 500m, the buffer around sensitive sites will not mitigate the risk to species such as ground-nesting birds within protected areas. For these reasons, we believe there is good evidence for NRW to reconsider the extent of the buffer zone around sensitive sites, unless it is willing to adopt a system of specific licences for all releases. [REDACTED] would also ask that NRW publishes its HRA assessment in relation to its proposals.

[REDACTED] values and promotes evidence and high-quality monitoring. We are gravely concerned that NRW's proposals will not help to plug the gaps highlighted in the two evidence reviews that support the proposals. Understanding the ecological impacts of released gamebirds are greatly limited by the lack of data on where and how many birds are released in Wales, and what happens to them after release. Relying solely on the rather inadequate APHA poultry register, which is not designed to inform the ecological effect of releases, is not a robust basis for decision-making by NRW. If NRW is to have a better grasp of the situation in five years, as is stated to be desirable, it is essential that the numbers and locations are reported annually to NRW by all users, as a licence condition.

[REDACTED] is concerned that the consultation makes almost no statement about how compliance with licences will be addressed, and we believe this is critical. NRW should seek resources from Welsh Government to ensure that spot checks can be made on licence users (as we would advocate for any licence issued under the Wildlife and Countryside Act). Such checks and transparency about penalties are essential if licensing is to mean anything on the ground. Mandatory reporting by users should be a condition of all licences (as it is for Schedule 1 licences) and would be valuable in supporting enforcement.

We are surprised that NRW does not propose to charge for specific licences and we ask for clarity as to why an exception is being made from NRW's own Strategic Review of Charging completed earlier this year. That review sets out that charges will be made for the release of species listed on Schedule 9. Exceptions from this do not, to us, seem relevant to the release of non-native gamebirds, for which there is no public benefit. Not charging for licenses seems contrary to NRW policy.

We support the proposal to review the licensing scheme in five years and ask NRW to make a formal commitment to that review, as it has done with General Licences that permit the control of species such as Carrion Crow and Woodpigeon.

**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. - Views on conditions for partridge release**

We acknowledge that data relating to impacts of Red-legged Partridges is sparse and that fewer are released in Wales relative to Pheasants. For an organisation that promotes evidence-based decision-making, we expect NRW to be able to justify its maximum limit for release densities. The proposals assume that Red-legged Partridges will be released on land where a cover crop can be planted and maintained, but the geographic distribution of partridges in Wales suggests to us that releases frequently occur in other sites, including semi-natural habitats. Until this evidence gap is tackled, we suggest that a more precautionary approach must be taken.

**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? - View on including a limit on woodland used for pens**

We agree that there should be a limit on the total area that release pens can cover. We are unable to determine the evidence basis of the “one third of woodland” guideline promoted by GWCT, so are unable to comment on whether this is adequate. However, our reading of the GWCT guidance highlights that not all areas of woodland are suitable for released Pheasants and we believe these should be excluded from any calculation of habitat. We cannot see how reliance on a General Licence can take account, in a way that is transparent to the regulator, of this condition without a requirement to map the land-holding and release pens.

**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 - Views on taking a lighter touch approach for small releases**

██████ acknowledges that smaller releases should result in reduced risk of damage, although some habitats are more sensitive than others (see our comments above in relation to Ancient Semi-natural Woodland, for example). How release numbers relate the risk of disease transfer to wildlife is less clear to us, and should be considered by NRW in its implementation of a scheme.

**Could the proposals affect opportunities for people to use the Welsh language?**

**- Welsh language considerations**

**Is there a way we can increase the use of Welsh or provide more opportunities for people to use the Welsh language? - If yes, please explain in the box below**

**Are there any aspects of the proposals that could disadvantage people in using the Welsh language? - If yes, please explain the effects and how they could be mitigated**

**Do you believe the proposals treats the Welsh language less favourably than the English language? - If yes, please explain in the box below**