

4. 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

Introduction

[REDACTED]

[REDACTED] strongly supports adding Pheasant and Red-legged Partridge to Schedule 9 Part 1 of the Wildlife and Countryside Act 1981 in Wales. This significant change would require the licensing of any gamebird releases. In order for this to be successful there is a need to understand how such a licensing scheme would be introduced, monitored and enforced.

[REDACTED] is of the view that the voluntary approach to self-regulation, which continues to be advocated as the preferred approach by the shooting industry, is not appropriate. Voluntary measures have failed to effectively meet the challenges of releases, associated management, and the resulting environmental impacts. Therefore, [REDACTED] believes that to meet the requirements of the Environment (Wales) Act 2016, a regulatory approach to the release of gamebirds is needed. A reliance on self-regulation by the shooting industry is not appropriate, given the absence of data on the scale and distribution of releases in Wales. This is highlighted in Evidence Report 680 (Madden 2023a), which describes current practices as “lightly regulated”. [REDACTED] would argue that this is especially true relative to other land uses, such as agriculture and forestry, which must adhere to much stronger regulations. A specific licensing scheme for sensitive sites, in particular, is consistent with Welsh Government’s 30x30 objective that was agreed at the UN Convention on Biological Diversity (COP 15) in Montreal, Canada in December 2022 and which the Welsh Government attended, endorsing the outcomes from this international meeting. This objective calls for the effective conservation and management of at least 30% of the world’s land, coastal areas and oceans.

There are more than 1,023 Sites of Special Scientific Interest (SSSIs) in Wales, covering around 12% of the land. The 2006 Welsh Government Environment Strategy’s had a target to bring 95% of Welsh SSSIs into favourable condition by 2015 and 100% by 2026. A review of the favourable condition of SSSIs in 2006 highlighted that 68% of SSSIs were unfavourable, and 71% of assessed habitat features were judged to be unfavourable. At the same time, in Wales, approximately 75% of internationally important SAC habitats (underpinned by the SSSI legislation) were in unfavourable condition. These figures were updated through the Protected

Sites Baseline Assessment 2020 (published by NRW in 2021). This estimated that 20% of SSSIs were favourable, 30% were known to be unfavourable, and around 50% were not in a desired state. In short, 80% of sites are currently not in a favourable status, which given that SSSIs are our most important sites for nature, gives cause for concern. The unregulated release of gamebirds and the potential for such releases to directly and negatively impact the ecological condition of SSSIs is an important reason why gamebird licensing is so important. All factors impacting the ecological health of SSSIs need to be addressed, including gamebird releases in the vicinity of SSSIs.

Recent studies cited in Madden's review of the effects of gamebird releases for NRW show that pheasants in particular, can have a significant impact on biodiversity - particularly invertebrates and small reptiles – through direct predation. In addition, pheasants can alter vegetation structure by scratching the soil surface and trampling as well as by accumulating droppings and changing the nutrient levels of the soil. A study in 2015 found that the release of pheasants in the UK for shooting alters woodland invertebrate communities. Significant changes were found in the species composition of Carabidae (ground beetles), with a shift towards species that were more typical of arable fields and grassland habitats.

The decline in abundance and diversity of both in Wales is a cause for concern; therefore, every step is needed to address their declining numbers. This decline in the abundance of invertebrates and small reptiles through game bird release can negatively impact other species within the ecosystems. ██████ views the proposals put forward by NRW to regulate gamebird releases as a significant step in addressing nature's decline across Wales and consistent with the Welsh Government's ambition to address the nature crisis.

██████ notes NRW's assessment that the consent process is insufficient to regulate gamebird releases on SSSIs. This is because of the variable inclusion of the features of those species and habitats within SSSIs that releases may impact. A more consistent approach to the application of licences is needed through a dedicated national scheme.

██████ supports Schedule 9 as the most suitable legal mechanism by which Welsh Government should meet its duties under the Environment (Wales) Act, 2016. Schedule 9 "lists non-native species that are already established in the wild, which continue to pose a conservation threat to native biodiversity and habitats, so that further releases should be regulated."

Bird flu was confirmed by the Welsh Government in April 2023 in pheasants at Bettws Hall, a leading gamebird hatchery in Powys. As a result, the Chief Veterinary Officer for Wales issued a declaration notice to define protection and surveillance zones and restrictions needed. This is a further reason for stricter regulation of their release into the wider countryside across Wales..

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?

Views on proposed licensing approach

██████ has serious concerns about resourcing the proposals currently put forward in this consultation. Sufficient resources must be allocated to introduce a licensing system and ensure it can be properly monitored and enforced when necessary. ██████ and other eNGOs believe that strict regulation is necessary and is urgently required to safeguard all SSSIs and not just SPAs and SACs. We urge NRW to ensure that all SSSIs get the adequate protection they need from game bird releases. We believe the current proposals do not go far enough, as specific licensing throughout Wales is urgently required. We are particularly concerned that allowing gamebirds to be released beyond 500 m from protected sites is inappropriate. There will still be impacts from Pheasants and Red Legged Partridge on these sites and on the wider countryside. A paper by Blackburn and Gaston in 2021 in the journal Biological Invasions estimated that at their peak in August, Pheasant and Red Legged Partridge represent about half of all wild bird biomass in Britain. This study estimated around 47 million Pheasants and 10 million Red-legged Partridge were released in 2016. Such figures show the scale of the issue of gamebird releases and why decisive action is needed to address the ecological impacts of such a huge influx of non-native bird species into the wider countryside in Wales.

Use of General Licenses

██████ is of the view that all releases should be subject to specific licenses. In our response to the “NRWs approach to regulating the shooting and trapping of wild birds in Wales” (November 2021) ██████ firmly believed that General Licenses in relation to the Wildlife and Countryside Act 1981 were not fit for purpose. Our concern is that General License will be viewed as authorisation for gamebird release, resulting in business as usual.

Lack of adequate information

██████ believes that there is a fundamental flaw in the proposals as there are clear gaps in evidence around gamebird releases which are highlighted in the two reports commissioned for this review (Madden 2023a and 2023b). These papers clearly highlight the poor data available on the scale and post-release information on gamebird management. The proposals set out in this consultation fail to address this significant issue. Although the consultation suggests improving compliance through the APHA poultry register, this is not sufficient or robust. The reports by Madden state that the purpose of the poultry register is not to inform understanding of the ecological impact and describes the lengths needed to try and interpret the dataset. ██████ does not believe that NRW should rely on a scheme that was designed by the poultry industry. A condition of all licensing of gamebirds must require, as an absolute minimum, the numbers and locations of each species released. Furthermore, such information should be provided to NRW on an annual basis by everyone operating under a licence. This data should also be independently verified through random on-site checks.

License charging

██████ is of the view that the licensees and not public funds should cover the costs of any licensing system. NRW undertook a consultation on their regulatory fees and charges for 2023/2024. NRW states that their aim is to “develop a charging scheme that applies the right charge to our activities and that the cost of our permitting and compliance work is recovered from those we regulate, avoiding subsidy through the public purse. By fully cost recovering, this helps ensure NRW is better able to regulate and protect the environment of Wales, contributing to the Sustainable Management of Natural Resources.” ██████ agree with this statement.

Buffers around sensitive sites and nature reserves

██████ is of the view that the proposed buffer of 500 m around SSSIs is not enough. It is known from studies provided in Annex 2 that on average, the maximum distance moved during the three months after release was 913 m for gamebirds. As this is an average, then it is clear that many birds move farther. ██████ supports the views of our eNGO partners on this matter and believes that a minimum distance of 1,000 m is needed to minimise the risk of damage to SSSIs from the release of gamebirds. In addition, ██████ believes buffer zones should be extended to cover not only SSSIs but also other areas that are important sites for wildlife in Wales – this includes nature reserves and Local Wildlife Sites. There will also be a need to consider future designations being considered by Welsh Government to enable their 30x30 commitments, such as OECM and NREA’s.

There are concerns about the possibility of disease transfer to wild birds due to the gamebird releases in sensitive sites. DEFRA highlighted the risk of bird flu posed by the transfer from released pheasants to wild birds in an assessment published in December 2022. (Risk Assessment on the spread of High Pathogenicity Avian Influenza (HPAI) H5N1 to wild birds from released, formerly captive gamebirds in Great Britain Pheasants (publishing.service.gov.uk) Pheasants in open-topped pens being fed in high densities were found to increase the risk of transmission of the virus.

██████ supports the call by the RSPB for a moratorium on gamebird releases in 2023 due to the risk of Avian Bird Flu to wild bird populations. A minimum release of gamebirds should be prevented through 3km disease prevention zones to align with the rules to house poultry, as gamebird management should be treated in just the same way as the management of poultry.

Enforcement

The consultation paper recognises that self-regulation is ineffective. It notes the poor levels of compliance with statutory registration on the Poultry Register. What is concerning is that the consultation proposals on monitoring and checks on license compliance are weak. ██████ would like to see spot checks by NRW of license holders as being a crucial tool in ensuring that license conditions are being adhered to. NRW need to produce robust proposals about how a licensing scheme will be administered, monitored, and enforced and what the penalties will be if the conditions of a license are not met.

Periodic Review

■■■■■ supports a review of the licensing scheme in five years. This will be necessary as new evidence comes to light about the effectiveness of the licensing scheme and the environmental impacts of the ongoing large numbers of gamebirds released across Wales. Such evidence will include the impacts of climate change combined with gamebird releases, new emerging pathogens that gamebirds may carry and transmit to wildlife and an ongoing assessment of the populations of reptiles and amphibians which are particularly susceptible to gamebird predation.

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 be improved.

Due to the lack of sufficient evidence regarding Red-legged Partridge, we believe a precautionary approach should apply in terms of the threshold for releases of this species. This would mean a significant reduction in the number of Partridge that can be released until there is evidence to show that their release does not significantly impact the environment.

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?

The one-third of woodland recommended by GWCT is an arbitrary threshold, but it appears to be sensible to include this guideline as a minimum based on a precautionary approach. However, as previously discussed in the absence of adequate data about where releases are occurring, it is simply not possible to assess the impact of such releases within the woodland environment. The conservation value of woodlands may well be impacted even if the GWCT guidelines are implemented.

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

██████ recognises that the smaller the number of gamebirds released, the lower is the risk of environmental damage. ██████ is particularly concerned about the high-density release of large birds and the cumulative impacts of large releases across sensitive habitats. ██████ would need to understand the definition of small before answering this question in full. Some sites may be so sensitive that even “small” releases may have a significant impact. Again, insufficient data requires a precautionary approach for such releases.

██████ would also need to know how buffer zones will be monitored regarding their robustness in protecting sensitive sites. There will be a need to alter buffer zones if evidence of impacts on sensitive sites emerges.

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

Wildlife Trusts Wales sees no issues concerning the proposals affecting opportunities for people to use the Welsh language.

10. 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

Not answered

11. 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

Wildlife Trusts Wales believes that the proposals do not disadvantage people in using the Welsh language.

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

Wildlife Trusts Wales believes the proposals do not treat the Welsh language less favourably than the English language.