

Natural Resources Wales consultation on its proposed approach to regulating the release of gamebirds (common pheasant and red-legged partridge) in Wales.



16 June 2023

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Executive summary.

- [REDACTED] does not believe that there is any scientific or legal requirement to support a listing of pheasants and red-legged partridges on Schedule 9 of the Wildlife and Countryside Act 1981. This would amount to a ban of gamebird releasing. The activity would become a criminal offence, subject to a licence that could be modified or revoked at any given time at the whim of Natural Resource Wales (NRW).
- Pheasants and red-legged partridges are quintessentially birds of the British countryside. Habitat management for game shooting has shaped and protected valuable rural landscapes long before any statutory land management prescriptions were devised.
- NRW has not provided firm scientific evidence to support that the release of pheasants or red-legged partridges lead to any significant environmental harm in Wales. In fact, the commissioned evidence review shows what is already known: Although gamebirds can have ecological impacts in or in the immediate vicinity of their release pens, the associated management activities and predator control provide environmental benefits on a landscape scale that outweigh any negative impacts.
- NRW is cherry-picking evidence, its interpretation lacks nuance, and at times the provided consultation document is plainly misquoting the commissioned evidence review. Consequently, environmental impacts are exaggerated, and benefits downplayed.
- NRW is dismissing self-regulation of shooting as ineffective based on biased research on a subject matter that was explicitly excluded from NRW's evidence review and that, furthermore, relates to a yet ongoing transition period rather than a restraint. Simultaneously, NRW is ignoring concrete evidence of high compliance from within the shooting community.
- The proposed ban on gamebird releasing risks significant environmental, economic and social harms to rural Wales, which are unprecedented and not impact assessed. If any scientific doubt remains that regulations of gamebird releases could lead to an ecological net negative, there can be no justification in curtailing the activity.
- The consultation document makes no mention of measures to mitigate the economic and environmental impacts of the proposal nor of the costs to the taxpayer.
- NRW's proposal, in its current form, is unlawful as it interferes disproportionately with landowners' rights to land and, as it lacks any form of appeal mechanism, fails to provide essential procedural guarantees established in the European Convention on Human Rights.
- The proposed annual general licence is neither proportionate, nor workable. It will lead to considerable uncertainty which will undermine front-loaded economic investments as well as environmental improvement which cannot be achieved in the shorter timescales.
- NRW fails in its legal duty to regulate proportionately by disregarding any less intrusive alternatives than the proposed ban.

- Restricting sustainable game shoots will undoubtedly curtail the number of shooting days per season. This in turn will reduce the opportunity for the Welsh speaking shooting community to meet and use the language as they currently do. It will also reduce the exposure of those who do not speak Welsh, further marginalising the language.

Introduction.

■■■■■ is the largest shooting organisation in the UK with approximately 150,000 members.

Our mission is to promote and protect sporting shooting and advocate its conservation role throughout the UK.

Our role is to provide an effective and unified voice for sustainable shooting sports; to benefit the community by providing education, promoting scientific research, and advocating best practice in firearms licensing, habitat conservation, and wildlife and game management; and to promote the benefits of game as food.

Shooting contributes £2 billion a year to the UK economy and supports the equivalent of 74,000 full-time jobs.

Shooting is involved in the management of two-thirds of the UK's rural land area and plays a key role in nature recovery, benefitting some of our most vulnerable habitats and species.

Shooting contributes £250 million annually on conservation projects, involving 3.9 million workdays which is equivalent to 16,000 full time conservation jobs.

Twelve questions were listed on the Natural Resources Wales consultation response form.

■■■■■ response to questions 4 to 12 are detailed below.

■■■■■ response to Question 4.

Q.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.

No.

Summary response to Q.4.

■■■■■ does not agree that pheasants and red-legged partridges should be added to Part 1 of Schedule 9 of the Wildlife and Countryside Act 1981 (WCA). This would amount to a ban of gamebird releasing in Wales. Releasing of gamebirds would become a criminal offence, subject to a licence that could be changed at any given time at Natural Resources Wales's (NRW) whim.

Game shooting and associated habitat management have shaped the rural landscapes in Wales for centuries and continue to provide significant environmental, social, and economic benefits as well as a nutritious and ecologically sustainable meat source. NRW did not provide any material evidence that gamebird releasing leads to environmental harm in Wales – whether on protected sites or throughout the wider Welsh countryside. The evidence review commissioned by NRW instead highlights what is already known:

There might be some negative ecological effects by gamebirds through browsing, predation and potentially the transmission of pathogens in and around release pens, but the associated habitat management activities and predator control provide **significant ecological benefits on a landscape scale**. The landscape scale benefits, including more retained woodlands, more connected hedgerows, more butterflies, higher abundance, richness and diversity of farmland and woodland birds, clearly outweigh potential negatives (Robertson, Woodburn and Hill, 1988; Vickery, Carter and Fuller, 2002; Sage *et al.*, 2020; Madden, Buckley and Ratcliffe, 2023).

Throughout the consultation documents, NRW exaggerates potential negative impacts of gamebirds and downplays the landscape-scale benefits. █████ can only assume that this is based on a strong desire of certain members of the Welsh Government to see gamebird releasing regulated further, irrespective of the scientific evidence base.

The Minister for Climate Change, Julie James MS, has made it clear that there is a political motivation to stop all sport and leisure activities that involve the killing of live animals or birds (Nation Cymru, 2023). This will no doubt include game shooting, fishing and many forms of pest, predator and deer control, irrespective of the negative ecological consequences of such a policy.

A cessation of gamebird releasing and associated habitat and wildlife management in Wales which could follow from NRW's proposal is unprecedented. Gamebird shooting has delivered significant benefits on an economic, social, and particularly environmental level to rural Wales for decades, if not centuries. To impede this activity without any scientific evidence of the consequence of such actions goes against the principle of precaution that governs environmental policy in the UK. If any scientific doubt remains that the proposed regulations of gamebird releases could lead to an ecological net negative, the activity must be allowed to continue.

Detailed reasoning for Q.4 response.

Gamebirds of the British countryside.

█████ does not believe that common pheasants *Phasianus colchicus* or red-legged partridges *Alectoris rufa* should be added to Schedule 9 of the Wildlife and Countryside Act 1981 as both are quintessentially birds of the British countryside. Habitat and wildlife management for these gamebirds bring significant benefits to the environment – particularly for other bird species, including farmland birds and songbirds, which experience declines in other landscapes and in areas not managed for shooting (Draycott, Hoodless and Sage, 2008; Madden, Buckley and Ratcliffe, 2023)

Common pheasants have been a part of the rural British landscape for centuries and habitat and land management for these birds has intrinsically shaped our countryside. Although the pheasant's natural range was originally limited to Asia, the species was introduced to Europe, and other parts of the Roman empire, from the first century AD onwards. Pheasant remains from Roman times were found in multiple archaeological sites in the UK and the birds became established breeders either shortly before or after the Norman conquest (Poole, 2010).

Pheasants, like brown hares *Lepus europaeus*, which were also introduced to Britain in Roman times, should be considered an important and distinctive part of our rural fauna (Hutchings and Harris, 1996). However, for reasons, which have more to do with an emotive response against shooting than conservation, pheasants have in recent years been vilified,

while the similarly non-native brown hares have received more protection, for example through section 7 of the Environment (Wales) Act 2016 and the brown hare action plan for Wales.

Adding pheasants or red-legged partridges to Schedule 9 would render the release of these quintessential birds of the British countryside illegal, which could lead to the loss of significant environmental, economic and social benefits for rural Wales.

██████ urges NRW and the Welsh Government to acknowledge that these birds are an important part of the countryside and that their management brings significant benefits for the environment and the rural communities in Wales.

Evidence review does not support NRW's proposal.

The evidence review commissioned by NRW does not support the proposal to add pheasants and red-legged partridges to Schedule 9 of the Wildlife and Countryside Act 1981. The review supports what is already known: Even though there might be some localised ecological effects by gamebirds through browsing, predation and potentially the transmission of pathogens in and around release pens, **the associated habitat management activities as well as predator control provide significant ecological benefits on a landscape scale.**

NRW's differing interpretation of the evidence review is based on cherry-picking of particular aspects of it, a presentation of these aspects out of a wider context, a lack of nuance and at times a blatant misquotation of the findings of the review.

A ban on gamebird releasing could lead to environmental harm.

NRW instructed Dr Joah Madden from the University of Exeter to undertake an evidence review to assess the ecological impacts of gamebird releases in Wales. The report concluded that the evidence base remains largely unchanged since the three evidence reviews of 2020 (Madden and Sage, 2020; Mason *et al.*, 2020; Sage *et al.*, 2020) and that the management of gamebirds, including habitat creation and maintenance, legal predator control and supplementary feeding generally have ecological effects that are **considered beneficial** and which may affect habitats, flora and non-game wildlife **over a landscape scale** (Madden and Sage, 2020; J. R. Madden, 2023b).

The evidence shows that gamebirds themselves might have a potential negative effect on nutrient levels, floral and invertebrate communities and potentially as a vector for pathogens, but these effects tend to be localised to the area in and around release pens (Madden and Sage, 2020; J. R. Madden, 2023b).

The evidence also shows that most of the direct negative effects can be mitigated through common best practice management measures, which are already implemented through the Code of Good Shooting Practice that applies to all game shooting activities. Consequently, gamebird releases will likely provide **a net environmental benefit on a landscape scale** (Sage *et al.*, 2021).

NRW's proposal to ban gamebird releases will risk losing these landscape scale environmental benefits in order to potentially address direct effects limited to the habitat in release pens and their immediate vicinity. This could lead to serious and irreversible environmental harm and is not in the best interest of conservation and nature recovery.

NRW is exaggerating environmental impacts of gamebird releases.

Although there is some evidence that gamebirds can have ecological impacts in and around release pens, there is no material evidence that gamebird releases are a threat to sensitive and non-sensitive landscapes in Wales.

In fact, our research has shown that even on the most highly protected sites, i.e., Special Protection Areas (SPA) and Special Areas of Conservation (SAC), the release of gamebirds is only mentioned as a potential threat on a small minority of sites.

■■■■ investigated SPAs and SACs in Wales to assess which sites listed on their standard data form include the two codes potentially relevant to gamebird shooting, i.e., code F03 – 'Hunting and collection of wild animals (terrestrial), including damage caused by game (excessive density), and taking/removal of terrestrial animals (including collection of insects, reptiles, amphibians, birds of prey, etc., trapping, poisoning, poaching, predator control, accidental capture (e.g. due to fishing gear), etc.)' and code F06 – 'Hunting, fishing or collecting activities not referred to above'.

Subsequently, ■■■■ examined whether the site management statements of the sites that raised F03 and F06 in their standard data form, mention gamebird releases as an identifiable threat to the site.

Of the 21 SPAs in Wales, only six list F03 as a threat and of these only two specifically mention gamebird release on their site management statements – Berwyn SPA and the Migneint-Arenig-Dduallt SPA. In terms of Berwyn SPA, game management is listed as a critically important activity to maintain the wildlife interest and critically economically important activity for the site. The release of captive-bred game birds is only mentioned in terms of disease risk to the site features and there is currently no evidence to support an increased disease risk from released gamebirds. Migneint-Arenig-Dduallt SPA also only lists the release of captive bred game birds as a potential factor affecting its feature species for disease risk.

Of the 95 SACs in Wales, just eight sites list F03 and three sites list F06 as a threat. Of these, none list gamebird release as an identifiable threat.

In other words, out of all potentially sensitive European Protected Sites in Wales, **only 1.7% list gamebird release as a threat in their site management statements** and this was purely as a disease control issue which can be minimised with high levels of biosecurity.

It is therefore surprising to see that NRW is proposing further regulations on gamebird releases not only on sensitive sites where the activity is already fully regulated through the consenting and Habitats Regulations Assessment framework, but throughout the whole of Wales.

The evidence review commissioned by NRW, which in itself is clear and objective, certainly does not support such an approach. However, NRW's interpretation of this evidence appears at times misleading and biased against shooting and the shooting community.

From an ecological perspective, ■■■■ has particular concerns in relation to the consultation document 'Annex 3: Rapid review of the potential impacts of released common pheasant and red-legged partridge on species and habitats listed under section 7 of the Environment (Wales) Act 2016', the discussion around the voluntary transition away from lead ammunition and blatant misquotations of evidence in other documents.

Comments on Annex 3 in the consultation document.

NRW's rapid review examined the evidence presented by three contemporary reviews published in 2020 (Madden and Sage, 2020; Mason *et al.*, 2020; Sage *et al.*, 2020) and NRW's evidence review commissioned by Dr Joah Madden (J. R. Madden, 2023b), alongside the advice of NRW species and habitat experts.

The creation of a 'rapid review' summary of other documents which themselves are summaries of original documents can lead to gross misrepresentation and misinterpretation of original findings. Furthermore, this term is akin to 'Rapid Evidence Assessment' (REA), a structured and rigorous summary of primary evidence. A REA not only highlights the amount of evidence, but also its quality. Although under a similar name, the 'rapid review' follows no such structure and may thus mislead readers, and this is exactly what has happened here.

██████ considers the validity of this rapid review to be highly flawed and NRW's findings in this document have been largely contradicted by a recent study by NRW's own expert, Dr Joah Madden (Madden, Buckley and Ratcliffe, 2023). The document is, furthermore, very poorly referenced throughout, which makes it impossible for a reader to understand what sources are used and how robust is the information provided. Anecdotal evidence is not distinguishable from peer-reviewed evidence, which makes this document no more than an opinion piece with no scientific validity.

For example, the report relies on the advice of NRW specialists, but fails to identify who they are, what their qualifications, backgrounds and roles are, what evidence their advice derives from and how their views and opinions have been weighed against peer-reviewed resources. It is also highly confusing that the authors of Annex 3 acknowledge in their summary that limited scientific evidence is available to assess the potential impact gamebirds have on many taxa, including fungi, lichen, bryophytes, and many invertebrates, and that they are therefore limited in their ability to make an assessment, but then publish assessment tables which list 'likely effects' for these very taxa.

Furthermore, Table 1 includes an assessment of the impact of gamebirds on hedgehogs and brown hares and claims that they have a likely negative effect on a patch-to-landscape scale because these species occasionally feed at pheasant feeding sites which allegedly leads to poor health and nutrition. The table seems to refer to the three 2020 evidence reviews as a source for this information. However, none of the reviews has highlighted any negative effects of gamebird releasing on these species. The stated likely effect seems baseless and fanciful considering that hedgehogs are mainly insectivorous and that brown hare numbers tend to be significantly higher on areas where game shooting takes place compared to areas where there is no shooting, largely as a result of the associated predator control and habitat management which is most at risk from NRW's proposed approach (Reynolds *et al.*, 2010; Mason *et al.*, 2020).

Annex 3 also summarises that the impact of gamebirds releases on 'all invertebrates' is negative at a local-to-patch level and possibly a landscape level, which is not a true representation of the evidence base. In the first instance, the combining of different invertebrate families into one large group removes the finer nuances and variations across taxa which have been stated in cited evidence (Madden and Sage, 2020).

Furthermore, in its recent publication, NRW's own expert refuted NRW's statement. Madden *et al.* separate invertebrates into groups, demonstrating that the impact of gamebirds varies across taxa whereby butterfly abundance benefits from gamebird release and beetle

abundance decreases due to their role in gamebird diet during certain seasons or life stages. Findings for orthoptera and ground beetles suggest, however, no clear relationship (Madden, Buckley and Ratcliffe, 2023). NRW's conclusion that gamebird release can only have a negative impact across all invertebrates at all scales, is therefore not supported by scientific evidence.

It is also stated in Annex 3 that the *'2020 reviews generally agreed the impact of gamebirds on invertebrates was likely to be negative'*. However, this broad conclusion ignores the finer nuances of species and scale, which are highlighted in several of the source papers. Madden (2023b) in fact states that *'It seems that the strength, and even the direction, of effects are mixed.'*

Annex 3 further concludes that gamebird release has *'potentially negative local to landscape scale'* effects on all eight reptile species listed and that *'all 2020 reviews agreed the impact of gamebirds on this group was negative'*. Again, this broad summary is grossly misrepresentative of the evidence and reviews it cites, which lack good sample sizes, replication, and relevance to British ecosystems (Madden and Sage, 2020; J. R. Madden, 2023b)

The impact of gamebirds on reptiles is in fact highlighted as a knowledge gap, rather than a strongly supported negative impact. Madden's most recent assessment of reptile metrics (2023) suggests no negative relationship, with reptile recording being much higher around release sites compared to non-release sites, further indicating this relationship appears complex and requires further study (Madden, Buckley and Ratcliffe, 2023).

Additionally, and most alarmingly, Annex 3 states in some instances that 'Farmland bird species' and 'Woodland bird species' are negatively impacted by pheasant release on a landscape scale. The study by Madden et al. (Madden, Buckley and Ratcliffe, 2023) showed that on a landscape scale, farmland and woodland birds had a higher abundance, richness and diversity in areas associated with gamebird release sites. This evidence partly stems from the increased reporting near gamebird release sites, further highlighting the role of gamekeepers and shoot managers in agri-environment schemes and their engagement with environmental enhancement (Madden, Buckley and Ratcliffe, 2023).

That gamebird management benefits other wild birds has also been well established in several other studies (Ewald, 2004; Henderson, Vickery and Carter, 2004; Parish and Sotherton, 2004; Hoodless, Lewis and Palmer, 2005; Sage *et al.*, 2005; Sage, 2018).

Ultimately, Madden's most recent publication further emphasises the importance of scale and taxa-specific nuances in the assessment of gamebird impacts (Madden, Buckley and Ratcliffe, 2023). This work further highlights the knowledge gaps in our understanding of gamebird impacts and refutes some commonly held beliefs relating to fox and corvid relationships. These aspects have been fundamentally ignored in NRW summary documents in what appears to be a bid to steer those being consulted. NRW's apparent absence of unbiased, evidence-led work is concerning.

Comments on other aspects of the consultation document.

NRW's misquoting of evidence is not limited to Annex 3. For example, in its consultation document NRW states that: *"In Wales, the report we commissioned estimated that the levels of compliance with the mandatory register was likely to be somewhere between 20-73%"* (Natural Resources Wales, 2023). This is a clear misquotation, and the statement withholds Madden's health warning that these figures are based on a series of assumptions. Madden's far more nuanced statement was that: *"I made a series of assumptions about the likely spatial*

noise in the datasets and from these derived compliance values of between **29-73%**" (J. R. Madden, 2023a).

Lead ammunition.

Furthermore, to support its intrusive, legislative proposal, NRW attempts to show low take-up of voluntary measures by the shooting community, by examining **an ongoing voluntary transition** away from lead shot for live quarry shooting with shotguns, rather than an actual voluntary restraint as, for example, not shooting woodcock *Scolopax rusticola* until migratory birds have arrived.

NRW has expressly excluded the use of lead ammunition from its evidence review. It is therefore inappropriate and wrong that NRW is using a piece of research on the voluntary transition away from lead shot for live quarry shooting with shotguns, which was initiated by nine organisations in 2020, to argue that the shooting community does not take up voluntary measures.

NRW states in its consultation document that: *"Although the use and environmental effects of lead shot are not within scope of this review, it is an area that has been subject to a well-publicised commitment to voluntary restraint and for which there have been evidential assessments of levels of compliance."*

NRW seems to derive from this that: *"Although there is commitment from shooting organisations to guide the sector towards more sustainable practices, reliance on voluntary approaches alone seems unlikely to deliver the hoped-for change at the required pace."*

The piece of research that forms the basis of this opinion is titled 'Voluntary transition by hunters and game meat suppliers from lead to non-lead shotgun ammunition: changes in practice after three years' which was published in Volume 20 of the Conservation of Evidence Journal in 2023 (Green *et al.*, 2023). The research was partially funded by the RSPB and Wild Justice - both organisations that have adopted anti-shooting policies.

The study was heavily criticised for methodological flaws (Green, Pain and Taggart, 2023; O'Gorman, 2023). In summary, the study sourced 356 oven-ready pheasant carcasses from different distributors to analyse how many were shot with lead or non-lead ammunition respectively. Because they could not find any shotgun pellets in 121 of these pheasants, they simply excluded them from the calculations and determined that out of the remaining 235 pheasants 94% were shot with lead ammunition. From this the authors of the study concluded that: *"In the study's third season, 2022/2023, 94% of pheasants sampled had been killed using lead ammunition."*

This is clearly a fundamental error. The only valid conclusion that could be drawn from the study is that out of 356 pheasants sampled 62% were shot with lead ammunition, 4% were shot with non-lead ammunition, and 34% were shot with either lead or non-lead ammunition or died of other causes.

Another major flaw of this piece of research is that it does not account for the fact that the availability of non-lead ammunition is still a fraction of what is required. People cannot shoot with ammunition that does not exist and it is not possible for manufacturers to change production lines overnight as it requires more than to simply swap lead pellets with a different metal.

UK cartridge manufacturers estimate that they produced around 10 million non-lead loads for the UK market in 2022. ██████ estimates that game shooting alone in the UK requires some 60 million cartridges.

Considering that some of the non-lead ammunition produced is required by goose and duck shooters who must use non-lead ammunition by law and the rest is spread over all other live quarry shooting as part of the voluntary transition, it seems clear that it is unrealistic to expect high levels of non-lead use this early in the transitions with a supply chain that is not fully established yet.

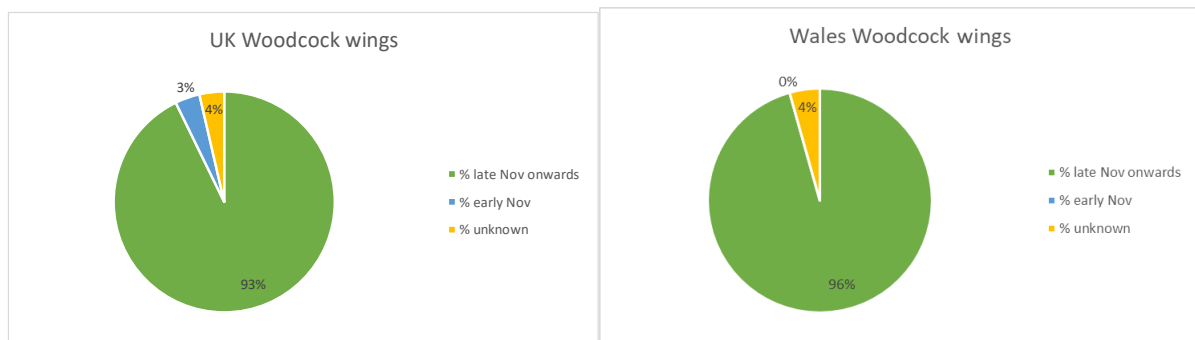
The likes of the RSPB and Wild Justice are aware of this, they simply ignore it so that they can claim that voluntary measures don't work and so besmirch the shooting community. It is a major failing of NRW to have adopted this line without assessing the validity of the claim or the motivations of its advocates. It is simply not possible for NRW to draw any valid conclusions from this study as to whether the shooting community complies with voluntary measures or not.

Madden (2023a) references poor compliance with pheasant stocking densities, yet the evidence base for this relates to two studies using data collected before or immediately after the release of best practice guidelines in 2006, or utilised small sample sizes. It is somewhat unrealistic to expect high levels of compliance and a change in practice within 2-3 years following changes in guidance. Madden (2023a) adds that more contemporary studies, which are both detailed and stratified are required to assess best practice compliance, in Wales and other UK countries. We support this call for further research given the current evidence base is unrepresentative.

██████ internal research of compliance on another topic, however, shows that compliance with long-established voluntary measures, rather than ongoing transitions, is high. For example, data shows very high compliance with the voluntary restraint on shooting woodcock prior to the arrival of the European migrants, particularly in Wales.

██████ encourages shooters to submit wings from harvested waterfowl and waders to its wing survey – a citizen science project. The wings are used to assess the sex and age of our quarry species, which helps assess population compositions. This data set also allowed us to assess whether shooters comply with the voluntary restraint not to shoot woodcock before the end of November when large numbers of migratory birds arrive from their breeding grounds in Fennoscandia and Russia (McNicol, Ellis and Warrender, 2023).

The voluntary restraint was put in place to avoid a disproportionate number of UK resident birds being shot, as they are experiencing population and range declines. An analysis of 277 woodcock wings shows that 93% of woodcock in the UK were shot in late November onwards. In Wales, this figure is even higher with nearly 96% of a total of 23 submitted wings.



This data shows that voluntary restraints imposed by the shooting community, contrary to NRW's supposition, clearly work.

NRW and the Welsh Government ignore real environmental problems.

NRW states in its consultation document that the proposed approach is necessary to provide required safeguards to NRW and the Welsh Government to meet their legal obligations, referring to the duty to maintain and enhance biodiversity under section 7 of the Environment (Wales) Act 2016 (National Resources Wales, 2023).

Considering that NRW has not provided any material evidence that gamebird releases have any negative biodiversity impacts in Wales and the fact that habitat management for these birds offer biodiversity benefits on a landscape scale (Madden, Buckley and Ratcliffe, 2023), ■■■■■ believes the opposite is the case.

The Welsh Government and NRW are potentially violating their biodiversity duty by banning an activity that for decades, if not centuries, helped maintain and preserve the Welsh rural landscape.

Furthermore, the Welsh Government and NRW do not seem to be concerned about their biodiversity duties in relation to activities outside of the shooting community, even when there is unequivocal scientific evidence of large-scale biodiversity impacts.

One example of this is to allow a population of over half a million domestic cats *Felis catus* to roam freely in the Welsh environment. It should be noted that under section 14 of the Wildlife and Countryside Act 1981, even if an animal is only released into a garden or another similar private plot of land it can be considered to be allowed to escape into the wild if there is no reasonable impediment for it to find its way in the open environment (Defra, 2009).

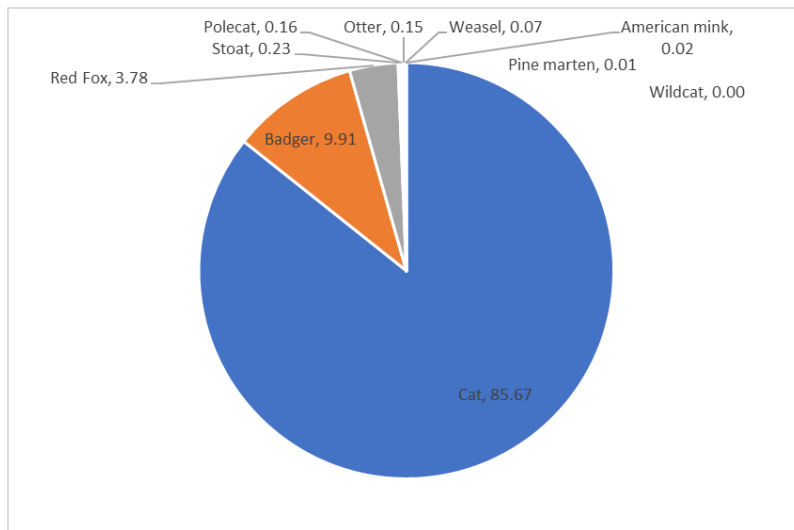
Unlike with gamebirds, the well-documented ecological consequences of cats in the wider environment are plainly negative and colossal in scale. In the United States, domestic cats are the top source of direct human-related mortality on wild birds and small mammals, **easily eclipsing any other anthropogenic pressures** (Trouwborst, McCormack and Martínez Camacho, 2020).

In the UK, a scientific research project revealed that a cat population of approximately 9 million individuals brought home between **85-100 million prey items in a period of only 5 months**, including 52-63 million mammals, 25-29 million birds and 4-6 million reptiles and amphibians (Woods, McDonald and Harris, 2003).

In Scotland, domestic cats, through hybridisation, are considered one of the major threats to Scottish wild cats *Felis silvestris silvestris* – a species on the brink of extinction (Neaves and Hollingsworth, 2013).

These worrying biodiversity impacts of cats are not surprising, considering that the biomass of cats in the environment compared to any other mammalian predator is enormous. We have calculated the biomass by multiplying the abundance figures of British mammals by their average bodyweight (Mathews *et al.*, 2018).

The following illustration of this is striking:



Madden estimates that between 800K and 2.3 million gamebirds are released annually in Wales, which represents the absolute peak of the population of gamebirds at point of release (J. R. Madden, 2023a). Only about 15% of these birds survive the shooting season, which means that during the rest of the year, the population of gamebirds in Wales is significantly lower (J. R. Madden, 2023a)

On the other hand, Wales had an estimated cat population of around 600K domestic cats in 2022 (Cats Protection, 2022). This number remains the same throughout the year, including during the sensitive breeding season of our songbirds. The number of cats outweighs that of gamebirds in Wales easily by 100-200% during the spring and summer months. There can be no doubt that **the impact on biodiversity by this specialist predator is incomparably higher than any potential impacts of mainly granivorous gamebirds.**

The evidence of the biodiversity and environmental impacts caused by domestic cats in the wild is unequivocal. Furthermore, there are no related environmental benefits from releasing domestic and feral cats in the environment unlike the landscape-scale benefits that are associated with gamebird releases and their associated management.

If NRW and the Welsh Government are concerned about their duty to maintain and enhance biodiversity, they should focus on species such as domestic cats that have an unequivocally negative impact on biodiversity, not gamebirds whose associated management delivers significant biodiversity benefits.

The proposal to regulate gamebird releases in the most intrusive way, while high-impact activities are being ignored, supports ██████ perception that the purpose of the proposed regulations is not to maintain or enhance biodiversity, as it would have quite the opposite effect, but to provide NRW with a legal instrument that would allow it to stop game shooting at its discretion.

Economic and social impacts of the proposal.

Shooting provides significant economic and social benefits to Wales that provide particularly well for rural areas with limited economic possibilities.

According to the 2014 Value of Shooting survey, shooting provided a total of £75 million GVA to the Welsh economy per year and supported the equivalent of 2,400 paid full-time jobs (PACEC, 2014).

In terms of environmental investment, the 2014 survey showed that shooting influenced a total of 380,000 hectares of land in Wales and the shooting community invested annually around **£7.4 million on environmental management and the equivalent of 490 paid full-time jobs.** All of that notably without burdening the taxpayer (PACEC, 2014).

A ban on gamebird releasing as suggested by NRW would, therefore, endanger both economic as well as environmental investments. This will leave rural communities, for which shooting offers a lifeline, economically vulnerable, particularly during the bleak winter months. There is no realistic alternative that would provide these rural communities with local income while simultaneously delivering environmental benefits, as game shooting does.

NRW's proposal threatens the loss of this investment without offering any credible alternative as to how a similar level of environmental investment will be made, what that would look like and how the taxpayer would fund this. In fact, the proposal was not supported in any way by an economic impact assessment.

In addition to monetary benefits, the shooting community also offers social and well-being benefits that would be lost to the detriment of the Welsh rural community.

In 2020, the GWCT conducted a survey about what game shooting means for Welsh people and the countryside (GWCT, 2022). The report contains testimonies from 581 people that have been reviewed against the Well-being of Future Generations (Wales) Act 2015. The data reveals that:

- Shooting is playing a crucial role in people's health and well-being.
 - Shooting brings together all ages and backgrounds with a shared passion for the outdoors in the bleakest months of the year.
 - There seems to be a growing divide between rural and urban communities.
 - They feel the passion felt towards the tradition/heritage, and the cultural/social benefits gained from rural pursuits goes largely unrecognised and underappreciated.
 - Game shooting inspires a huge amount of volunteer work to enhance wildlife and biodiversity.
 - If shooting was banned or restricted it would have a devastating impact on individuals, communities, and the environment.
- (GWCT, 2022)

Below is an extract of the compelling testimonials provided by the rural community in Wales:

“Shooting provides a vital role in rural communities, not just for the individuals involved, but the network of businesses that support them. It provides direct employment, including casual work for the young and old, and is an important source of revenue for small local businesses.”

“This is an income generating activity that pays for wildlife and habitat management.”

“If shooting were banned, personally I would be unemployed and living in a rural area with not much other employment. The area would be much poorer for it with not as many visitors in the winter.”

“As a farmer I am delighted to see wildlife flourish as a result of shoot management. The ecosystem improves and rural economies benefit.”

“The benefits shooting brings is not only the social interaction between different generations and mutual respect but also the massive increases in biodiversity and whilst you cannot put a price on the positives of this it does not burden the taxpayer in any way s shooting self-funds this.”

“In think the Welsh Minister should be very careful. The economic and commercial advantages to Wales let along the conservation ones are significant. Shooting brings money into Wales during the quieter winter months and following Covid-19 Wales should not put itself at a economic disadvantage just on a political whim.”

“A ban would have huge impact on my state of mind, the local working population, our crop and household vegetable crop, the songbird population. It would destroy much of our community and their jobs.”

“Irrespective of your personal views on the morality of shooting and eating health meat, there can be no doubt whatsoever of the benefits shooting brings to nature and the environment. The disappearance of the private funding and expertise invested by shooting in the Welsh countryside would have a devastating effect and would and should not be replaced from the public purse, especially during times of economic crisis.”

“Game shooting and the activities associated with it has a highly positive effect on the mental and physical health of participants. Benefits to mental health come from the chance to socialise in often remote locations and during the difficult winter months. Community bonding and getting out into the countryside both also contribute to mental wellbeing. Shooting inspires regular exercise including walking in the countryside, dog handling and conservation work. Many expressed the devastating impact on their mental and physical health were shooting to be prohibited.”

Banning gamebird releasing will undermine not only the Welsh economy, threaten significant environmental investments but also impact on the social well-being of the rural community.

■■■■■ response to Question 5.

Q.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?

No. ■■■■■ considers the proposal in its current form to be unlawful. The proposed licensing approach will not be effective, as it tries to solve a problem that does not exist and is unreasonable and disproportionate.

Summary response to Q.5.

As mentioned in the response to question 4 of the consultation, NRW’s evidence review did not change the evidence base established mainly by the 2020 reviews in any significant way. In other words, while gamebirds might have some impacts through predation, browsing and

potentially the transmission of pathogens, these impacts are largely localised to the release sites and the immediate vicinity and can be mitigated through the adoption of best practices. On the other hand, the associated benefits from gamebird releases occur on a landscape scale and if best practices are followed, outweigh negative impacts.

NRW's proposal is ineffective, as it tries to solve a problem that does not exist and so inadvertently undermines and endangers significant environmental, economic and social benefits. The proposal is also unnecessary, considering that gamebird releasing is already fully regulated through the consenting and the Habitats Regulations Assessment framework on protected sites, as well as in relation to outbreaks of highly pathogenic avian influenza.

There is no scientific or legal reason that suggests that such regulation should be expanded to any non-sensitive areas. As mentioned above, even on the most sensitive European Protected sites, gamebird releasing was only considered to be a threat on 1.7% of these sites.

■■■■ also believes that the current proposal is unlawful. Wildlife licences are not subject to any appeal mechanism under section 16 of the Wildlife and Countryside Act 1981. The only recourse for an aggrieved party is a judicial review. Considering the sensitivity of licensing decisions, a judicial review is neither sufficient to provide safeguards of procedural guarantees under Article 6(1) of the European Convention on Human Rights (ECHR), nor to ensure compliance with Article 9 of the Aarhus Convention.

Furthermore, the implementation of the proposal would, in practice, undoubtedly lead to unjustified infringements in people's property rights protected by Article 1 of Protocol 1 ECHR by constituting an unnecessary and disproportionate state interference with landowners' intangible rights to land.

Detailed reasoning for Q.5 response.

No evidence of actual damage, therefore not proportionate.

NRW's evidence review highlights what is already known. Although gamebirds can have a direct impact through predation, browsing and potentially the transmission of pathogens, these impacts, most of which can be mitigated by following best practice, tend to be localised to the release pen and the immediate vicinity. Associated habitat and wildlife management on the other hand provides environmental benefits on a landscape scale.

NRW's proposal, which bans gamebird releases throughout the whole of Wales, is neither proportionate nor necessary. There is simply not enough evidence of any concrete environmental damage caused by gamebird releases in Wales on sensitive protected sites or the wider environment that would justify such a far-reaching intervention. A ban not only risks undermining the well-established environmental benefits on a landscape scale, but also the significant economic and social benefits provided to the Welsh economy and rural communities in Wales.

Proportionality means that a balance needs to be struck between the regulatory objectives, the means and methods used to reach these objectives, as well as the consequences of these actions. Any state intervention should not be more severe than is necessary and competing interests should be carefully balanced.

NRW has failed to set out any material evidence to support its proposal to regulate gamebird releases throughout Wales., On the contrary, NRW's evidence review highlights landscape-

scale benefits deriving from gamebird shooting. The synthesis of the evidence review simply does not support the far-reaching measures proposed. The proposal is clearly not driven by evidence, but it does reflect a political desire to stop game shooting by some members of the Welsh Government (Nation Cymru, 2023).

Proposal in its current form is unlawful.

Wildlife licences under section 16 of the Wildlife and Countryside Act 1981 used to offer a legal instrument to undertake a range of activities, including the taking or control of birds and other animals that would otherwise be illegal for specific purposes set out in law, such as scientific research, conservation, protection of livestock and crops, taxidermy, photography etc.

The proposal to regulate gamebird releases under this section goes significantly further than that and conflicts with different legal interests, as it effectively allows NRW to interfere with people's property rights as well as people's rights to go on with their profession as shoot providers or gamekeepers.

The interference with such legal interests requires higher procedural guarantees than section 16 of the Wildlife and Countryside Act 1981 currently offers, as well as a careful balance between the regulatory objectives and the affected individual rights.

NRW's proposal fails to address these legal issues and [REDACTED] therefore considers it to be unlawful if it were to be implemented in its current state.

Article 6(1) ECHR.

Article 6(1) ECHR provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in determination of their civil rights and obligations.

A determination as to whether or not an individual ought to be granted a licence to release gamebirds is plainly one concerning the determination of a "civil right or obligation", not least given the serious consequences that a refusal would have on the licensee's ability to conduct a business (*Tre Traktor AB v Sweden* (1991) 13 E.H.R.R. 309 at §43, and *Aggregate Industries v Natural England* [2003] Env. L.R. 3 at §50).

The consequence is that any licensing process must provide for a right of appeal to an independent body with "full jurisdiction" – that is, "jurisdiction to examine all questions of fact and law relevant to the dispute before it": *Terra Woningen B.V v the Netherlands* App. No. 20641/92, 24 Eur. H.R. Rep. 456 (1997).

The current proposals do not provide for any right of appeal to an independent body following the refusal of an application for a licence. Instead, an aggrieved party's only recourse would be by means of an application for judicial review. Unlike statutory appeals, where the tribunal would have "full jurisdiction" (as defined above), judicial review can only be brought on a restricted number of grounds and would not satisfy the requirements of Article 6 ECHR.

This is not a merely technical matter. The consequence of the current proposals would be that decision that determine a person's civil rights, for example to go on with their profession as a gamekeeper or a shoot provider, will not be subject to a review by an independent tribunal which has jurisdiction to examine all questions of fact and law.

Nor do the proposals provide procedural safeguards of the type which could be said to serve an equivalent function. It is not, for example, analogous to decisions in the planning context (which are the subject to a quasi-judicial process before a planning inspector, and thenceforth review by the High Court). It was this quasi-judicial appeal process which led the ECHR to

conclude that a further right of appeal on the facts was not necessary in *Bryan v the United Kingdom* (1995) 21 EHRR 342.

*“Such an approach by an appeal tribunal on questions of fact can reasonably be expected in specialised areas of the law such as the one at issue, particularly where the facts have already been **established in the course of a quasi-judicial procedure governed by many of the safeguards required by Article 6 para. 1 (art. 6-1).**”*

Cases in front of domestic courts such as *Alconbury and Runa Begum (R (Alconbury Developments Ltd) v Secretary of State for the Environment, Transport and the Regions* [2003] 2 AC 295; *Runa Begum v Tower Hamlets LBC* [2003] UKHL 5) that followed the *Bryan* principle, were similarly concerned with situations where procedural safeguards were guaranteed in a first-tier review. In the former case, the aggrieved party had the right to appeal the decision to the Secretary of State and, in the latter case, the aggrieved party had the statutory right to a formal review process under section 202 of the Housing Act 1996 that in itself was subject to an appeal to the county court.

Under section 16 of the Wildlife and Countryside Act 1981, an aggrieved person has no right to any form of appeal or review that would allow a determination of a case based on fact and law. A judicial review in the High Court would form the first-tier review.

The Law Commission highlighted the shortcoming of this in its consultation to the Wildlife Law project and stated that: *“**licence applications are, by their very nature, fact-sensitive. Each application will be based on individual facts and the specific circumstances confronting the applicant. Since only part of the licensing decision-making process is subject to any form of challenge – that is, the legality of the decision itself, rather than the merits on which the decision is based – there is a potential gap in the current regime**”* (Law Commission, 2012).

In a similarly fact-sensitive case, *Tsfayo v the United Kingdom*, where, as with wildlife licensing decisions, the required independence related to the findings of primary facts, the ECHR concluded clearly that a judicial review is not sufficient to safeguard fair trial guarantees under Article 6(1) ECHR. The ECHR stated that:

“Whilst the High Court had the power to quash the decision if it considered, inter alia, that there was no evidence to support the HBRB's factual findings, or that its findings were plainly untenable, or that the HBRB had misunderstood or been ignorant of an established and relevant fact (see paragraphs 25-26 above), it did not have jurisdiction to rehear the evidence or substitute its own views as to the applicant's credibility. Thus, in this case, there was never the possibility that the central issue would be determined by a tribunal that was independent of one of the parties to the dispute. It follows that there has been a violation of Article 6 § 1.”

█ and other countryside organisations raised the same issue in responses to a consultation on a proposed section 16 licence to regulate the take of red grouse in Scotland. These concerns were partially remedied by the implementation of an appeals process in the Wildlife Management and Muirburn Bill. The Bill now contains the following provision:

16AB Appeals relating to section 16AA licences

- (1) A person may appeal to the appropriate sheriff against a decision of the relevant authority to—
 - (a) refuse to grant to the person a section 16AA licence,
 - (b) attach a condition to the person's section 16AA licence,
 - (c) modify, suspend or revoke the person's section 16AA licence.
- (2) An appeal under this section must be made within the period of 21 days beginning with the day on which the decision appealed against was made.

- (3) **An appeal under this section is to be determined on the merits rather than by way of review.**
- (4) The sheriff hearing the appeal may consider any evidence or other matter, whether or not it was available at the time the relevant authority made the decision being appealed against.
- (5) On determining the appeal, the sheriff may—
 - (a) dismiss the appeal, or
 - (b) give the relevant authority such direction as the sheriff considers appropriate in respect of the decision that is the subject of the appeal.
- (6) The determination of the sheriff may be appealed against only on a point of law.
- (7) In this section—
 - “appropriate sheriff” means—
 - (a) in a case where the appellant resides in Scotland, a sheriff or summary sheriff of the sheriffdom in which the appellant resides,
 - or
 - (b) in a case where the appellant resides outwith Scotland, a sheriff or summary sheriff of the sheriffdom of Lothian and Borders, sitting at Edinburgh,
 - “relevant authority” means—
 - (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions in relation to licences, Scottish Natural Heritage,
 - “section 16AA licence” is to be construed in accordance with section 16AA(1).

Without similar procedural safeguards, a far-reaching licensing framework, such as the one proposed by NRW, would be unlawful, as it violates Article 6(1) ECHR.

Article 9 Aarhus Convention.

■■■■ considers NRW’s current proposal also to be in breach of the United Kingdom’s obligation under Article 9 of the Aarhus Convention as, again, the licensing framework under section 16 of the Wildlife and Countryside Act 1981 does not provide for a substantial review process of a licensing decision.

Article 9(2) of the Aarhus Convention requires that members of the public, having sufficient interest, or maintaining the impairment of a right, have access to a review procedure before a court of law or another independent and impartial body established by law **to challenge the substance** and procedural legality of a decision, act or omission.

Although this provision is confined to large industrial projects set out in Annex 1 of the Convention, Article 9(3) requires member states to also ensure that members of the public have access to justice in relation to a broader range of acts or omissions by private persons or public authorities which contravene environmental law.

According to Article 9(4) of the Convention **such a procedure must provide adequate and effective remedies**, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive.

Although the Aarhus Convention Compliance Committee did not conclusively rule on whether traditional grounds for a judicial review are sufficient to satisfy the requirements of the above

provision, it certainly expressed serious concerns – for example in relation to the high threshold of a *Wednesbury* unreasonableness review (ACCC/C/2008/33 at §125).

██████ therefore believes that NRW's current proposal not only violates Article 6 ECHR but also the required guarantees for a review of substantive legality of acts or omissions by public authorities in environmental matters under Article 9 of the Aarhus Convention.

Article 1 of the First Protocol of the ECHR.

Sporting rights are an 'incorporeal hereditament', which means they are an intangible right in land and therefore an inherent part of a person's property rights, which are protected under Article 1 of the First Protocol of the ECHR (A1P1).

The introduction of a licensing framework that **controls the use of a person's property**, such as NRW's proposed regulation framework, will engage A1P1 and any refusal, revocation or modification of such a licence could amount to a **deprivation of property**, depending on the specific facts of individual cases.

Property rights are not absolute rights and can be subject to state interference. However, such interference must:

- Follow the principle of lawfulness
- Be in the public interest
- Be proportionate, fair and balanced

The principle of lawfulness does not merely require the interference to be prescribed in law but it must also provide freedom from or guarantees against arbitrariness (*East West Alliance Ltd v Ukraine* App. No. 19336/04, 23 January 2014, §167).

Considering, as mentioned above, that the fact-finding process of a section 16 licence is not subject to a review process by an independent and impartial tribunal that can assess a case fully on aspects of fact and law, it is questionable whether such guarantees can be established.

Furthermore, any state interference in a person's property rights can only be justified if it serves a legitimate public interest. The public interest that NRW's proposal is following is presumably the protection of the environment, which would *per se* be a valid reason for state interference. However, as shown in ████████ response to question 4, NRW's proposal risks creating more environmental harm than benefits. ████████ therefore believes it is difficult to establish public interest in restricting an activity, which in itself could lead to significant environmental harm.

In any case, the interference must strike a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights.

The interfering authority must choose the least intrusive measure possible to achieve the desired outcome. NRW's proposal to license gamebird releases in the whole of Wales does not appear to be the least intrusive measure available, particularly considering the landscape-scale benefits that are associated with gamebird management.

As shown above, even on the most sensitive European Protected Areas, gamebirds were only identified as a threat on around 1.7% of sites. A less intrusive measure to achieve the outcome would have therefore been to focus on areas where gamebirds could pose a problem rather than the entire country.

Considering that there is a strong evidence base to show that gamebird releases following the GWCT density thresholds will lead to a net environmental benefit, another less intrusive measure would have therefore been to license only the release of gamebirds above these densities, by adding pheasants and red-legged partridges to Schedule 9 under the caveat that section 14 WCA 1981 only applies to releases above a certain density threshold, which could be set out in statutory guidance.

██████ does, therefore, not believe that the current far-reaching proposal is proportionate.

Annual licences are not workable.

NRW proposes that the licence to regulate gamebird releases on non-sensitive sites should be issued annually and the licence on sensitive sites every five years.

██████ has considerable concerns about the proposal of annual general licences. Although game shooting is in itself a seasonal activity, the management of land for game shooting is not. Shoots will need to undertake considerable front-loaded investment in the form of employment costs for gamekeepers, investment in facilities, gamebird orders, planting of cover crops, feed orders etc. Shoots also invest, as mentioned above, considerable amounts of funds in conservation projects. These projects tend to be long-term and not limited to a year. Many of the environmental investments which provide landscape-scale benefits often take multiple years to provide payback, for example creating pens, planting woodlands, maintaining hedgerows and many more.

The uncertainty around annual licences will not only undermine economic investments and employment in rural areas but will also discourage privately funded investment in conservation projects. Landowners and managers will not be readily encouraged to take such investment decisions if business certainty is in limbo because of the requirements of an annual licence.

██████ suggests that the nature of land management for game shooting requires long-term certainty to continue to provide for the rural economy in Wales as well as the environment. Licences should therefore be issued either perpetually or at least with a duration of a minimum of 5 years.

Timing of Regulations.

NRW proposes that its regulatory regime should be implemented in time to regulate the shooting season in 2024. The developments in relation to the scientific evidence base suggests that this is unwise and will lead to regulations that are outdated almost as soon as they are implemented.

Dr Joah Madden, who undertook the evidence review for NRW, concluded that the existing evidence base on the ecological effects of gamebird releases should be combined with forthcoming evidence, as an enhanced understanding to inform management advice, legislation and policy will provide a greater chance of achieving net positive ecological outcomes for the habitats and wildlife influenced by the release and management of gamebirds in Wales and, more broadly, in the UK (J. R. Madden, 2023b).

He also lists all the significant research projects that are currently underway and when they are expected to be concluded:

Topic of Study	Researcher	Expected date of completion	Source
The scale of releasing on and around European Sites in England	APHA	?	DEFRA announcement
The dispersal behaviour of gamebirds released on and around European Sites	Likely University of Exeter, APHA, BASC, GWCT	2024	DEFRA announcement
The impact of gamebird releasing on soil nutrients and ground flora on and around European Sites	NE	Early 2025	DEFRA announcement
The extent of gamebird's predation on reptiles, amphibians and invertebrates	PhD study, University of Kent, RSPB, ARC	2025	DEFRA announcement
Interactions between released gamebirds, wildlife within European Sites and pathogens/parasites	APHA	?	DEFRA announcement
The influence of released gamebirds on local predator populations	GWCT?	?	DEFRA announcement
Questionnaire survey of managers of protected areas	RSPB	End 2022	RSPB submission p8
Investigation of the extent of spatial association between raptor persecution and gamebird abundance across the UK	RSPB	End 2022	RSPB submission p8
Gamebirds and fox study. Do release sites have more fox activity than other sites across the year	GWCT	Early 2024	GWCT submission p4
Released gamebird distribution	GWCT	Late 2023	GWCT submission p4

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Review paper covering releasing and invertebrates	GWCT	Early 2023	GWCT submission p4
Exmoor game cover/hedgerow bird study	GWCT	Late 2022	GWCT submission p4
Relationships between releasing and other wildlife including foxes based on NBN data	University of Exeter	Mid 2023	GWCT submission p4
PhD on ticks, <i>Borellia</i> and game management	University of Exeter	2025	GWCT submission p4
New Value of Shooting Report	BASC and other shooting organisations	Mid 2023	BASC submission p23
Collection of new data on released gamebird distribution in relation to release points	GWCT	2024	BASC submission p15
An analysis of the economics of late season shooting and how this affects release numbers	GWCT	End 2023	BASC submission p15

Table 4. Ongoing research relevant to the understanding of the ecological effects of gamebird release and management. Submission refers to evidence received as part of the NRW call for evidence.

NRW and the Welsh Government should follow this advice and wait until these research projects are completed before introducing a regulatory framework that risks being obsolete or out of date in just a couple of years, particularly as the proposed framework has the capacity to cause significant environmental, social and economic harm to rural Wales.

Madden's advice should at the very least prompt NRW and the Welsh Government to sunset any new regulations to the likely completion dates of the most significant ongoing research projects in order to allow enough flexibility to incorporate forthcoming research outcomes.

Any other approach would, according to NRW's own expert, knowingly undermine the quality of policy and legislation on the issue.

response to Question 6.

Q.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.

does not agree with the proposal to regulate the release of pheasants and red-legged partridges above the requirements of the existing SSSI and HRA frameworks and therefore does not feel such a requirement is necessary.

Furthermore, the consultation question advises that this proposal has been based on available evidence and on expert opinion.

There is no explanation in the consultation documents as to what evidence NRW is referring to and no indication of who provided NRW with an expert opinion on red-legged partridges and what the content of this opinion was. It is therefore not possible to understand NRW's position on the release of red-legged partridges or to answer this question in a meaningful way.

Furthermore, NRW's proposal seems to be based on a lack of understanding of how red-legged partridges are released in practice.

The proposal links the release of red-legged partridges specifically to the provision of dedicated cover crops of a certain size e.g., up to 1,000 birds per hectare.

In pastoral areas in Wales, partridge releases do indeed require the planting of 'dedicated' cover crops, which is an activity that offers great conservation benefits for several different bird and animal species (Ewald, 2004; Sage *et al.*, 2005). However, this is not the case for releases in arable landscapes where existing crops can be used.

The inclusion of the term 'dedicated cover crop' seems to exclude crops that were planted for another purpose, e.g., for grazing by livestock, such as beet fields or overwinter stubbles, that are encouraged as sustainable farming practices.

It is also not clear whether the size of the cover crops are required as one continuous area or whether individual patches that make up the proposed size could be considered.

Although does not consider any regulations necessary, if such regulations were to be adopted, the release of red-legged partridges should be dependent on the area inhabited as adopted in the temporary General Licence 43 in England.

■■■■ response to Question 7.

Q.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?

■■■■ does not agree with the proposal to regulate the release of pheasants and red-legged partridges above the requirements of the existing SSSI and HRA frameworks and therefore does not feel such a requirement is necessary.

For clarity, ■■■■ and other shooting and countryside organisations support the recommendation that 'pheasant release pens should not, in total, take up more than about one third of the woodland area on the shoot', indeed this is a requirement in the Code of Good Shooting Practice.

However, ■■■■ does not believe there is any benefit in trying to introduce complex legal definitions in a licensing scheme that would potentially make such a framework unworkable.

In this context, it seems impossible to attempt to define exactly what would be deemed woodland. For example, would it only be areas already on an official map, or an area with a number of trees? Would parkland or thick hedgerows meet such requirement? Would it need to be fenced? Would scrubland or rides and glades within a wood be excluded, even though they very often define the quality of woodlands?

There are significant areas where such an attempted definition would create confusion and lead to an unclear legal framework.

Rather than trying to define what should be considered woodland in law, such considerations could be added to a licence in the form of recommendations.

Otherwise, the licensing framework would be open to interpretation, dispute and potentially expensive legal challenge. The resulting bureaucracy would be significant, without delivering any benefit.

■■■■ response to Question 8.

Q.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.

■■■■ does not agree with the proposal to regulate the release of pheasants and red-legged partridge above the requirements of the existing SSSI and HRA frameworks and therefore does not feel such a requirement is necessary. NRW's evidence review does not support any further restrictions on gamebird releases. Best practice guidelines are already underpinned by the Code of Good Shooting Practice.

If best practices are followed, whether by larger or smaller shoots, a net environmental benefit will be the outcome.

The Code of Good Shooting Practice is overseen by a steering committee comprising representatives of all of the endorsing organisations. Non-compliance with the code should be raised by anybody involved in shooting and flagrant breaches of the code should be reported to the Secretary of the Code of Good Shooting Practice if there is no indication that self-correction or reform will occur.

The steering committee will investigate cases of non-compliance and will recommend actions to address substantiated breaches. If the person or persons found to have breached the code do not rectify the situation, they can be expelled from their membership organisation. Both recommendations and enforcement actions have been taken in past cases of non-compliance.

■■■■ response to Question 9.

Q.9. Could the proposals affect opportunities for people to use the Welsh language? If yes, please explain in the box below.

Yes.

Many members of the shooting community in Wales are first-language Welsh speakers. Visiting participants are probably more likely to hear naturally spoken Welsh at shoots than at any other activity conducted in the Welsh countryside. Shoots can attract supporters and participants from outside the locality and serve to promote the normalisation of spoken Welsh among the wider community. The exposure of non-Welsh speakers to this community promotes the appreciation of Welsh as a living language. Restricting or prohibiting opportunities to engage in sustainable shooting will undoubtedly have a negative impact on the use, promotion and wider appreciation of the Welsh language.

■■■■ response to Question 10.

Q.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.

Yes.

Encouraging participation in rural pursuits such as shooting can serve to normalise the use of the Welsh language both within and between communities. This in turn encourages the less confident to practise their linguistic skills within a familiar context. It also serves to bolster the confidence of Welsh learners to use the language, both fully and in part, where not all are fluent.

Many are hesitant at engaging with officialdom in Welsh for fear of falling foul of grammatical correctness or believing only the formal forms of the language are acceptable. Every attempt should be made to write plain, uncomplicated everyday Welsh wherever possible. Direct translations from English can sometimes be awkward, incorporating words that aren't widely used or understood. It is recommended that translated documents be checked for ease of interpretation.

■■■■ response to Question 11.

Q.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.

Yes.

Restricting sustainable game shoots will undoubtedly curtail the number of shooting days per season. This in turn will reduce the opportunity for the Welsh speaking shooting community to meet and use the language as they currently do. It will also reduce the exposure of those who do not speak Welsh, further marginalising the language.

■■■■ response to Question 12.

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

No.

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