

NRW's proposed approach to regulating the release of gamebirds (common pheasant and red-legged partridge) in Wales

Consultation Document

March 2023

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PART A: About this consultation and how to respond

Consultation closes: 27 March 2023

Consultation opened: 20 June 2023

Overview

Welsh Ministers have committed to consider the options for the regulation of the release of common pheasant *Phasianus colchicus* and red-legged partridge *Alectoris rufa* (hereafter referred to as “gamebirds”) in Wales.

The Welsh Government has asked NRW to prepare and consult on an appropriate approach to the release of gamebirds in Wales, with the view to any new approach being implemented in 2023 to come into effect for the 2024 gamebird release season. In particular NRW has been asked to consider:

- Is there a problem in Wales and if so, what is the scale?
- How effective are current voluntary approaches?
- What capacity do we have to manage any new approach?

We have been asked to recommend if change is required, and to develop proposals for a proportionate licensing approach if needed. We have been guided to consider whether the existing provisions of sections 14 and 16 of the Wildlife and Countryside Act 1981 provide a suitable legal framework for any necessary new approach.

Why are we consulting?

Having considered the available evidence, we have developed a proposed approach. We now want to hear your views on our proposals.

The findings of this consultation will help us decide if any elements of our proposals need to be reconsidered. Your responses will therefore help shape the future regulation of gamebird release in Wales.

What are we consulting on?

This consultation seeks your views on proposals for NRW’s approach to regulating the release of non-native gamebirds in Wales. The detail of our proposals is set out in this document. Other relevant material is provided as annexes with links from this document.

This consultation also provides an opportunity for any person affected by the proposals to make an Order adding common pheasant and red-legged partridge to Part 1 of Schedule 9 of the Wildlife and Countryside Act 1981 in Wales to submit objections or representations. It therefore also constitutes a statutory consultation under section 26(4)(a) of that Act on behalf of the Welsh Government.

Please read the information in this document before responding to the consultation.

What is not part of this consultation

Although the following matters may relate to game shooting, they are **not** within the scope of this consultation:

- **Lead shot** and its environmental impact is not within the scope of this project. However, we have considered some evidence relating to the effectiveness of the voluntary phasing out of lead shot and compliance with legal restrictions on the use of lead shot.
- **Ethics of game shooting** is not within scope of this review. However, in our consideration of the social and wellbeing effects of game shooting we have recognised that some people fundamentally disagree with the shooting of live quarry for sport.
- NRW's policy on the **use of firearms on land managed by NRW** is not within the scope of this review. We carried out a comprehensive review of this in 2018 and at this point we are not repeating any of that work or revisiting its conclusions. [More information is available on the NRW website.](#)

How to respond

Please submit your consultation response using the online survey available on the NRW Consultation Hub, which uses the 'Citizen Space' online consultation tool. Start by clicking on the link below, which will take you to the consultation questions. From each set of questions, you will be able to access this consultation document.

The best way to respond is via the Consultation Hub. However, if for any reason you are unable to respond online, please email us at: gamebirds@cyfoethnaturiolcymru.gov.uk or write to Gamebird Regulation Project, Natural Resources Wales, Maes y Ffynnon, Bangor LL57 2DW.

By submitting a response to this consultation by whatever means, you give us permission to analyse and include your response in our results. After you have submitted your response to us, you will no longer be able to change any of your answers. If you respond using the online consultation tool and provide an email address, you will be sent a receipt and you can also request a PDF copy of your response. If you respond by email you will only receive only an automated acknowledgement.

We consult because your input helps us to improve our ideas and to shape our work. It enables us to be more effective in the work we do. We consult on new or change to policy and strategy, projects such as proposed flood schemes and also certain types of permit applications.

We want our consultation process to improve our work and be more accessible to you. If you would like to comment on our approach, please feel free to contact us.

Email enquiries@naturalresourceswales.gov.uk or call 0300 065 3000 (Mon-Fri, 9am - 5pm)

Give us your views

Click [HERE](#) to go to the online consultation page.

Other relevant NRW documents

Our review was informed by two evidence reports commissioned from Dr Joah Madden of Exeter University:

- NRW Evidence Report 680: Patterns of Gamebird Release, Management and Shooting in Wales (Madden 2023a)
- NRW Evidence Report 681: A Review of The Ecological Effects of Gamebird Release and Management in Wales (Madden 2023b)

In addition to the above reports, in developing our proposals we carried out a number of discrete pieces of work looking at specific aspects of gamebird release. Whilst these were primarily intended for internal use, we have shared them as they form part of the rationale for what we are proposing:

- Annex 1: Licensing the release of gamebirds in Wales: our proposed approach to addressing statutory protected sites requirements
- Annex 2: Evidence note: Gamebird survival rates and patterns of dispersal
- Annex 3: Our assessment of the potential effects of gamebird release on habitats and organisms listed under section 7 of the Environment (Wales) Act 2016

A summary of responses to this consultation will be published on our website. This will include a list of all organisations that responded but will not include the names of private individuals, addresses or other contact details.

Read NRW's privacy and data protection information [HERE](#).

PART B: Background to the review

Outline of the legal framework in Wales

Regulation of the release of non-native species under the Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981 provides a legal framework in Wales for regulating the release of certain species. Section 14 makes it unlawful to release into the wild any species that is not ordinarily resident in and not a regular to Great Britain in a wild state, or any species listed in Part 1 of Schedule 9 of the Act, except under licence. Part 1 of Schedule 9 lists non-native species that are already established in the wild, but which continue to pose a conservation threat to native biodiversity and habitats, so that further releases should be regulated.

It is common practice for young pheasant, and to a lesser extent red legged partridge, to first be released into an enclosure (release pen), which they subsequently leave and disperse into the surrounding countryside. [Statutory guidance on the application of section 14](#) includes advice on situations where a release into an enclosure may be considered a release into the wild, and recognises that:

“A release into the wild might be a simple single act so that the animal is free of any further human control, a release into controlled conditions that will continue to apply, or it could be a graduated process during which human influence will diminish until animals are entirely self-sufficient...”

Licences to permit releases of schedule 9 species in Wales may be issued by NRW under section 16(4) of the 1981 Act. These licences may be general or specific.

In Wales, neither common pheasant nor red-legged partridge are currently listed on Schedule 9.

Regulation of potentially damaging operations within Sites of Special Scientific Interest

The Wildlife and Countryside Act also provides a framework for the regulation of potentially damaging activities in and around Sites of Special Scientific Interest (SSSI).

Section 28E of the Act requires owners and occupiers of land within a SSSI in Wales to obtain NRW's consent prior to carrying out, causing, or permitting to be carried out any activity listed as an operation likely to damage the special interest (OLDSI). Previously these were known as 'potentially damaging operations' (PDOs) and the documents for older sites will still use this terminology.

Many SSSIs include the following OLDSI *“Release into the site of any wild, feral, captive-bred or domestic animal, plant, seed or micro-organism and any genetically modified*

organism". Other OLDSI may also apply to game management activities associated with gamebird release. Activities that already have another type of duly issued statutory authorisation do not normally require SSSI consent. This is because section 28P(4)(a) of the 1981 Act provides that operating under such a permission is a reasonable excuse for carrying out that operation without first notifying NRW under section 28E. Meanwhile under section 28I of the Act there is a statutory process for any authority issuing any other form of authorisation to seek, and take into account, NRW's advice in relation to managing its impacts on SSSI.

Regulation of potential impacts on European sites

European sites are sites originally designated under EC Directives for the conservation of biodiversity, which are now protected and managed under the Conservation of Habitats and Species Regulations 2017 (usually referred to as the Habitats Regulations). There are two types of European site:

- Special Protection Areas (SPA) - designated because of rare or migratory birds and their habitats
- Special Areas of Conservation (SAC) - for a wide range of habitats and species other than birds

Most terrestrial and freshwater European sites in Wales are also SSSIs, which means that they are subject to the SSSI legal protections.

European sites also benefit from an additional level of legal protection. The Habitats Regulations require that any plan or project, other than those which are wholly directly connected with or necessary to the conservation management of a European site's qualifying features, is assessed and can only go ahead if it can be demonstrated that it will not damage the features of the site. The assessment process is known as a Habitats Regulations Assessment (HRA) and applies to a wide range of decisions made by statutory bodies, including operations they carry out themselves, and many types of licence, permit or consent they issue. HRA does not just apply to plans or projects taking place within European sites, but to plans or projects outside European sites which may nevertheless affect the habitats or species for which the site is designated.

Under the Habitats Regulations, an authority may approve or authorise a plan or project, through the HRA process, only if they can demonstrate that effects on the integrity of any European site can be ruled out. In other words, the burden of proof is to show that the plan or project will not harm the features of the site. If such effects cannot be ruled out approval may still be given, but only if no satisfactory alternative solutions are available and the plan or project is necessary for "*imperative reasons of overriding public interest*" (IROPI). If a plan or project does not meet the tests set out in the Habitats Regulations, then it cannot be permitted.

In addition to European sites, a number of sites in Wales are designated as 'Ramsar' sites under the international convention on the conservation of wetlands. As a matter of Welsh (and UK) Government policy, Ramsar sites should have similar protection as European sites. For the sake of brevity, references in this consultation document to European sites generally also includes Ramsar sites.

Biodiversity duties under Welsh legislation

The Environment (Wales) Act 2016 includes a number of relevant provisions relating to biodiversity and places duties on public bodies, including NRW, the Welsh Government and Welsh Ministers.

Section 7 of the Act requires the Welsh Ministers, in consultation with NRW, to compile and publish lists of species and habitats of “*principal importance for maintaining and enhancing biodiversity in Wales*” (section 7 lists) and includes specific duties relating to the habitats and species included.

Section 5 of the Act provides that the general purpose of NRW is to “*pursue sustainable management of natural resources in relation to Wales*” and to “*apply the principles of sustainable management of natural resources, in the exercise of its functions, so far as consistent with their proper exercise.*”

As a public authority, NRW is required under section 6(1) of the Environment (Wales) Act 2016 to “*seek to maintain and enhance biodiversity in the exercise of its functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions*”. In doing so, NRW is under an additional duty by virtue of section 6(5)(a) to “*have regard*” to lists published under section 7 of the Act of species and habitats “*of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales*”.

Section 7(3) places the Welsh Ministers under a duty to “*take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section*” and “*encourage others to take such steps*”. In doing so, Welsh Ministers “*must apply the principles of sustainable management of natural resources*”.

What we do now: How gamebird releases are currently regulated in Wales

Currently, neither common pheasant nor red-legged partridge are listed on Schedule 9 of the Wildlife and Countryside Act 1981 in Wales. This means that, in most circumstances, they can be lawfully released into the wild without the need for a licence or other permission.

The only circumstances where NRW currently regulates the release of gamebirds are:

- on land where NRW is itself the owner or manager of the land
- where the release would take place within a SSSI.

The rearing, release or shooting of gamebirds is not permitted on land managed by NRW. Where gamebird release is proposed within the boundaries of a SSSI for which the release is included on the list of operations likely to damage the special interest in that site (the OLDSI list), NRW’s consent is required. When considering whether to issue a SSSI consent (and whether to apply conditions), NRW is also required under the Habitats Regulations to consider the potential impact on any European site and may only grant the

consent if impacts on European site features can be ruled out, if necessary, by applying conditions.

In Wales, as in other parts of the UK, anyone keeping 50 or more poultry (including gamebirds) is subject to compulsory poultry registration with the Animal and Plant Health Agency (APHA) within one month of keeping those birds. Those keeping fewer than 50 birds are encouraged to complete a voluntary registration.

During outbreaks of disease, gamebird release may be subject to specific additional regulation. For instance, in response to the current outbreak of Highly Pathogenic Avian Influenza (HPAI), a number of regulatory measures, including housing orders, have been applied which have the potential to temporarily restrict the release of gamebirds.

Voluntary approaches and good practice standards

Countryside, shooting and game management organisations have developed a range of good practice codes and other guidance, many of which focus on delivering sustainability and biodiversity gain.

As part of this review, we have considered whether voluntary approaches may provide an alternative to regulation.

For example, the [Code of Good Shooting Practice](#) covers shooting, processing, and the use of game, as well as the management of shoots, the rearing and release of game and predator control. It has two tiers of standards, those that “*must*” be followed “*to deliver sustainable shooting*” but not necessarily legal obligations, and those that “*should*” be observed “*in order to achieve Best Practice, any deviation from which would need justification*”.

The Code begins with five “Golden Rules”, one of which is:

“2. Shoot managers must endeavour to enhance wildlife conservation and the countryside”

Section 5 of the Code (‘Shoot Management’) advises that “*Shoot managers should be aware of SSSI’s and other sensitive habitats on their ground and should liaise with the landowner and the relevant statutory authorities to ensure they avoid potentially damaging activities.*” Whilst this section deals with shooting rather than release and associated management, it does highlight the need to take steps to avoid negative impacts on designated sites, albeit not as a mandatory element.

Section 7 of the Code (‘Releasing Game’) advises that shoots “*should*” follow the Game and Wildlife Trust (GWCT) guidelines for sustainable gamebird release which it refers to as “*a rule of thumb*”. It advises that “*where shoots exceed the recommended densities, they should be able to demonstrate that their particular circumstances and management regime...does not significantly damage woodland flora and fauna.*”

[The Guidelines for Sustainable Gamebird Releasing](#), issued by the GWCT, specifically focus on the release of pheasant and red-legged partridge. They are based on extensive research and have been developed to minimise the severity and longevity of impacts at and around release sites and to maximise the potential for environmental benefits from

associated management. They set out recommended maximum thresholds for pheasant releases in woodland pens, with a density limit of 1000 birds per hectare of release pen for non-sensitive areas, and a density limit of 700 birds per hectare of release pen for ancient woodland and other more sensitive areas. Shoots are urged to avoid placing pens onto or close to particularly sensitive areas and to get expert advice if they are unsure.

The guidelines also require that no more than one third of the available woodland (including scrub) with game interest should be used for pens. This is to ensure sufficient suitable woodland remains where beneficial habitat management can be carried out to offset any negative impacts of the releases themselves, and ideally deliver biodiversity gain.

Specific guidance is included for partridge releases on farmland, including on the placement of release pens and feeders away from sensitive areas. The guidelines also provide additional guidance including on woodland and farmland management, the timing of releases, and managing dispersal to avoid birds moving onto sensitive areas.

The guidelines expand on the twelve high-level [Principles of Sustainable Game Management](#).

Shoots can also voluntarily sign up to the [British Game Assurance \(BGA\) Scheme](#). The scheme is primarily intended to assure British game meat but does so by influencing all stages of the game shooting cycle, including hatching, rearing, and the shoot itself (including release and game management) with specific standards for each stage.

The BGA standards for shoots include a number of standards specific to release, including adherence to the GWCT guidelines for sustainable gamebird releasing. A specific standard referring to the GWCT guideline on release density is included as standard number 6.6, although this is shaded in yellow, denoting “*Recommendation - this may become a compulsory standard in the future*”. This standard is also marked with a ‘dagger’ icon which denotes a standard “*that licensees can apply for derogation in specific circumstances.*” It is not clear whether the option for “*derogation*” will remain once the standard becomes mandatory or, given that it is currently not a strict requirement, whether including the option was in anticipation of it becoming mandatory. Although the term “licensee” is used, we understand this to refer to applying for a derogation in respect of auditing under the BGA rather than any form of statutory licence.

Shoots which advertise on the [Guns on Pegs website](#) and which are signed up to the scheme and can demonstrate that they meet its standards are entitled to display a “best practice shoot” badge. Shoots may be audited for compliance.

Because it has previously been an exclusively subscription service, and because the benefits of the BGA scheme may be of most interest to commercial shoots which advertise, it is likely that scheme membership has typically been dominated by the largest shoots. However, the recent introduction of a free associate membership scheme with a condensed set of standards for shoots releasing fewer than 1500 birds per year may lead to a wider membership.

Our approach to carrying out the review

We commissioned Dr Joah Madden of Exeter University to carry out an assessment of the scale and location of gamebird releases in Wales using data from the APHA poultry register and other available evidence. We also asked Dr Madden to assess the degree to which available scientific evidence could provide indications of the levels of compliance with voluntary approaches as well as mandatory registration with the APHA poultry register. This report (Madden 2023a) is available as part of this consultation.

Three significant reviews considering the evidence of the nature and extent of impacts from the release of gamebirds in the UK were published in 2020:

[Madden J.R. & Sage, R.B. \(2020\). Ecological Consequences of Gamebird Releasing and Management on Lowland Shoots in England: A Review by Rapid Evidence Assessment for Natural England and the British Association of Shooting and Conservation. Natural England Evidence Review NEER016. Peterborough: Natural England.](#)

[Mason, L.R., Bicknell, J.E., Smart, J. & Peach, W.J. \(2020\) The impacts of non-native gamebird release in the UK: an updated evidence review. RSPB Research Report No. 66. RSPB Centre for Conservation Science, Sandy, UK](#)

[Sage, Rufus B., Hoodless, Andrew N., Woodburn, Maureen I. A., Draycott, Roger A. H., Madden, Joah R., et al. \(2020\) Summary review and synthesis: effects on habitats and wildlife of the release and management of pheasants and red-legged partridges on UK lowland shoots. Wildlife Biology, 2020\(4\). Nordic Board for Wildlife Research](#)

Whilst these were either UK wide, or focussed on England, they considered evidence from across and beyond the UK and we felt that they were likely to be highly relevant to this review. These three reviews all considered broadly the same evidence but used different methodologies.

However, we were mindful that new evidence was likely to have been published since the publication of these reviews, and that there may also have been evidence available that had not been included because it was specific to Wales. We therefore undertook a six-week call for evidence between July and August 2022 in which we invited the submission of any relevant evidence that had not been considered previously. We specifically asked for evidence that would improve our understanding of:

- The scale and distribution of gamebird releases in Wales and any associated trends
- The ecological effects of gamebird releases and the factors that contribute to those effects
- The ecological effects of management activities related to game shooting in Wales
- The socio-economic effects of game shooting in Wales

We explained that we were not looking for evidence relating to:

- The environmental impacts of the use of lead shot
- Whether gamebird rearing or other shooting activities should be allowed on the NRW estate
- The ethics of game shooting

We invited respondents to submit scientific or anecdotal evidence but, as this was not a consultation, we explained that we were not seeking views or opinions.

We received responses from the following organisations:

- Aim to Sustain Partnership
- Amphibian and Reptile Conservation
- Animal Aid
- British Association for Shooting and Conservation
- British Game Assurance
- Countryside Alliance
- Game and Wildlife Conservancy Trust Wales
- League Against Cruel Sports
- National Gamekeepers Organisation
- RSPB Cymru

We also received four submissions from individuals, all relating to Wales. Three of these were from people who lived and/or worked near game shoots and one was from the owner of a game shoot.

Our call for evidence identified a number of peer-reviewed papers that had not been considered by the 2020 reviews, some of which appeared to be highly relevant and published after 2020. The submissions also included a significant amount of other “grey” literature, including articles, blogs, reports, as well as personal testimony.

Following the close of the call for evidence, we commissioned a further assessment from Dr Madden asking him to:

- Examine Madden & Sage (2020), Mason et al. (2020), and Sage et al. (2020) and provide a comparison of the approaches taken by the three reviews.
- Identify the main findings of the three reviews, highlighting areas of commonality and divergence, taking into consideration any commonality/divergence in their scope.
- Assess the strength of the evidence for each of the main findings.
- Assess the scientific evidence submitted to our call for evidence.
- Assess the degree to which the additional evidence (and the findings of the Scale and Location of gamebird releases in Wales report) supports or challenges the key findings of the 2020 review with regard to Wales and/or leads to any new conclusions.

We have been guided by the findings of this report (Madden 2023b) which we have made available as part of this consultation.

We considered personal testimonies and evidence relating to the socio-economic effects of game shooting submitted in response to our call for evidence. We were careful to consider evidence of both positive and negative effects. We also looked for any additional evidence that could indicate how effective voluntary approaches may be in managing potential impacts.

We have explored the current legal frameworks in Wales including any relevant duties and powers.

To inform our proposal, we developed an approach to statutory protected sites, which considered how our proposals would satisfy firstly the requirements of the Habitats Regulations in relation to managing the potential impacts on European sites, and secondly the corresponding provisions under Section 28I of the 1981 Act in relation to potential impacts on SSSI. This approach is described in Annex 1.

We also carried out a rapid assessment of the evidence relating to gamebird survival and dispersal. This is included in Annex 2.

We also carried out a high-level assessment of the implications of gamebird releases on habitats and species listed under Section 7 of the Environment (Wales) Act in which we considered likely impacts from gamebirds, the degree to which the protected sites network provides protection, and, where likely impacts were identified, the degree to which established best practice approaches might provide mitigation. This is included in Annex 3.

Our review has culminated in the development of the proposed approach to regulating the release of gamebirds set out in Part D below. This is the proposal that we feel provides the necessary safeguards for the environment in Wales to enable us, and the Welsh Ministers, to meet our legal obligations whilst also meeting our regulatory principles in being the least restrictive regulatory option.

Following the consultation, we will review the responses received and consider whether we need to revisit any elements of our proposal and make changes prior to implementation.

PART C: Our assessment of the available evidence

Scale and location of gamebird releases in Wales

We commissioned an assessment of the scale and location of releases in Wales from Dr Joah Madden (Madden 2023a). The full report is made available as part of this consultation.

The assessment considered data from five data sources:

- a) British Trust for Ornithology Winter & Breeding Bird Surveys
- b) The Road Lab citizen science project which collates reports of wildlife roadkill
- c) The Guns on Pegs commercial advertising website for shoots
- d) The APHA poultry register which is mandatory for those holding 50 or more poultry, including gamebirds
- e) The Economic and Environmental Impact of Sporting Shooting Report (PACEC 2014)

The report found that compliance with mandatory APHA poultry registration amongst shoots in Wales appeared to be low, as it did in the rest of the UK. Whilst it was possible to roughly estimate the number of shoots and the number of released birds missing from these records, it was not possible to draw reliable conclusions regarding the location or size of those missing releases.

Because compliance with the APHA register appeared poor, and in the absence of other reporting mechanisms, the report concluded that the available data for Wales from this source was limited and incomplete. It was therefore necessary to cross reference a number of incomplete or otherwise 'messy' datasets to make more reliable estimates. However, these estimates were subject to large margins of error and the report cautioned that they could only provide "*a crude general picture of the activity across Wales*".

The report stated that the APHA Poultry Register indicates that around 4.1% of the gamebirds registered in the UK are kept in Wales (581,176 out of 13,673,562 birds). Using additional data sources to compensate for the apparent under-reporting, the report estimated that between 0.8 and 2.3 million gamebirds are currently released in Wales each year, by between 171 and 421 shoots.

Most of the gamebirds released in Wales are pheasants, with partridge making up only 10.3% of gamebirds registered with APHA. This is compared to 32.1% in the rest of the UK. This is anticipated to be due to the relative lack of suitable partridge habitat in Wales.

Whilst the quality of the evidence makes it difficult to draw detailed conclusions regarding spatial distribution of releases, there are clear indications that releases in Wales are concentrated in the east and north-east of the country, particularly in north Powys and Denbighshire. There is also evidence of other more localised concentrations, including in

Anglesey and parts of Pembrokeshire. Releases appeared largely absent in predominantly upland areas such as Eryri and the Brecon Beacons. This is likely to be due to the absence of suitable habitat.

Considering the data derived from the APHA poultry register and accepting that this data was likely to be incomplete, the report made estimates of the proportion of shoots that were likely to be operating within, or within 500 metres of protected sites. It was estimated that around 30% of shoots were within 500 metres of a SSSI, whereas perhaps 16% and 4%, respectively, were within that distance of a SAC or SPA.

The size of shoots appears to be broadly similar to the rest of the UK. However, whilst the median shoot size is estimated to be the same as in the rest of the UK (1000 released birds), the mean is higher (4,692 compared with 3,908). This suggests that the skew seen elsewhere, with many small shoots releasing small numbers of birds and a few very large shoots releasing very large numbers, may be even more pronounced in Wales.

According to the report, 47% of APHA registered Welsh shoots in 2019 reported holding fewer than 1000 birds for release and 12% reported holding over 10,000 birds. The largest number of birds registered by a single shoot in Wales was 120,750 compared to 255,500 at the largest registered shoot in the rest of the UK.

The proportion of advertising shoots recorded on the Guns on Pegs website as 'Best Practice Shoots' in Wales was 17%, which is higher than in other areas of the UK (12%). These are shoots that are signed up to the British Game Assurance scheme. However, these still account for a minority of shoots.

There was very limited evidence that could be used to estimate levels of compliance with best practice on release density. Reported densities in available studies (all of which were in England) indicated that compliance with the GWCT guidelines may be low, at less than 15% compliance. However, these studies may not constitute a robust and representative sample. Further study and improved data would be required to confidently understand levels of compliance with best practice guidelines in Wales.

The report identified a particular difficulty in identifying long-term data for patterns of gamebird release in Wales, which makes it hard to identify specific trends in Wales. The picture for the UK as a whole was perhaps clearer.

The report refers to the disruption caused by restrictions in response to Covid19 and HPAI leading to changes in shooting practice over recent years. In light of this, and uncertainty about how the industry will respond, it may be difficult to predict future trends with any confidence.

The report identifies three key knowledge gaps:

- The need for more reliable records of the location and scale of releases in Wales.
- The need for more detail about the management of birds post-release – especially close to ecologically important sites or protected areas.
- The need to better understand the effects on current and future behaviour of shoot managers in responding to Covid and Highly Pathogenic Avian Influenza (HPAI).

The report confirmed earlier estimates of the percentage of UK gamebirds released in Wales and provides a broad estimate of likely numbers of gamebirds released in Wales, albeit with a significant uncertainty due to the limitations of the data. Importantly, it concluded that the pattern of gamebird releasing in Wales was broadly similar to the rest of the UK, meaning that inferences relevant to Wales could be drawn from the greater body of evidence relating to the UK.

Environmental effects of gamebird releases

In assessing the likely environmental effects of gamebird release in Wales, we considered the findings of the three key reviews published in 2020 and looked for additional evidence not considered by those reviews. We invited the submission of additional evidence through a public call for evidence and commissioned a review of all the available evidence with a particular focus on how it could be applied to Wales.

This section is a summary and should be read in conjunction with the three 2020 reviews and Madden (2023b).

The findings of the 2020 reviews

There was strong and robust commonality in the conclusions of these three reviews, although the scope, and the way the findings were grouped and presented, were sometimes different.

Not all the reviews attempted to specifically attribute a positive or negative outcome for every effect. However, broadly speaking, the reviews found that negative effects tended to be associated with the presence of the released gamebirds themselves, whilst positive effects tended to come from associated management activities. Because of the complex nature of ecosystems, whether some effects were positive or negative was sometimes open to interpretation. For example, supplementary feeding for gamebirds could support native birds and small mammals but could also lead to increases in rodent or predator abundance and feeders had the potential to act as a focus for disease transfer.

There was general agreement that a significant body of evidence existed relating to the (largely positive) effects of estate management activities linked to gamebird release. These activities included the creation, retention and management of habitat, provision of cover crops and supplementary feeding, and the legal control of generalist predators. These positive effects were likely to be seen up to a landscape scale.

The reviews generally agreed that there was reasonable evidence for a number of direct effects from gamebirds which tended to have negative impacts. These included enrichment of soil and water, physical disturbance to soils, and browsing which had the potential to impact on biodiversity interest. These impacts were most evident at, or close to, release sites and were particularly evident where high release densities were found.

The reviews found a smaller amount of evidence of disease and parasite transmission from gamebirds to other small mammals. Other potential impacts, particularly those having effects at wider scales, also tended to be supported by weaker or more ambiguous evidence. These included the effects of gamebird releases on predator abundance and the

implications for native wildlife, the effect of resource competition between released gamebirds and native wildlife and direct predation of small vertebrates by gamebirds

The reviews reported less, or weaker, evidence for the impacts of shooting practices such as disturbance caused by guns and beaters or the accidental shooting of non-target species. Similarly, there was a relatively low evidence base for the impacts of illegal persecution of protected species on regional bird of prey populations. Although clearly a negative impact, the reviews found that evidence was often derived from prosecutions and typically did not provide sufficient detail about the motivation behind the offence. It was difficult to separate offences related to released gamebirds from those related to wild game management.

There was general agreement that many negative impacts were closely linked to the density of gamebirds, either within the release pen or in the immediate surrounding area, particularly where birds congregated around feeders. These effects tended to become more acute and enduring where birds were released at densities of greater than 700-1000 birds per hectare. The location of releases and the overall size of releases were also factors that were likely to have a significant influence on the severity of impact.

The reports indicated that, to a greater or lesser extent, positive estate management had the potential to compensate for negative impacts of releases. However, this was contingent on shoots adopting good practice, both in terms of managing releases in a sustainable manner and in undertaking appropriate levels of habitat management.

Mason et al. (2020) was the only one of the three 2020 reviews to consider social and economic aspects. It referred to the findings of the [Public and Corporate Economic Consultants \(PACEC\) reports](#) and the critique carried out by [Cormack and Rotherham \(2014\)](#) for the League Against Cruel Sports, considering the possibility that neither report may be entirely unbiased. Broadly, they reported that the evidence suggested a largely positive economic impact, albeit with less agreement on the scale of the benefits. They also acknowledged that there was evidence of negative economic impacts from effects like crop damage. Mason et al. (2020) also considered the potential impact of lead consumption on humans, disease transmission to humans and the role of non-native gamebirds in road collisions and aviation accidents.

All three of the 2020 reports identified similar evidence gaps or areas where the evidence could be improved, for example browsing and habitat modification by gamebirds.

Considering new evidence and the situation in Wales

The review we commissioned (Madden 2023b) assessed any new evidence not previously considered by the three 2020 reviews, including evidence and organisational responses submitted to our call for evidence. The review considered whether any of the findings of the 2020 reviews needed to be reconsidered. It also considered the situation in Wales and what the available evidence could tell us about the similarities and differences with the rest of the UK, and therefore whether conclusions drawn at a UK level could be confidently applied to Wales.

Whilst there had been new evidence published since 2020 it was considered that the conclusions of the 2020 review remained relatively unchanged and that there remained broad agreement that:

- Management activities motivated by gamebird release tended to have positive ecological effects over a landscape scale.
- The direct actions of released gamebirds led to effects that were generally considered to be negative and tended to be at a local or patch scale but could occur at a wider scale.
- The relationship between releases, associated management interventions, and their consequences was part of a 'complex socio-ecological network'.

Madden (2023b) specifically acknowledged the emerging issue of HPAI and the potential significance of gamebird releases to wild bird populations. He noted that some relevant evidence had been submitted to the call for evidence but still considered that detailed data was sparse. Examining data from wild birds reported to APHA and subsequently confirmed as being infected with HPAI, the author notes that the percentage of infected gamebirds reported appears to be lower than might be anticipated and suggests that this might indicate either underreporting of gamebirds or lower susceptibility to the disease. However, he advises caution due to the limitations of the data and suggests that further data is required.

Madden (2023b) acknowledged that there was relatively little data that exclusively and specifically focussed on gamebird release and management in Wales. However, it found that in most aspects, patterns of release were broadly similar to those seen in the rest of the UK and that it was 'broadly feasible' to apply UK data to inform decisions relating to Wales. Though, this may not always be the case, for instance if shoots operated in significantly different habitats in Wales compared to other areas, although it was noted that the primary concentrations of shooting activity appeared to be seen close to the border with England. The most marked differences were likely to be the smaller proportion of partridge released compared to the rest of the UK, the differences in agricultural incentives and legislation in Wales, and the general differences in agricultural land use.

Madden (2023b) identified and compared the key evidence gaps identified in the 2020 reports and referred to some of the work that had since begun with a view to addressing those gaps. Much of this work has been commissioned by Defra (albeit with a focus on European protected sites in England) with other work being commissioned by other stakeholders including RSPB, BASC, GWCT and the ARC Trust. The report anticipates that, once completed, this work should significantly contribute to our understanding of the scale, extent and effects of gamebird releases and management at a UK scale and is likely to be highly relevant to future decision making in Wales.

Gamebird survival rates and patterns of dispersal

Most environmental effects of gamebird release will be associated with the abundance of birds. The proximity and scale of the release, combined with the dispersal habits of the birds, their survival rates and any human interventions will all contribute to gamebird density at a given location and the associated level of impact.

The available evidence, which mostly relates to England, indicates that both released pheasants and partridges exhibit poor survival rates following release, with only around 15% surviving past the end of the shooting season and into February with around 36% being shot and the rest lost due to predation and other causes. Most of these survivors will be expected to have died before the start of the subsequent shooting season.

Very few peer reviewed studies have examined gamebird dispersal distances in the UK. Those that have, have determined dispersal in terms of home range or dispersal distance from release locations. For example, some studies reported the mean dispersal distance (the average distance from the release site at the end of the study period) while others used mean maximum range dispersal (the average of the maximum distance each bird was reported as travelling from the release site). Published studies suggest dispersal distance maybe influenced by game management practices, habitat quality and seasonality. For example, birds are less likely to roam far if their needs are catered for close to the release site and the release densities do not exceed the capacity of the habitat. Feeding strategies, such as the placement of feeders or cover crops, can influence the direction of dispersal, and shoots may employ direct interventions to 'herd' birds back towards the release site. In most cases it will be in the interests of the shoot to ensure birds do not stray far, particularly where they may disperse out of the estate. However, these factors and practices could also, intentionally, or unintentionally, encourage birds to move into sensitive areas. In their document, Gamebird Releasing and Management in the UK, the GWCT recognise this:

"In some circumstances, however, it is possible that poorly managed pheasant releases will occupy adjacent or distant habitats at greater densities than this. This is more likely to happen at particularly large shoots, and to put it simply, when the habitat for pheasants on the shooting grounds is less good than the habitat in a nearby area." (Page 40)

Available studies find that the majority of released gamebirds remain within relatively close proximity to the release site. Most conclude that females have a significantly greater dispersal than males. Although most birds appeared to remain fairly close to the release sites, some clearly range beyond 500m, particularly females.

We feel that the current evidence indicates that whilst we may expect to see high densities at, or very close to, release pens, those densities will tend to rapidly decrease as distance from the release pen increases, and over time. At all locations, the highest densities will typically be found between late summer and the start of the shooting season.

Based on the available evidence we can be reasonably confident that beyond 500m of release sites, gamebird densities are likely to be low unless high densities are released into habitats unable to accommodate them, or unless topography, land use or human interventions encourage those birds to disperse more widely or in a particular direction. It can therefore be anticipated that, in most cases, where accepted good practice is followed, the risk of significant impacts arising from the presence of released gamebirds is unlikely to extend beyond 500m from the release site.

A rapid review of the available evidence relating to gamebird survival and patterns of dispersal is attached at Annex 2.

The risk of the spread of Highly Pathogenic Avian Influenza to wild birds from released pheasants

Highly Pathogenic Avian Influenza (HPAI) is a highly contagious viral disease which affects the respiratory, digestive and/or nervous systems of many species of birds. Since 2020, more than 80 different species of birds have tested positive in the UK.

HPAI outbreaks can occur at any point in the year however, the risk is increased during the cold season due to the winter migration patterns of wild waterfowl (wild ducks, geese, and swans) coming from Asia and continental Europe into the UK.

The unprecedented spread of HPAI H5N1 through breeding seabirds in Great Britain and north-western Europe has resulted in the persistence of HPAI in GB throughout 2022 and into winter 2022/2023 (at the time of writing). The risk of HPAI being introduced into domestic poultry or other captive birds will predominantly depend on the prevalence and pattern of virus shedding in wild birds and the level of biosecurity.

Disease transmission was identified by the three scientific reviews of Madden and Sage, (2020), Mason et al. (2020) and Sage et al. (2020) as a negative impact pathway from released gamebirds to wild bird populations. In a recent peer-reviewed publication Defra released a [risk assessment that considered in Great Britain the transmission risk of HPAI virus H5N1 to wild birds from pheasants](#) infected at a release site before and after release.

Though this risk assessment considered the release of large numbers of pheasants (defined as: in excess of wild bird populations) at an individual release site, it did not consider impact across the total number of release sites across Great Britain or sites where small number of pheasants are released. When assessed against ten wild bird groups and across all habitat types, for captive pheasants infected with HPAI after release the likelihood of at least one H5N1 transmission event to wild bird per release site was very high for Anseriformes (ducks, geese, and swans), birds of prey, corvids (crows), waders, gulls, and wild pheasants, high for owls and passerines (songbirds), medium for pigeons and negligible for seabirds.

The APHA poultry register was introduced to assist in the prevention and control of outbreaks of notifiable avian diseases like avian influenza. An outbreak of HPAI in gamebirds in rearing, release and catching-up pens would be addressed by reporting suspected cases to Defra and APHA and through specific biosecurity measures such as housing orders and avian influenza prevention zones (AIPZ). In Great Britain, the shooting season for pheasant ends on the 1 February and in England and Wales shoots “catch-up” surviving birds for breeding purposes. Defra produced a [rapid risk assessment of the probability of caught up gamebirds being infected with HPAI H5N1 at the end of the 2022/23 shooting season.](#)

This review has not therefore focussed on mitigating the risks arising from HPAI although we recognise that having a regulatory approach in place could assist future responses to outbreaks.

Socio-economic effects of game shooting in Wales

Two substantial reviews into the socio-economic contribution of shooting sports to the UK have been commissioned and funded by a partnership of UK shooting and countryside organisations. These were carried out by Public and Corporate Economic Consultants (PACEC) in 2006 and 2014 and considered all shooting sports, not just game shooting. An updated evidence report from PACEC is due in March 2023. Although it has not been possible to consider this latest report in the development of this consultation, we expect to be able to consider it before our final approach is agreed.

The PACEC reports are often used to indicate the significance of the positive economic and social contribution of shooting sports in the UK. The 2014 PACEC considered the economic impacts at a regional level and stated that in Wales in 2013/14, sporting shooting accounted for £75M “GVA attributed” and supported an estimated total of 2400 FTE Jobs throughout the supply chain. It found that conservation labour to the equivalent of 490 FTE jobs was provided by the sector in Wales.

However, the PACEC reports have been subjected to a detailed critique by an independent review funded by the League Against Cruel Sports: Cormack & Rotherham (2014) *A review of the PACEC reports (2006 & 2014) estimating net economic benefits from shooting sports in the UK*. The critique did not dispute that the sport shooting industry made significant contributions to the economy, the environment, and to rural communities. However, it challenged the methodologies used, both in the way the data had been gathered and the way it had been assessed. It claimed that standard Treasury and Office for National Statistics (ONS) approaches had not been followed and that the figures derived were likely to be overestimates.

The only one of the three 2020 reviews to consider socioeconomics, Mason et al. 2020, considered both these viewpoints and recognised the disputed nature of the economic evidence. They recognised that both were commissioned by stakeholders with particular interests, and that there was currently no truly independent assessment available. Whilst Mason et al. 2020 recognise that most of the evidence relating to economic effects are for positive effects (albeit the scale is disputed) they also identify some negative effects, particularly the impact of released gamebirds on crops and the costs arising from road and aviation collisions involving gamebirds.

PACEC 2014 also looked at the social benefits of shooting in the UK to shooting providers and participants and stated that in over 97% of cases, shooting participants agreed or strongly agreed that shooting contributed to their wellbeing. 87% agree or strongly agree that shooting contributes to the social fabric of the local area, and 81% agree or strongly agree that it contributes to local employment and skills. Cormack and Rotherham (2014) reviewed this and stated that the information on the social and environmental costs and benefits of the industry was based on limited and partial information. Mason et al 2020 found no published studies that assessed the social and well-being effects of shooting from a representative sample of the population, or specifically in relation to non-native gamebird shooting.

A recent report focussing on Wales - [*Community Spirit – what game shooting means for Welsh people and the countryside – Personal testimonies from a 2020 survey conducted by the Game and Wildlife Conservation Trust*](#) presents the views of members of the

shooting community who live in or visit Wales, about the impact that they feel game shooting has on them and the environment and what the impact would be if game shooting were to be prohibited in Wales. It collates their responses under each of the goals from the Well-being of Future Generations (Wales) Act 2015. The report makes it clear that game shooting in Wales is extremely important to those who participate and that many see it as under threat.

In our call for evidence, we invited evidence of the socioeconomic effects of game shooting in Wales and we received a small number of personal submissions which mostly focussed on socioeconomic effects. One respondent, who manages a Welsh shoot explained that *“Release of game birds for shooting provides essential income in the winter, which would be very difficult to replace, and should not be viewed as “stand alone” income due to the integrated nature of employment with other activities throughout the rest of the year”*.

The National Gamekeepers Association provided a document containing statements from a number of people involved in the sport or who benefit economically from shoots. These including gamekeepers, beaters, owners of local hospitality businesses and people employed in businesses that relied to some extent on shooting. Those providing statements refer to the importance of shooting to their well-being, sense of community and to their livelihoods.

However, we also received several submissions that provided personal evidence of negative effects that game shooting can have on the socioeconomic wellbeing of local communities. These submissions appeared to concern larger commercial shoots.

Conclusions of our review

Is there a problem in Wales and, if so, what is the scale?

Having considered the evidence and reviewed the current situation in Wales we feel that there is a problem in Wales and that change is needed.

The available evidence suggests that whilst there are opportunities for game shooting to contribute to biodiversity improvements, this is contingent on shoots operating in appropriate locations, adopting good practice, and carrying out appropriate levels of positive management. Where the right balance is not achieved, or where releases take place in particularly sensitive areas, harm may be occurring.

Where releases occur within the boundaries of protected sites, the statutory SSSI consenting process provides a means by which the potential effects of gamebird releases on features can be addressed through a regulatory process. Outside the boundaries of protected sites there is currently no effective mechanism for monitoring or managing the effects of gamebird releases.

This situation presents environmental risks, firstly in terms of impacts on protected site features from releases occurring outside, but close to, site boundaries, and secondly in

terms of impacts on important habitats and species that are not contained within designated areas.

In Wales, Welsh Ministers and public authorities like NRW, are under legal obligations to take action to protect a range of habitats and species that are likely to be sensitive to gamebird releases. These habitats and species occur across Wales, yet the existing regulatory mechanism can only be applied to releases occurring within the boundaries of a SSSI.

Whilst red-legged partridge account for a significantly smaller proportion of the gamebird releases in Wales than in other parts of the UK, they are largely confined to localities where suitable habitat exists and may therefore have significant effects in those areas. Whilst it is often considered that partridge releases typically occur in less sensitive habitat types than pheasant releases, and are therefore less likely to have negative impacts, some of the more threatened vascular plants listed under section 7 of the Environment (Wales) Act 2016 as being “of primary importance” occur in arable land. We are aware that in some cases red-legged partridge may potentially be released into semi-natural upland habitats in and in others partridge and pheasant may be released together from woodland pens.

How effective are current approaches?

We have considered at evidence of compliance with both statutory requirements and voluntary restraints in the game shooting sector and whether we can be confident that current approaches are likely to provide an effective alternative to regulation.

Compliance with compulsory registration on the APHA Poultry Register

The APHA poultry register was introduced to assist in the prevention and control of notifiable avian disease outbreaks. Registration is voluntary only for those holding fewer than 50 birds; above that level registration is mandatory. Even the smallest shoots would be expected to keep more than 50 birds and therefore we would expect all shoots to be registered. However, the evidence indicates that compliance with the register amongst shoots is low. In Wales, the report we commissioned estimated that the levels of compliance with the mandatory register was likely to be somewhere between 20-73%. This broadly corresponds with the picture in England reported by Madden & Sage (2020).

Identifying the reasons for poor compliance with mandatory APHA registration is largely speculative. There are suggestions that some shoots may simply not realise that they are obliged to register or that elements of the APHA form may lead to confusion. However, it is difficult to fully explain the low levels of apparent compliance in this way.

Adherence to Codes of Practice and Best Practice Guidelines

Organisations representing the shooting community often refer to voluntary codes of practice and guidelines forming a key part of a suite of “self-regulation” and suggest that they are widely followed. Some suggest that they negate the need for further regulation. However, whilst the guidelines themselves are widely accepted to be based on ‘good

science', they are not mandatory, and critics argue that there is little evidence to demonstrate how widely they are adopted by shoots.

Madden (2023a) looked for published data that might provide an indication of levels of compliance with GWCT guidelines on release densities. He found no data for Wales but identified three papers that considered releases in England. These all reported mean release densities significantly above those recommended by the GWCT and suggested that, in England, less than 15% of release pens were likely to be stocked within those thresholds, although it was also suggested there may be some weak evidence to indicate a downward trend in stocking densities.

Some of the studies that report high density releases appeared to be based on data collected some years before their publication dates. These include [Pressland \(2009\)](#) and [Neumann et al. \(2015\)](#) which were both based on sampling carried out around 2006. It may be that compliance has improved since this time. However, the broad conclusion must be that compliance with voluntary codes of practice and best practice guidelines may be low and patchy.

Effectiveness of the voluntary phasing out of lead shot for live quarry

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.

In 2020, [nine leading shooting and countryside groups formally announced a commitment to a five-year transition to completely phase out the use of lead shot for live quarry shooting](#), through a process of voluntary restraint. However, annual studies have assessed its effectiveness by taking samples of shot from wild pheasant meat for sale in the UK and analysing its composition. with the [most recent study reporting](#) that three years into the transition period 94% of pheasants from which pellets were recovered contained lead shot. Whilst change may not be happening at the rate hoped for, it may be reasonable to argue that the transition period includes time for shoots and suppliers to plan for the transition and that this initiative should only be judged on the results at the end of the full five years. Some have also [indicated that the disruption caused by the Covid pandemic has slowed progress](#).

Implications for reliance on voluntary approaches

The game shooting sector recognise the importance of demonstrating its sustainable credentials. The introduction to the Code of Good Shooting Practice puts it this way:

“Shooting and shoot management practices will be judged by the way participants and providers behave. Our sport is under increasing and detailed scrutiny and we must demonstrate that we conduct it to high standards.”

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.

Reliance on assumptions or assurances that voluntary approaches are being followed, or will be followed in the future, is unlikely to give confidence to those who have concerns about the impacts of gamebird releases on the environment now. Nor is it likely to be sufficient to meet the statutory obligations of the Welsh Ministers, Welsh Government and NRW, particularly given that the limited evidence available suggests that such assumptions may not be robust.

We recognise that it can be difficult to change, even when the right approach is clear. Exercising voluntary restraint may be particularly difficult where there is concern that competitors may be gaining a commercial advantage by not taking the same steps.

Scale of change that is needed

There is good evidence that many of the management activities associated with gamebird releases have the potential to deliver positive outcomes for biodiversity, but that at unsustainable levels or in sensitive locations, gamebird releases have the potential to cause environmental harm.

We feel that the evidence of the potential for negative impacts at, and close to, release sites is persuasive and that there is broad agreement about the appropriate measures that can reduce and manage those impacts.

We consider that the risks and opportunities arising from gamebird releases are not only relevant to the protected sites network. We know that habitats and species of principal importance to biodiversity in Wales listed under section 7 of the Environment (Wales) Act 2016 are found across Wales and not just in designated areas. Similarly, we estimate that only around 9% of the mapped ancient woodland in Wales falls within a SSSI, although the best examples would typically be found within protected sites.

We recognise that there is also a complex network of other possible effects for which the evidence is currently weaker or more ambiguous. Many of these effects may have implications at a wider scale. Some of these effects are the subject of ongoing evidence programmes and we expect that our understanding will improve over the next two or three years. Developing a regulatory response to try and manage these effects at this time would be difficult and may risk being counterproductive. The most appropriate response to these risks at this time may be to monitor the situation and ensure that any approach we introduce is sufficiently flexible to allow for new evidence to be acted on promptly.

That the lack of quality data about the scale and location of releases in Wales is a significant obstacle to improving our understanding of the environmental and socio-economic consequences of game shooting, both positive and negative. We consider that the APHA poultry register should provide a reasonably accurate indication of the scale and location of gamebird releases, but that poor compliance by shoots is a problem. We therefore consider that any new approach, and associated guidance, should include some awareness-raising and could also explore any barriers to compliance with the register.

We consider that existing legal provisions provide a mechanism to manage and monitor gamebird releases within protected sites, but that currently we do not have the tools to monitor, or to effectively influence, releases outside of those site boundaries. This means that we are currently at risk of failing to properly protect the features of SSSI and European

sites or to protect other species and habitats of importance for which we have legal obligations.

We recognise that the shooting community has developed a suite of evidence-based voluntary codes and guidelines aimed at reducing negative impacts and maximising positive effects, but we do not have confidence that these measures are currently providing effective self-regulation. Similarly, we recognise that assurance schemes such as British Game Assurance make a valuable contribution, however as voluntary subscription schemes these are unlikely to provide a solution across the sector. We feel that voluntary approaches and assurance schemes have an important role to play, but they do not appear to be an effective alternative to regulation.

A failure to regulate may bring risks of unmanaged impacts on biodiversity, an inability to monitor those impacts. However, we recognise that introducing new regulation may also carry risks. There may be unintended consequences that impact on the socio-economic benefits of shooting and could affect the motivations of game managers to manage land in a manner that is also beneficial for biodiversity. We can reasonably assume that a significant amount of conservation effort is directly linked to management for shooting. There is broad agreement that shoots have the potential to minimise negative impacts and deliver net biodiversity gain, but that realising that potential critically depends on good practice being followed.

We acknowledge that the current suite of ongoing research will contribute to our understanding and that the evidence base is likely to continue to evolve. However, we can take steps now to manage the impacts for which the existing evidence is reasonably clear, both in terms of the nature of the impact and the available remedy. Regulation should also be recognised as providing a tool for gathering data.

We consider that any new regulatory approach should:

- enable us to identify and manage environmental risks without disproportionately affecting the ability of shoots to operate.
- improve our understanding of the scale and location of releases – particularly near sensitive protected areas.
- allow shoots that follow accepted good practice to continue to operate without significant additional regulatory burdens.
- give shoots the opportunity to make the case if they want to take a different approach.
- be funded fairly and appropriately.
- be flexible enough to allow us to respond promptly to new evidence as it becomes available.

We recognise that regulating the release of gamebirds may not provide a solution to some of the impacts reported, such as noise from shooting activities and associated impacts on neighbouring communities. We consider that there may be scope to explore the role that

other regulatory frameworks, such as the development planning system, could play in managing these effects.

PART D: Our proposed approach for regulating the release of gamebirds (common pheasant and red-legged partridge) in Wales from 2024

We propose advising that common pheasant and red-legged partridge are added to Schedule 9 of the Wildlife and Countryside Act 1981 in Wales

We propose to advise the Welsh Ministers that common pheasant and red-legged partridge should be added to Schedule 9 of the Wildlife and Countryside Act 1981 as it applies to Wales. This will mean that any intentional release of those species into the wild anywhere in Wales would be an offence under section 14 of the Act unless carried out under licence granted by NRW.

We propose introducing a general licence for releases at sustainable levels away from protected sites which may be sensitive to impacts from released gamebirds

We propose that, for most of Wales, releases at densities adhering to currently accepted good practice should be permitted under a general licence, issued annually.

We propose broadly basing the terms and conditions of this general licence on the Game and Wildlife Conservation Trust's Guidelines for Sustainable Gamebird Releasing.

For pheasant releases (or mixed pheasant and partridge releases from the same pen), we propose that the general licence will permit releases of a density no greater than 1000 birds per hectare of release pen, or no greater than 700 birds per hectare of release pen in mapped Ancient Semi-Natural Woodland.

For red-legged partridge releases into arable land or improved grassland, we propose that the general licence will permit releases up to a density of 1000 birds per hectare of dedicated cover crop provided.

We will explore the practicalities of including a condition that no more than a third of woodland with game interest be used for release pens.

We propose that the general licence will not be available for use within the boundary of, or within 500 metres of, a SSSI or European site, unless that site is listed on the licence as a non-sensitive site.

We propose that specific licences should be required for releases within sensitive designated sites or within a 500m buffer around those sites

We propose that releases within, or within a 500m buffer of, the boundary of SSSIs and European sites will not be authorised by the general licence, unless they have been listed as not sensitive to impacts from gamebird releases (see below). Releases in these locations will require a specific licence issued by NRW under section 16 of the 1981 Act.

Within sensitive site boundaries, we propose that this approach would replace current requirements for landowners or occupiers to obtain SSSI consent from NRW under section 28E of the 1981 Act, prior to releasing gamebirds.

As part of determining these licence applications, NRW would apply section 28I of the 1981 Act and regulation 63 of the Habitats Regulations to assess the potential for impacts on designated site features. Shoot managers operating under a section 16 licence authorising the release of gamebirds would not be required to also notify NRW and seek SSSI consent for the release under Section 28E of the 1981 Act.

Within the 500m buffer zone around sensitive SSSI and European sites, a general or class licence that would allow us to rule out, with sufficient confidence, significant impacts of releases on the features of protected sites would require prohibitively restrictive or complex conditions. We therefore propose that, as with releases taking place inside the boundaries of sensitive sites, release of gamebirds within 500m of the boundary will also require a specific licence. Such applications will also be assessed under section 28I of the 1981 Act and Regulation 63 of the Habitats Regulations.

500 metres is the distance beyond which we feel the density of dispersed gamebirds is likely to be below levels realistically capable of having significant effects on sensitive species or habitats.

We propose taking a risk-based approach to identifying non-sensitive designated sites

To ensure that regulation remains light touch where appropriate in line with our regulatory principles, we propose to identify any designated sites that do not contain features likely to be sensitive to any impacts from gamebird releases. We propose to include a list of those sites as an annex to the general licence and keep that list under review.

To include a site on this list, it would be necessary for NRW to be able to rule out any likely significant effect on any of the site features at release levels permitted by the general licence. Releases within or around such sites will be permitted under the general licence if they otherwise meet its terms and conditions.

We will apply the precautionary principle when compiling this list. If we cannot rule out the likelihood of impacts on all designated site features with a reasonable degree of certainty, we will not add the site to the list.

We propose that game managers will be able to apply for a specific licence if they want to operate outside the terms and conditions of the general licence

Whilst we anticipate that most shoots will either already be following, or will be prepared to follow, widely accepted good practice, we accept that in some cases the location of releases together with the scale and nature of associated management may justify a different approach. There seems to be broad acceptance from stakeholders that the burden of proof should be on the shoot to demonstrate this.

We therefore propose that shoots in any location will have the option of applying for specific licences if they do not wish to follow the terms and conditions of the general licence. In applying for a specific licence they will be expected to demonstrate how their release proposal and associated management activities will maintain biodiversity.

We propose to provide a dedicated application process and guidance

We propose creating a dedicated online area of the NRW website for gamebird release licensing. We will use this to provide guidance and tools to help shoots understand what they need to do. This will include an online map showing sensitive protected sites and their buffers, as well as areas of ancient woodland where lower release densities under the general licence would be required.

We will develop a single application form for shoots that need to make a specific application for any reason.

Duration of specific licences

We propose that specific licences may be granted for a maximum of five years, but that the duration of licences should be determined by the nature of the application and the degree to which we can be confident of the environmental effects of the release and associated management.

We propose to consider options for streamlining renewal applications.

Monitoring compliance and performance

We propose developing a system of compliance checks to assess the degree to which new licences are being adhered to. We also propose to monitor our own performance in determining licence applications.

Keeping the approach under review

We propose reviewing the terms and conditions of the general licence annually, with the default position being to renew it unchanged unless there are sufficient grounds to make changes. We propose reviewing the effectiveness of the overall regulatory approach after five years.

Managing licence applications

The lack of quality data on the scale and location of release in Wales and the nature of those releases makes estimating the likely number of specific licence applications under the proposed approach problematic. Additionally, whilst we hope that by offering a light-touch regulatory option for shoots operating within good practice thresholds away from sensitive sites, we will encourage shoots to reduce release densities rather than rely on specific licensing.

Releases within sensitive SSSI are already subject to individual consideration by NRW under the SSSI consenting process. Under the proposals set out in this consultation, whilst the underlying statutory mechanism will change from SSSI consenting to licensing under section 16 of the 1981 Act, the overall regulatory burden on shoots and on NRW is not expected to be significantly greater. However, under our proposals, releases within the 500m buffer zone around those sites would need to submit specific licence application, which will be a new requirement. In some cases, where possible shoots may decide to move their release beyond these zones in order to make use of the general licence.

We will explore options to ensure that any new regulatory approach is operated as efficiently as possible. We will aim to provide shoots with the information they need to determine which licence they need to use on our website.

We will aim to provide a clear and streamlined application process for specific licences and clear guidance for shoots and the NRW staff who will consider those applications. We will provide guidance about the supporting information applicants will need to provide to enable us to make an informed decision.

Cost recovery and charging

We propose that those operating under the general licence will be able to do so without incurring a charge. However, where shoots require a specific licence because they do not wish to operate within the terms and conditions of the general licence, we propose recovering the costs of processing those applications through an appropriate charge.

We do not propose charging where shoots are required to apply for a specific licence purely because their release is located within a sensitive protected site or its buffer but is otherwise within the terms and conditions of the general licence.