

Response ID ANON-QUA2-P9GZ-3

Submitted to **Interim Gamebird Release Licence in England**

Submitted on **2021-03-08 11:21:51**

Introduction

Confidentiality Question

1 Would you like your response to be confidential?

No

If you answered Yes to this question please give your reason.:

About you

1 What is your name?

Name:

National Gamekeepers' Organisation

2 What is your contact email or postal address?

Email/Postal Address :

info@nationalgamekeepers.org.uk

3 In what capacity are you responding to this consultation?

Organisation

If Other, please specify:

Part A – Proposed Interim Licensing Regime

A1 Do you agree that requiring an individual licence for the sites in Group 1 and excluding the sites from list in Group 2 from the scope of the general licence will help minimise negative impacts on the relevant protected sites in an effective and proportionate manner?

No

If you do not agree, do you have an alternative approach? (Please limit your response to 250 words).:

We see no reason to exclude Group 1 sites by name from the General Licence. Instead, the GL should simply exclude, "Any site for which a Stop Notice issued by Natural England is in force." This adds flexibility such that if a Group 1 site were to have its Stop Notice lifted, the GL will automatically be applicable without further ado. It also means that if new sites of concern were to be identified such that a Stop Notice were needed, they would automatically cease to be covered by the GL.

The intention to exclude the listed Group 2 sites from the scheme is correct because they cannot, by their nature, be damaged by gamebird release. This must be done, however, in the wording of the Statutory Instrument amending Schedule 9 WCA. It would be inappropriate and disproportionate to make gamebird release illegal on and around sites which, by definition, released gamebirds cannot harm.

500m Buffer Zone

A2 Do you agree that a 500m buffer zone around SACs and SPAs will ensure that releases do not cause deterioration or significant disturbance of protected features of the sites?

No

If no, why not? Do you have an alternative approach? (Please limit your response to 250 words).:

If the scheme proceeds (and overall we do not think it should - see below), the buffer zone should be a maximum of 300m. The evidence paper, the scientific research it references and NE's own advice to Defra all make quite clear that significant damage is invariably confined to release pens with high densities of gamebirds and to within just 15m of such pens. Research to find such damage has only looked out to a distance of 300m because beyond that distance, no such damage is found. There is no evidence to support NE/Defra's proposal to 'help itself' to a further 200m buffer. There is nothing to justify this 'precautionary basis' yet it will necessarily impact on significantly more ground, extending the economic and potential environmental downsides of the scheme.

A3 Do you agree that introducing a 500m buffer zone around SACs and SPAs is feasible?

No

If no, why not? (Please limit your response to 250 words):

It is "feasible" but it should not be done - see above.

General Licence Conditions

A4 Do you agree with the density limits chosen in order to minimise negative impacts of gamebird release on SACs and SPAs?

Yes

If no, why? Do you have an alternative approach? (Please limit your response to 250 words):

If the scheme is to go ahead, it will be right to base it on release densities that have been shown by research to be harmless. The densities for pheasant release proposed in the consultation are based on science, have been recommended by the Game and Wildlife Conservation Trust for many years and are known not to cause problems.

The quoted density for partridges is derived from best practice rather than science - because there is none - but we believe it to be a reasonable figure.

Data Collection

A5 Do you agree that users of the general licence should be required to supply information on the location and number of birds being released under it, along with information on their SSSI consent for releases on SACs and SPAs?

No

If you do not agree, why not? Do you have an alternative approach? (Please limit your response to 250 words):

We emphatically oppose the requirement to supply such information. Gamebird release sites are well-established targets for poachers and animal rights activists and are sensitive sites in their own right, vulnerable to disturbance. There are just too many examples of such data sets being either misused within Government or leaked to outsiders, inadvertently or otherwise.

Examples include the unlawful misuse of GB Poultry Register data in relation to assessing this very scheme; the release to animal rights campaigners of lists of individuals registered with Defra for badger culling; and the 'mistake' made by NE in releasing the name of an applicant for a buzzard culling licence, resulting in his being pilloried on the internet and his property being invaded by activists.

Additional Conditions

A6 Are there any other conditions that you would like to see in the General Licence for releases on SACs or SPAs?

Yes

If yes, please state what and why (Please limit your response to 250 words):

There is no-where else in the consultation survey to say this, so we say it here:

We would strongly suggest that if this scheme is to go ahead, the term of the General Licence should be 2 years, which is allowed for in law. This would tie in with a 2 year sunset clause on the Statutory Instrument, which we also strongly favour (see below).

This scheme is only being suggested because NE is way behind in its work consenting gamebird release on protected sites. NE needs to be put under time pressure to complete its work as a priority, so that this bureaucratic and - we believe - unnecessary and harmful scheme can be done away with as soon as possible.

A7 Please highlight any views you may have on the condition above, or additional suggestions for conditions. (Please limit your response to 250 words).

Views/Suggestions:

Whilst we do not accept that the scheme itself is necessary, the proposed GL conditions are at least related to the evidence base, such as it is, for potential harm to protected sites. We would oppose any extension of the conditions beyond what is proposed here.

General Licence Recommendations

A8 Please highlight any views you may have on the recommendation above, or additional suggestions for recommendations. (Please limit your response to 250 words).

Views/Suggestions:

We would accept this as a recommendation. We would oppose it becoming a condition.

Part 1 Schedule 9 Wildlife and Countryside Act 1981

A9 Do you have any objections and representations with respect to the addition of the red-legged partridge and common pheasant to Part 1, Schedule 9 of the WCA 1981?

Yes

If yes, please set out what these are and why (Please limit your response to 250 words):

The wording of the Statutory Instrument amending Schedule 9 WCA must exclude the Group 2 sites (see above). This must not left to the General Licence. It would be disproportionate, and therefore perhaps unlawful, to make gamebird release illegal on and around sites which, by definition, released gamebirds cannot harm.

The change to Schedule 9 should therefore only make unlawful the release (unless licensed) of common pheasant and red-legged partridge on and within 300m [note the reduction from 500m - see above] of European protected sites, excluding all those listed on Group 2.

A10 Do you agree with the proposed inclusion in the statutory instrument of the sunset clause and a requirement on the Secretary of State to carry out a review after two years of the need for these statutory restrictions on gamebird releases on SACs and SPAs and in a 500m buffer zone around them?

Yes

If no, please state why (Please limit your response to 250 words):

We require a sunset clause. It should be two years, not three (for the reasons we have given above) and if it was 2 years, there would be no need for the Secretary of State to carry out an interim review.

Part B – Economic Impacts

B1 Do you release common pheasant and/or the red-legged Partridge within an SAC or SPA or within a 500m buffer zone of an SAC or SPA?

Not Answered

B2 Please indicate the size of your shoot, using the following definition:

Not Answered

B3 Please indicate whether your business meets the definition for a micro or small business:

Not Answered

B4a Licence Condition - The density of pheasants released must not exceed 700 birds per hectare of pen area within a protected site. Please indicate whether this licence condition will impact on your operations and what changes will you need to make to meet the proposed licence condition.

Not Answered

What would you need to change and how much would this cost?:

Would you be unable to adapt your operations to meet this condition? Why:

B4b Licence Condition - The density of game birds released must not exceed 1,000 birds per hectare of pen area within the 500m buffer zone. Please indicate whether this licence condition will impact on your operations and what changes will you need to make to meet the proposed licence condition.

Not Answered

What would you need to change and how much would this cost?:

Would you be unable to adapt your operations to meet this condition? Why?:

B4c Licence Condition - Single and trickle releases of pheasant must not exceed these limits during the entirety of one season cycle (including replenishing/replacing) within both the protected sites and 500m buffer zone. Please indicate whether this licence condition will impact on your operations and what changes will you need to make to meet the proposed licence condition.

Not Answered

What would you need to change and how much would this cost?:

Would you be unable to adapt your operations to meet this condition? Why?:

B4d Licence Conditions - The density of red legged partridges must not exceed 3 birds per square metre of pen area within both the protected sites and the 500m buffer zone. Please indicate whether this licence condition will impact on your operations and what changes will you need to make to meet the proposed licence condition.

Not Answered

What would you need to change and how much would this cost?:

Would you be unable to adapt your operations to meet this condition? Why?:

B4e Licence Condition - Activity in the buffer zone, including the siting of pens and feeding of birds, must not encourage the released birds towards, or over, the boundary of the adjacent SAC or SPA. Please indicate whether this licence condition will impact on your operations and what changes will you need to make to meet the proposed licence recommendation.

Not Answered

What would you need to change and how much would this cost?:

Would you be unable to adapt your operations to meet this condition? Why?:

B4f Licence Recommendation - Any pens and feeding stations located within the buffer zone must be placed on level ground and should not be placed within 50 metres of a watercourse flowing towards an SAC or SPA designated for its river or wetland habitat. Please indicate whether this licence recommendation will impact on your operations and what changes will you need to make to meet the proposed licence recommendation.

Not Answered

What would you need to change and how much would this cost?:

Would you be unable to adapt your operations to meet this condition? Why?:

B5 If you believe that you cannot amend your operations to meet one or more of the conditions outlined in questions B4a - B4e, would you apply to Natural England for an individual licence?

Not Answered

If yes, what activities would you be applying to undertake (e.g. release 2,000 pheasants per hectare)? (Please limit your response to 250 words):

B6 If you are unable to amend your operation to comply with the conditions and / or were refused an individual licence, what would you estimate the financial impact would be? We would welcome detailed information on impacts such as lost earnings, lost wages, cancelled orders from suppliers, etc. (Please limit your response to 250 words).

Details of Financial Impact :

Part C – Alternatives to Proposed Licensing Regime

C1 Do you wish to set out any alternatives to the proposed licensing regime that can be implemented within the same timescales and can provide the equivalent level of protection for SACs or SPAs?

Yes

If yes, please state what and how it might be implemented in the relevant timescales (Please limit your response to 500 words):

We do not believe that this heavy-handed interim licensing scheme is necessary or proportionate to the problem.

Wild Justice correctly identified that NE had not been carrying out site-specific assessments on gamebird release and began a probing legal action against Defra.

In its first two witness statements, Defra took the view that whilst NE was indeed behind with its work, there was no material risk to the protected sites and that a plan to get things up to date was in hand.

Only in its third witness statement did Defra cave in and pledge this interim licensing scheme. It made that decision without having first carried out the necessary Habitat Regulations Assessment as to its impact. Indeed, that HRA has still not been completed and we have been told that it will not include any assessment of the potential harm done by restricting gamebird management (noted in NE's advice to Defra as having considerable benefit), despite the Government's own advice on Gov.UK making it quite clear that any change to an existing project or plan must have an HRA.

In our view, therefore, the Interim Licensing Scheme as proposed and to the timetable suggested, is of questionable legality for a number of reasons. It is certainly out of all proportion to the tiny amount of damage ever identified to protected sites as a result of gamebird release - and which has always been satisfactorily addressed by Stop Notices and other means in the past.

Defra should conclude that this scheme is inappropriate and instead tell NE to get on with its site consenting assessments as a priority, providing more resource if it is needed. Wild Justice are highly unlikely to persuade the court to give permission to bring a further case if such a plan is clearly in place, given the trivial evidence of the 'problem'.

Part D - Consultee Feedback on the Online Survey

D1 Overall, how satisfied are you with our online consultation tool?

Satisfied

D2 Please give us any comments you have on the tool, including suggestions on how we could improve it.

Comments: