

Response ID ANON-QUA2-P9B3-Q

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

Submitted on **2021-03-09 19:58:46**

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:

James Legge

2 What is your contact email or postal address?

Email/Postal Address :

james-legge@countryside-alliance.org

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).:

Our response to this consultation should not be taken as any indication that we believe that this proposed interim licensing scheme is necessary, justified or proportionate given the available evidence.

If there is to be this additional interim licensing regime then we see no reason to exclude Group 1 sites from the scope of the interim General Licence. It should simply be the case that where there is a stop notice on an SCA or SPA the General Licence cannot be relied on. This would mean that if the situation of the two sites listed in Group 1 was to change, then they could be covered by the interim regime. Similarly, if a stop notice were to be applied to another site then it would no longer be covered by the interim General Licence.

We are full in agreement that sites, listed as Group 2, which by their very nature, cannot be harmed by gamebird releases should be excluded entirely from the interim licensing regime. However, the exclusion of these sites should be on the face of the statutory instrument amending Schedule 9 of the Wildlife and Countryside Act 1981.

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).:

The evidence does not exist to justify a 500m buffer zone. Any buffer zone should be 300m maximum and even that is hard to sustain on the available evidence. It is abundantly clear that significant damage is limited to within 15m of pens with high densities of gamebirds. Defra should do all it can to limit the impact of these proposals and not extending the buffer zone unnecessarily would help.

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):

We have answered 'no' because the question should not be about feasibility but whether a buffer zone is justifiable on the evidence. Of course introducing any buffer zone is feasible but any buffer zone should be limited on the basis of the available evidence as set out above. 500m cannot be justified.

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):

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 simply do not have confidence in the security of any information gathered based on the past leaking/loss of sensitive information, and also the unlawful use by government of data for purposes other than that for which it was gathered, including the poultry register in considering the feasibility of this current proposal. Animal Rights groups are a constant and real threat to shoots, farmers and others in rural areas and government has a woeful record of keeping sensitive data secure and putting people at risk.

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):

Given the interim nature of the licensing regime we believe that shoots must have as much certainty as possible. As such the interim General Licence should be issued for a full two years. This would avoid the uncertainty which always surrounds the issuing of general licences for other purposes on an annual basis. We are also of the view that this would dovetail with our proposal that there should be a two year sunset clause on the amendment to Schedule 9 of the Wildlife and Countryside Act.

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:

We believe there should be no further conditions on the licence, as there is not the evidence which would justify any further conditions. Defra must honour its commitment to make this licensing regime, necessitated as it is by the failure of Natural England to do its work, as light touch as possible.

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 are content to accept this as a recommendation, but would oppose it being 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):

As stated previously, we do not believe this additional layer of bureaucratic licensing is necessary, or indeed proportionate based on the evidence available.

If, however, this scheme is to be introduced the Statutory Instrument amending Schedule 9 must include those excluded sites (Group 2) set out in the consultation. There can be no grounds for any uncertainty that the legal position of those sites in relation to Schedule 9 remains unchanged and releasing remains lawful, and not subject to the new licensing regime.

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):

Without a sunset clause the proposed licensing regime would in a legal sense be permanent not interim. A permanent change in the law would have been made, with no certainty that the change would ever be reversed. The Government must honour its promise that this additional licensing is interim, not least in recognition that this licensing is needed, according to the Government's own statements, because Natural England has failed to do the necessary work.

We believe that the Secretary of State must require Natural England to have completed the necessary work with respect to those SPAs and SACs concerned within two years and that to avoid 'drift' the sunset clause should be two years and not three.

Not only would this help focus minds at Natural England but it would obviate the need for the interim review after two years. It is hard to see what such a review could achieve beyond wasting time and resources that would be better spent assessing the relevant protected sites so that this unnecessary licensing regime could be done away with in a timescale that made it genuinely interim i.e two years.

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):.

As we have stated repeatedly, we do not believe this interim licensing is necessary. The evidence does not exist to justify what is being proposed and therefore it cannot be a proportionate response, given that there is almost no evidence that releasing gamebirds is a problem on protected sites, and there is an existing legal regime that would allow any activities to be stopped, if damage is being caused.

The Government should abandon the licensing scheme and require Natural England to complete the necessary work and ensure they have the resources to do so. A clear two year sunset clause should focus minds on the job .

We are also concerned that the timescale for the introduction of this additional layer of licensing is unrealistic and unfair on those who will be subject to it. The Government seems more concerned about litigation than the possible damage caused to livelihoods and the environment by the hasty introduction of this licensing scheme.

Part D - Consultee Feedback on the Online Survey

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

Neither satisfied nor dissatisfied

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

Comments: