

BY EMAIL

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Direct Dial: [REDACTED]

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Your Ref: Z1911900/MBJ/JD3

Our Ref: TGY/TWS/00191552/3

Date: 21 October 2020

By email to:

[REDACTED] [REDACTED]@ [REDACTED] [REDACTED]

Dear Sirs,

**Wild Justice v Secretary of State for Environment, Food and Rural Affairs
CO 731 2020**

Thank you for your letter dated 13th October 2020 enclosing the Third Witness Statement of [REDACTED] [REDACTED] ([REDACTED] [REDACTED]) and Exhibit EB3.

The failure to address the contents of the Witness Statement and Exhibit in the skeleton argument served on the Administrative Court and all parties on 19th October 2020 was an oversight on our part and for this we sincerely apologise. It is likely that we will provide a supplementary skeleton arising from the matters below. It may be that the issues of dispute between us will be somewhat narrowed in the light of those matters.

We have now had the opportunity to take instructions from our client. We note that, on the basis of the conclusions of the Madden and Sage Report and Natural England's subsequent advice to Defra, the Secretary of State is minded to put in place an interim licensing regime for 2021 releases of Pheasant and Red-Legged Partridge within European protected sites and within a 500m buffer around the sites.

While our client welcomes the general principle of the proposals, they are naturally keen to ensure that the design of the interim regime is premised on a proper understanding of the law and underpinned by evidence. In order to proceed, we would be grateful to receive your response to the following questions:

Leigh Day postbox@leighday.co.uk - www.leighday.co.uk

Priory House, 25 St John's Lane, London EC1M 4LB

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1. Please precisely explain and provide the evidential basis and legal rationale for the proposal that a protective buffer zone of just 500m around European sites is appropriate (with reference to, for example, the Madden and Sage Report and/or other peer-reviewed scientific studies);
2. With regard to the process for adopting the conditions attached to the contemplated general licence, please confirm the intended legal principles underpinning the design of the scheme.
3. In particular, please confirm that the proposed conditions will be framed to ensure that, for all European sites which they cover (including the most vulnerable), compliance with them will make it possible to rule out the possibility of adverse effects on site integrity of the site (including by reference to issues such as the number and density of birds that may be released, the timing of such releases etc.). That of course would not preclude specific licence applications on the basis of proper evidence and assessment which allow for a less restrictive approach to be taken in particular instances; and
4. Please explain the legal basis for restricting consultation on the interim regime to industry (paragraphs 26 and 29) and/or confirm that our client and the general public will be consulted on this importance public interest matter.

We look forward to hearing from you at your earliest convenience, and by no later than **4pm on Thursday 22nd October**, in light of the deadline to serve your skeleton argument by 26th October 2020.

Yours sincerely,



Leigh Day