

Annex F

Copies of any correspondence between Defra and the industry outside of the consultation period between 1 November 2020 and today's date.

We have excluded correspondence sent during the 'consultation period' from this criterion. We have interpreted the consultation period to refer to the three weeks in which Defra's public consultation,¹ which set out the (then) proposed gamebird general licence conditions and sought views on whether the conditions would be effective and proportionate in ensuring that releases do not cause deterioration or significant disturbance of protected features of European sites. This consultation ran between 23 February 2021 and 15 March 2021. We have interpreted 'today's date' to refer to 5 May 2021.

Relevant correspondence exchanged during the consultation period have been set out in Annex G.

Item 33

From: [REDACTED]@basc.org.uk

Sent: 20 January 2021 17:00

To: Sargeant, Anna [REDACTED]

Cc: [REDACTED]@countryside-alliance.org; [REDACTED]@msn.com; [REDACTED]@gwct.org.uk; [REDACTED]@cla.org.uk; [REDACTED]@cla.org.uk; [REDACTED]@moorlandassociation.org; [REDACTED]@basc.org.uk; [REDACTED]@basc.org.uk

Subject: Economic Impact - Interim Gamebird Releasing Regime

Dear Anna,

I have been asked to write on behalf of BASC, NGO, GFA, CA, GWCT, and CLA on the following points with regards to the economic impact.

Last year shooting and rural organisations undertook a survey in order to help inform our understanding of the impact of the proposed interim licence for gamebird releasing, attached is a short paper highlighting our findings. In particular we would draw your attention to the following points:

1. That shoots clearly make decisions in February and March on number of birds and placing orders with Game Farmers for the next season.
2. That an estimated 96-120 shoots release above 1000 birds/ha on or within the proposed 500m buffer of EU designated site.
3. 65 shoots (releasing >1000 birds/ha) would cease operation at a loss to the rural economy of £31,600,000.
4. 28 shoots (releasing >1000 birds/ha) could adapt their shooting activities but would incur lost income and costs amounting to £42,000 per shoot in the first year circa £1,176,000

¹ <https://consult.defra.gov.uk/gamebird-review/interim-2021-england-gamebird-release-licence/>

These figures are based on an assumption, as recommended in the short review of the economic impacts in EB3 exhibit statement, that the impact of the proposal could be minimised by following industry best practice – for example of releasing up to 1,000 birds per hectare. The survey highlights that only 1.2% of shoots release above the industry standards.

As already indicated to you a number of shoots are already having to make decisions on whether they can continue for a further year in light of the financial impact of a shortened shoot season due to C19. This is in addition to the concern being expressed to our organisations of uncertainty as to what the rules and regulations will be around gamebird release on and within the proposed 500m buffer of a SAC and SPA. In order to reduce this impact on shoots it is clear that shoots need to have certainty of the regulations they are operating under now, and also the ability to apply for and obtain an individual licence where their shoot cannot operate within the proposed general licence provisions.

We also note that in the exhibit statement EB3 which includes a short review of the economic impacts of an interim licensing regime, that the recommendations highlights the need to gather further information to carry out a Regulatory Impact Assessment which would include a bespoke study that looks at the size of the industry and how it will be affected by the policy proposal. We would ask for Defra reassurance that this work is being undertaken to ensure a robust Regulatory Impact Assessment underpins these proposals.

We look forward to hearing from you.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED] Conservation

The British Association for Shooting and Conservation

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Item 34

Economic Impact of Defra Proposed Interim Licence Assuming a General Licence Underpinned by Shooting Best Practice on Pheasant and Partridge Release.

A survey was undertaken by the shooting organisations in December 2020, to understand the impact of the proposed Interim Licence for releasing of gamebirds. Key findings were as follows.

1. The total estimated number of shoots currently in operation in the UK

There are approximately 8-10,000 shoots releasing gamebirds in the UK estimated from the Value of Shooting (2014) and GunsOnPegs' Game Shooting Census. The size of these shoots (in terms of birds released) is typically divided into small, medium and large shoots (see below).

Shoots		Birds released	
Size	Percentage	Range	Average
Small	70	<3,000	1,000
Medium	20	3,000-10,000	5,500
Large	10	>10,000	21,000

Data from 2019 GunsOnPegs Shoot Owner Census

Data from our gamebird release survey show our respondents were approximately representative of the size of shoots in the UK. Overall, the density of gamebird release increases with the size of a shoot, but the majority of shoots are still releasing at or below the recommended density in current best practice guidance. It is possible to release above guidance, provided the site and the correct management is in place and does not cause ecological damage.

Shoots		Percentage of shoots releasing at each density (birds/ha of release pen)			
Size	Percentage	<500	500-1000	1001-2000	>2000
Small	67	73	23	4	1
Medium	20	28	58	10	4
Large	13	11	53	26	10

Data from gamebird release survey

2. What is the estimated total number of shoots operating

a. on an EPS

6.4% of shoots, or approximately 512-640 nationwide

b. within 500m of an EPS.

8.5% of shoots, or approximately 680-850 nationwide

In total, 14.9% or approximately 1,192-1,490 shoots nationwide operate on or within 500m of an EPS. That is some area of the shoot, whether or not it is actively shot over or managed, is on or within 500m of an EPS. This is approximately half the 25% of gamekeepers estimated by Defra based on APHA data and could indicate that the responses to this survey are an underestimate.

Most shoots decide on how many birds to order, and then order them, in February or March. That is also when game farmers have to commit to the number of birds they will produce during the biologically defined spring/summer game rearing season.

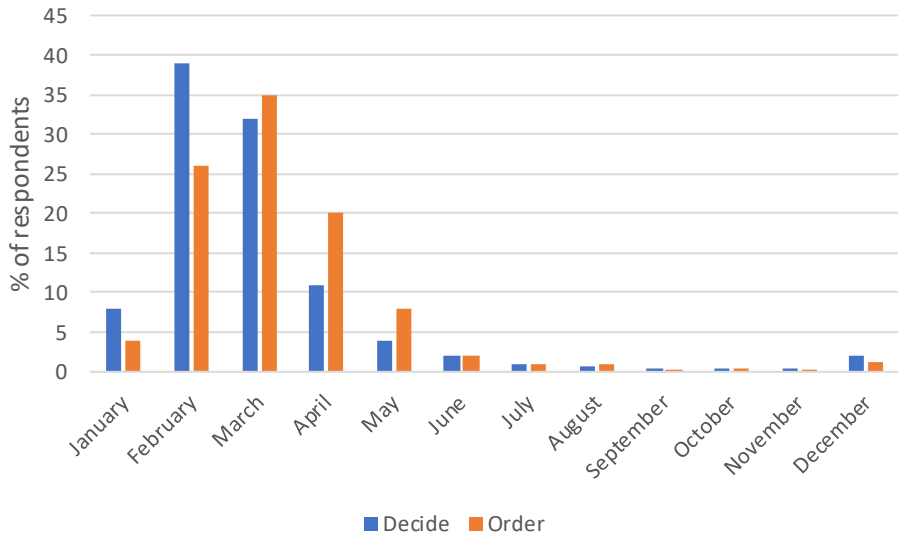


Figure 1: When do shoots decide how many birds to order, and when do they order them?

3. What proportion (and estimated total number) of shoots operating on or within 500m of an EPS release >1000 birds/ha?

1.2% of shoots, approximately equal to 96-120 shoots nationwide

a. Of the shoots releasing >1000 birds/ha, what proportion (and estimated total number) could adjust their release densities?

23.5% of shoots operating within 500m of an EPS and releasing >1000 birds/ha could adjust their release densities, approximately equal to 23-28 shoots nationwide.

i. Is there a difference in the size of shoots which can/can't adjust?

Yes. For shoots that could adjust, 50% were small and 50% were large shoots. For shoots that could not adjust, 71% were large and 29% were medium sized

b. What would the total estimated financial impact be per shoot required to adjust?

i. For those shoots which can adjust

£21,904.60 per shoot.

ii. For those shoots which can't adjust

70%, or approximately 67-84 shoots, reported that the shoot would close. Using the average economic impact² of medium (~£90,000) and large (~£350,000) shoots this would equate to an economic loss of approximately £25-30 million per annum, predominantly to the rural economy. The majority of this impact is attributed to employment costs, and the direct costs associated with purchasing and feeding birds.

Shoot size	Percentage of shoots	Estimated number of shoots	Average economic impact	Estimated total impact
Small	0	0	£23,518.28	£0
Medium	29	28-35	£93,864.91	£2.6-£3.3 million
Large	71	68-85	£333,411.20	£22.7-£28.3 million
Total	-	96-120	-	£25.3-£31.6 million

c. What would the total estimated financial impact be per shoot required to move feeders/release pens (eg weighted sum of reported costs)?

31% of shoots could move feeders or release pens further than 500m from an EPS. Of the estimated 1,192-1,490 shoots operating on or within 500m of an EPS:

- i. **For those shoots which can move**
 £3,5061.23 to move pens
 £6,873.61 to move feeders

- ii. **For those shoots which can't move**

69%, or approximately 822-1,028 nationwide, reported that the shoot would close.

² Savills/GWCT 2019/2020 game and conservation benchmarking survey

4. What is the average number of birds released by each shoot (for each species)?

Shoot size (birds released)	Percentage of shoots	Percentage of birds released		
		Pheasant	Red-legged partridge	Other
Small (<3,000)	67	82	10	9
Medium (3,000-10,000)	20	73	22	6
Large (>10,000)	13	63	32	5

a. For shoots operating within 500m of an EPS,

i. what is the average proportion of the shoot's activity on or within 500m of the EPS:

7.3% of shoots, or approximately 584-730 nationwide have shooting activity on or within 500m of an EPS. On average, 52% of shooting activity on these shoots is on or within 500m of an EPS.

ii. What is the average proportion of release pens on or within 500m of the EPS

7.7% of shoots, or approximately 616-770 shoots nationwide have release pens on or within 500m of an EPS. On average 10.7% of these shoots' release pens are on or within 500m of an EPS

Item 35

From: [REDACTED]@basc.org.uk

Sent: 20 January 2021 17:01

To: Sargeant, Anna [REDACTED]

Cc: [REDACTED]@countryside-alliance.org; [REDACTED]@msn.com; [REDACTED]@basc.org.uk; [REDACTED]@gwct.org.uk; [REDACTED]@cla.org.uk; [REDACTED]@moorlandassociation.org

Subject: FW: GB Poultry Register - draft to civil servants

Dear Anna,

I have been asked to write on behalf of BASC, NGO, GFA, CA, GWCT, CLA on the following points with regards to the GB Poultry Register (GBPR).

One of the concerns raised in the EB3 statement and exhibits was the low level of compliance with the GBPR and Defra said it would look at additional measures to improve the register.

The shooting organisations felt it would be worth highlighting to you at this stage:

1. Overall poultry sector compliance with the GBPR.
2. The results of the shooting organisations survey into compliance with the GBPR (Dec 2020).
3. The specific purpose of the GBPR

Overall Poultry Sector Compliance With The GBPR

The **accuracy** of the GBPR across all poultry sectors is widely understood to be poor. For example, whenever there is a UK case of bird flu, 3km and 10 km control zones are established and the GBPR is consulted to ascertain what birds are being kept local to the infected site. Invariably subsequent checks by APHA on the ground find significant variances between the reality and the data on the register. Such findings have covered everything from backyard flocks to large commercial premises and species ranging from turkeys, ducks and chickens to gamebirds. The disparity arises largely because initial registration was a 'one-off' exercise and although there is an expectation that people should update their registration if their numbers or locations of birds change, many do not. There has been no repeat of the original Government advertising explaining the Register and promoting accurate, updated submissions so newcomers to bird keeping often know nothing about it.

For these and other reasons, the Poultry Health and Welfare Group (comprising the British Poultry Veterinary Association, the Game Farmers' Association, the British Egg Industry Council, the British Poultry Council and the National Farmers' Union) has repeatedly asked Defra, APHA and the GB CVOs to reform and re-launch the GBPR, making accurate registration an annual requirement. They have been asking for this for several years, so far with no success, and most recently wrote again about on 5/1/21 to Michael Seals, Chair of the Animal Health and Welfare Pathway Steering Group.

The results of the shooting organisation's survey into compliance with the GBPR (Dec 2020)

Questions on compliance with, and understanding of, the poultry register were included in a larger online survey on gamebird release in the UK and attached are the results. Compliance is clearly low. However, the lack of knowledge of the register, the poor understanding of its requirements by those who know about it, and the low level of deliberate non-compliance indicates that education could significantly increase compliance.

The shooting organisations therefore seek reassurance from Defra that as part of the additional measures stated in EB3, that game birds are not singled out and that the improvements aim at addressing the wider poultry sector compliance levels and that Defra takes into account that a robust education programme could significantly help resolve non-compliance.

The Specific Purpose of the GBPR

It is clear that GBPR data has been used by NE and Defra in assessing the proportion of gamekeepers (i.e. shoots) that may fall in or within 500m of a European Protected Site.

You may not be aware but the uses that can be made of GBPR data were hotly debated in 2005 when it was introduced and again in 2008, when Defra consulted on extending those uses. The shoot organisations are concerned that at least some of the recent uses described above depart from what legislation and past Defra assurances allow.

Attached is a 2008 Defra press release and a letter from a then Defra Director to stakeholders which confirm the very restricted use for which the GBPR was originally created and also some very specific and clear further uses that were allowed from 2008 following a public consultation which included contacting all 24,000 individuals on the register at that time. In these documents, Defra also gives recognition to the concerns of the poultry sector representative bodies and assurances that the agreed extended uses will not be exceeded and data protection laws will not be breached.

Poultry keepers and the gamebird sector got behind the need to introduce the register, which was a specific response to bird flu, and they have regularly encouraged their members to register ever since. They also supported the 2008 extension to the list of specified uses. But the representative bodies had and still have serious concerns about data security leaks potential inappropriate use of personal information by Government and agencies for purposes other than those specified. The original sole purpose for gathering the data was stated on the then registration forms and the associated paperwork used to promote the scheme. The limited extension of uses was likewise communicated to all those on the register in 2008. But so far as we are aware, there has been no further extension of uses of the register since then. There has certainly been no stakeholder consultation on doing so.

We now have NE/Defra obtaining GBPR data from APHA and using it in connection with the gamebird releasing issue. Doing so to work out how many people would be affected

by Defra's new policy is arguably allowed under the sixth bullet point listed in the extended uses (see Defra press release of 2008 attached). **The shooting organisations would like reassurances that Defra/NE are not over reaching the intended use of the GBPR e.g. to identify individual gamebird keepers in and near to protected sites and, furthermore to contact some of these people using information held on the GBPR to investigate their activities in relation to gamebird release.** We accept that best use of science and legitimate use of data in good governance is of course laudable but inappropriate and improper use of personal data is potentially unlawful.

Wider sharing of personal data about the locations and owners of kept birds, whether within Government agencies or beyond, inevitably carries a greater risk of data leaking, inadvertently or deliberately. The recent leak from a Government and agency held list of the names and contact details of individuals registered for TB related badger culling comes to mind. It was immediately leapt on by animal rights campaigners who engaged in direct action against those listed, so this is not just a hypothetical concern. Nor, it seems, is our long-expressed concern about potential data misuse by Government and/or its agencies.

I would be grateful for your comments and thoughts on the points raised above.

Kind Regards

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Compliance with and understanding of the APHA
poultry register

Executive summary

- 25% of shoots releasing gamebirds comply with the requirements for the poultry register
 - There was a small difference between shoots, with smaller shoots being slightly less likely to comply
- The two main reasons for not complying with the poultry register were not knowing about it (62%) and not knowing the requirements (28%)
- Deliberate non-compliance is low (2%), suggesting improved education could significantly improve compliance

Introduction

Anyone who keeps more than 50 poultry of one or more species is required to register the size and location of their flocks with the Animal and Plant Health Agency's Poultry Register³. This includes birds kept for meat, eggs, breeding, or restocking gamebirds, and covers the following species:

- chickens
- turkeys
- ducks
- geese
- guinea fowl
- quail
- partridges
- pheasants
- pigeons

Shooting organisations have promoted the requirements of the poultry register. However, through reports such as the BASC/NE Gamebird Review⁴ it has become increasingly apparent that compliance with the Poultry Register is low. Most recently the low level of compliance was noted by Defra in Judicial Review proceedings.

Methods

Questions on compliance with, and understanding of, the poultry register were included in a larger online survey on gamebird release in the UK. The survey invite was sent to all 3,290 registered gamekeeper members in BASC. Additionally,

³<https://www.gov.uk/government/publications/poultry-including-game-birds-registration-rules-and-forms>

⁴ <http://publications.naturalengland.org.uk/publication/5078605686374400>

open links were distributed via social media and newsletters by BASC, NGO, GFA, GWCT and CA.

Results

The survey received 1,334 responses, of which 1,262 were from shoots which released gamebirds.

Knowledge of the register

Over half (58%) of respondents (n=1,149) had heard of the poultry register. Of those who had heard of the poultry register 60% of respondents (n=662) indicated that they knew what the requirements were. This equates to 31% of gamebird releasing shoots claiming to know the requirements of the register

Of those who claimed to know the requirements of the register (n=395), 34% correctly identified all the requirements, and 53% identified that it applied to game birds and ducks kept for releasing purposes. Overall this indicates that only 11% of shoots releasing gamebirds knew all the requirements of the poultry register and 17% knew that it applied to gamebirds.

Compliance with the register

A little under half (46%) of shoots who knew about the register (n = 669) indicated that they complied with its requirements. Respondents who either had not heard of or did not know the requirements of the poultry register are assumed to have not complied with its requirements. This equates to only 25% of all shoots which release gamebirds being aware of and complying with the poultry register. There was a small difference in compliance with shoot size (small 44%, medium 52%, large 51%).

Of those assumed to not be complying with the poultry register (n = 951), 62% had not heard of it and 28% had heard of it but didn't know the requirements. The remaining 10% of shoots had heard of the register, claimed to know its requirements, but were not complying (n=85). Of these shoots, 92% could not identify all of the requirements, with 84% failing to identify that it applied to gamebirds and ducks kept for restocking.

Only a very small number of shoots identified specific reasons for not complying:

- I do not want to register the location of my flocks (n=7)
- I do not understand the system (n=6)
- I do not believe it is necessary (n=6)
- I do not meet the requirements (n=5)
- There is no enforcement (n=3)
- It is too difficult (n=3)
- Other (n=3)

Deliberate non-compliance appears to be low in general, with only 2% of shoots reporting not to comply. This equates to 7% of shoots who are aware of the register and claim to know its requirements choosing not to comply.

Discussion

Compliance is clearly low. However, the lack of knowledge of the register, the poor understanding of its requirements by those who know about it, and the low level of deliberate non-compliance indicates that education could significantly increase compliance.



News

NEWS RELEASE

Nobel House, 17 Smith Square, London SW1P 3JR
Out of hours telephone 020 7270 8960

Ref: 230/08
Date: 17 July 2008

Extending use of the GB Poultry Register

After public consultation, Defra (Animal Health) and the Welsh Assembly Government today announced changes in the use of personal data held on the GB Poultry Register in England and Wales. The changes will come into effect on 1st August 2008.

The Register was set up in December 2005 in response to increased threat of outbreaks of avian influenza. Poultry keepers with more than 50 birds are legally required to provide essential information about their premises to populate the Register. To date, the Register has been used for avian influenza risk assessment, prevention and control.

Use of the Register will be extended in the following areas:

- management of other poultry diseases, including other notifiable diseases and zoonoses;
- planning, response and recovery by the emergency services and other responders in civil emergencies affecting poultry premises, including avian disease outbreaks;
- planning of visits related to legislation on veterinary medicines and on animal welfare;
- providing information as necessary to the EC to substantiate UK claims for compensation from the EU in the event of a disease outbreak;
- informing the work of Defra and Welsh Assembly Government statisticians and economists in the development of evidence-based policy;
- informing the annual agricultural census and hence enabling the poultry questions to be removed from the census;
- facilitating (non-commercial) ad-hoc surveys as part of Defra and Welsh Assembly Government's regional and national activities towards achieving their strategic objectives, including for example England's Sustainable Food and Farming Strategy and GB's Animal Health and Welfare Strategy. This work may include the provision of advice and information to individual poultry keepers; and
- informing the development of future customer contact management and registration as part of Animal Health's Business Reform Programme.

Jeff Rooker, Minister for Sustainable Food and Farming and Animal Health, said:

"The additional uses of the Register will make the best of this valuable resource. We fully recognise the sensitivities and risks around data sharing and take very seriously our responsibilities for the proper handling of personal data. We will ensure that procedures and safeguards are in place to protect the personal data of poultry keepers and that these are consistent with the advice and recommendations from the report in June 2008 by the Cabinet Secretary on data handling in government, and from the recently completed independent review on data sharing by Richard Thomas and Dr Mark Walport.

"Poultry keepers stand to benefit from better joined up working within government reducing the need to ask them for the same data on numerous occasions. There are also benefits for the taxpayer from potential cost savings in the control of exotic and endemic poultry diseases as well as public health benefits from improved control of zoonotic poultry diseases."

A copy of the summary of responses to the consultation can be found at:
<http://www.defra.gov.uk/animalh/diseases/vetsurveillance/poultry/pdf/personaldata.pdf>

Notes to Editors

<http://www.defra.gov.uk/news/2008/080717b.htm>

17/07/2008

2. Animal Health is the government's executive agency primarily responsible for ensuring that farmed animals in Great Britain are healthy, disease-free and well looked after. One of its key roles is to implement government policies aimed at preventing or managing outbreaks of serious animal diseases, and in doing so support the farming industry, protect the welfare of farmed animals and safeguard public health from animal borne disease.
3. Animal Health staff liaise with farmers, local authorities, private veterinary surgeons, market operators, transporters, slaughterhouses and many other groups, as well as the general public.
4. As of July 2008, around 24,000 poultry keepers are listed on the GB Poultry Register.
5. The public consultation on extending use of the Register included all registered poultry keepers in England and Wales and some 500 organisations. It prompted 469 responses from individuals and 31 responses from organisations.
6. The Summary of Responses to the Public Consultation on "Possible changes of use of personal data held on the GB Poultry Register" can be found on Defra's website at:
<http://www.defra.gov.uk/animal/diseases/veterinarian/poultry/pd/PersonalData.pdf>. Copies of the report can be ordered from Defra's Library at a cost of £3.80 plus £1.50 p&p. Please email defra.library@defra.gsi.gov.uk or write to Defra Library, Lower Ground Floor, Ergon House, c/o Nobel House, 17 Smith Square, London, SW1P 3JR.
7. The Register cost £8.4m to set up. Total running costs since 2005/06 are nearly £5m.
8. The Cabinet Secretary's report on Data Handling Procedures is available at
<http://www.cabinetoffice.gov.uk/media/asset/www.cabinetoffice.gov.uk/cia/csr080625%20pdf.pdf>.
9. The report on the Data Sharing Review by the Information Commissioner and Mark Walport is available at:
<http://www.justice.gov.uk/reviews/dasharing-info.htm>.
10. Scotland did not participate in the consultation as they regarded the proposals, and the changes outlined above, to be in line with their approach to using the Register since it was first set up in 2005.

End

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Defra's aim is sustainable development

Page published: 17 July 2008

To organisations to whom Defra issued the consultation document on possible changes of use of personal data held on the GB Poultry Register in November 2007

Date: 17th July, 2008

Dear Sir or Madam,

Additional uses of the GB Poultry Register in England and Wales

You may recall that Defra wrote to you, poultry keepers and a range of organisations in November 2007 to invite views on possible changes of use of personal data held on the GB Poultry Register. We are grateful to those who responded to the consultation. As explained in Defra's November letter, responsibility for operation and maintenance of the Register was expected to transfer to Animal Health. The transfer occurred in April 2008, and therefore we are informing you of the outcome of the consultation.

On 17th July, the Government announced changes of use of personal data held on the Register in England and Wales following the public consultation. Defra's and the Welsh Assembly Government's summary of the responses to the consultation was also posted on Defra's website¹. The changes of use will come into effect on 1st August 2008.

Decisions on changes of use of the Register took into account the views of individuals and organisations who responded to the consultation as well as the wider public and taxpayer interest, given that the Register is a valuable resource. The intention has been to achieve a balance between the benefits of data sharing, including public protection and improving public services, and the proper respect for personal data in line with our data protection obligations.

Use of the Register will be extended for the following purposes:

- management of other poultry diseases (in addition to avian influenza), including other notifiable diseases and zoonoses;
- planning, response and recovery by the emergency services and other responder in civil emergencies affecting poultry premises, including avian disease outbreaks;
- planning of visits related to legislation on veterinary medicines and on animal welfare;

¹ Summary of Responses to the Public Consultation on "Possible changes of use of personal data held on the GB Poultry Register" can be found on Defra's website at: <http://www.defra.gov.uk/animalhealth/avian/consultation/poultry/register/summary.pdf>. Copies of the report can be ordered from Defra's Library at a cost of £3.00 plus £1.50 p.p.g. Please email defra.library@defra.gov.uk or write to Defra Library, Lower Ground Floor, Eggon House, 60 Nobel House, 17 Smith Square, London, SW1P 3JR.

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Animal Health is an Executive Agency of the Department for Environment, Food and Rural Affairs and also works on behalf of the Scottish Executive, Welsh Assembly Government and the Food Standards Agency
www.defra.gov.uk/animalhealth

- providing information as necessary to the EC to substantiate UK claims for compensation from the EU in the event of a disease outbreak;
- informing the work of Defra and Welsh Assembly Government statisticians and economists in the development of evidence-based policy;
- informing the annual agricultural census and hence enabling the poultry questions to be removed from the census;
- facilitating (non-commercial) ad-hoc surveys as part of Defra and Welsh Assembly Government's regional and national activities towards achieving their strategic objectives, including for example England's Sustainable Food and Farming Strategy and GB's Animal Health and Welfare Strategy. This may include the provision of advice and information to individual poultry keepers; and
- informing the development of future customer contact management and registration as part of Animal Health's Business Reform Programme.

Direct access to the Register will remain within Animal Health's control and responsibility – the Register will not be available freely to other users (although it should be noted that Animal Health is an executive agency of Defra; Defra retains direct access for disease control purposes). We will work closely with other users who will need to have access to information from the Register in connection with the purposes identified above. Animal Health will issue data extracts of the Register as necessary to users in response to requests for specific requests for personal data but only if satisfied that access to personal data is necessary for the purposes identified above and that appropriate data management arrangements are in place. These arrangements shall be in line with the measures and recommendations in the Government's recently published report on Data Handling Procedures² and with policies and advice in response to the recommendations from the recently completed independent review on data sharing³.

We believe that these are reasonable additional uses of the Register which are of benefit to poultry keepers, including reducing the need to ask for the same data on numerous occasions, and also to the wider public from potential cost savings in the control of acute and endemic poultry diseases as well as public health benefits from improved control of zoonotic poultry diseases.

Yours faithfully,



Fiona Jayatilaka⁴
Deputy Director

² A copy of the report is available at: <http://www.defra.gov.uk/animalhealth/avian/consultation/poultry/register/summary.pdf>

³ A copy of the Data Sharing Review by Richard Thomas and Mark Walcott is available at: <http://www.defra.gov.uk/animalhealth/avian/consultation/poultry/register/summary.pdf>

⁴ Please note that Fiona Jayatilaka's address for GB Poultry Register business is Food House, Heathcote Green, York, YO1 1PX.

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www.defra.gov.uk/animalhealth

Item 38

From: [REDACTED]@basc.org.uk

Sent: 10 February 2021 16:29

To: Sargeant, Anna [REDACTED] [REDACTED]@defra.gov.uk;
[REDACTED]@defra.gov.uk

Cc: [REDACTED]@msn.com; [REDACTED]@gwct.org.uk;
[REDACTED]@cla.org.uk; [REDACTED]@moorlandassociation.org;
[REDACTED]@countryside-alliance.org; [REDACTED]@nfu.org.uk;
[REDACTED]@basc.org.uk

Subject: Gamebird Financial Breakdown

Dear [REDACTED],

Further to our discussions on the break down on the financial data on costs incurred by shoots, please find attached further information. Please let me know if you need any further details.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED] Conservation

The British Association for Shooting and Conservation

Mobile: [REDACTED]

Membership Hotline: 01244 573 030

Email: [REDACTED]@basc.org.uk

Website:

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Item 39

Where shoots were asked to report costs they were asked to itemise them against a number of pre-determined elements. The average cost per element was weighted by the percentage of shoots reporting it and all weighted elements were then summed to provide an overall weighted average.

1. Costs of reducing release density

For shoots operating within 500m of an EPS and releasing over 1000 birds/ha of release pen the average cost of adjusting the shoot was calculated as £21,904.60.

Cost description	Percentage of shoots	Average cost reported per shoot	Weighted average
New pen(s)	75	£11,968.75	£8,976.56
Release fewer birds	43	£11,000.00	£4,730.00
New infrastructure	39	£3,857.69	£1,504.50
New woodlands	23	£2,015.38	£463.54
Staff costs	14	£7,000.00	£980.00
Other	7	£75,000.00	£5,250.00
		Total	£21,904.60

2. Costs of relocating release pens (independent of reducing density)

For shoots releasing within 500m of an EPS the average cost of relocating pens, or subsequent cost of the loss of pen(s) was £35,061.23 per shoot.

Cost description	Percentage of shoots	Average cost reported per shoot	Weighted average
New pen(s)	87	£27,666.66	£24,069.99
New infrastructure	71	£5,111.11	£3,628.89
Change feeding	66	£4,388.88	£2,896.66
Change drives	58	£3,201.78	£1,857.03
Loss of drives	45	£2,583.00	£1,162.35
New woodlands	29	£2,500.00	£725.00
Release fewer birds	26	£1,463.63	£380.54
Staff costs	24	£982.35	£235.76
Other	11	£954.55	£105.00
Total			£35,061.23

3. Costs of relocating feeders

For shoots releasing within 500m of an EPS the average cost of relocating feeders, or subsequent cost of the loss of feeder(s) was £6,873.61 per shoot.

Cost description	Percentage of shoots	Average cost reported per shoot	Weighted average
Loss of drives	71	£4,160.00	£2,953.60
Change feeding	63	£2,053.00	£1,293.39
Change drives	61	£1,666.67	£1,016.67

New feeders	37	£1,423.07	£526.54
Release fewer birds	37	£1,333.00	£493.21
New infrastructure	34	£1,300.00	£442.00
Staff	13	£1,140.00	£148.20
Other	11	0.00	£0.00
Total			6,873.61

Item 40

From: [REDACTED]@gwct.org.uk

Sent: 25 January 2021 11:46

To: [REDACTED]@defra.gov.uk

Subject: RE: GL conditions, gamebird releasing

Dear [REDACTED],

With respect to sustainable releasing guidelines, these were developed from research undertaken on release pens in different types of woodland.

It is at >1000 birds/ha of pen that impacts on different vegetation communities can occur.

The 700 birds/ha of pen figure is a precautionary approach for particularly sensitive sites.

Hence, the recommendation of 700 birds/ha of pen for sites where woodland ground flora/invertebrate communities etc are designated priority species/habitats.

With regard to supplementary feeding, localised damage around feed hoppers can be negated by using hoppers that reduce spillage on the ground (e.g. a feeder with a pan/tray underneath), using a design that does not sit directly on the ground and moving them regularly.

Please also note that late winter supplementary feeding (via feed hoppers) is an agri-environment scheme option [AB12: Supplementary winter feeding for farmland birds - GOV.UK \(www.gov.uk\)](#) in Countryside Stewardship to support farmland birds. Would a farmer who has this option as part of their CS agreement need to apply for an Individual Licence to continue to supplementary feed if their farm lies within an EPS?

With best wishes

[REDACTED]

From: [REDACTED]@defra.gov.uk
Sent: 22 January 2021 16:05
To: [REDACTED]@gwct.org.uk
Subject: RE: GL conditions, gamebird releasing

Hi [REDACTED]

Did you need a word about what was asked of you at the stakeholder meeting last week or was it clear? We have of course got what we previously discussed so don't need that again. But what I suggested at the meeting was specifically what measures/conditions you'd consider appropriate specifically on sites themselves.

Happy to talk though if necessary.

[REDACTED]

[REDACTED] | [REDACTED] General Licensing (with [REDACTED]) Department for Environment, Food and Rural Affairs

Tel: [REDACTED]. Mob: [REDACTED] [REDACTED]@defra.gov.uk

Sterling House, Dixs Field, Exeter, EX1 1QA

Working pattern – I work a compressed week with Fridays being my non working day.

From: [REDACTED]@gwct.org.uk

Sent: 09 December 2020 16:31

To: [REDACTED]@defra.gov.uk

Cc: [REDACTED]@defra.gov.uk; Sargeant, Anna [REDACTED]
Subject: RE: GL conditions, gamebird releasing

Dear [REDACTED]

Apologies, of course it should be ha, now corrected on this version.

Kind regards

[REDACTED]

From: [REDACTED]@defra.gov.uk
Sent: 09 December 2020 16:27
To: [REDACTED]@gwct.org.uk
Cc: [REDACTED]@defra.gov.uk; Anna [REDACTED]
Subject: RE: GL conditions, gamebird releasing

[REDACTED]

One quick question – is it meant to say km²? Or should that be hectare? If it's the former I assume you are proposing quite a different approach.

[REDACTED]

[REDACTED] |[REDACTED] General Licensing (with [REDACTED]) | Department for Environment, Food and Rural Affairs

Tel: [REDACTED] Mob: [REDACTED] [REDACTED]@defra.gov.uk

Sterling House, Dixs Field, Exeter, EX1 1QA

Working pattern – I work a compressed week with Fridays being my non working day.

From: [REDACTED]@gwct.org.uk
Sent: 09 December 2020 13:49
To: [REDACTED]@defra.gov.uk
Subject: RE: GL conditions, gamebird releasing

Dear [REDACTED]

Please find attached first thoughts on possible GL conditions for gamebird releasing and management on designated sites and buffers. Very happy to explain the rationale/detail behind the thinking on these but in summary they are based on best available scientific evidence and practical experience of the GWCT's research and shoot advisory teams.

I look forward to discussing,

Best wishes

[REDACTED]

[REDACTED]

[REDACTED] [Advisory & Education](#)

[Game & Wildlife Conservation Trust](#)

[REDACTED]

[REDACTED]

[REDACTED]@gwct.org.uk

www.gwct.org.uk

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From: [REDACTED]@defra.gov.uk
Sent: 08 December 2020 16:34
To: [REDACTED]@gwct.org.uk
Subject: RE: conditions

Brilliant thanks [REDACTED].

[REDACTED] |[REDACTED] General Licensing (with [REDACTED]) | Department for Environment, Food and Rural Affairs

Tel: [REDACTED]. Mob: [REDACTED] [REDACTED]@defra.gov.uk

Sterling House, Dixs Field, Exeter, EX1 1QA

Working pattern – I work a compressed week with Fridays being my non working day.

From: [REDACTED]@gwct.org.uk
Sent: 08 December 2020 16:19
To: [REDACTED]@defra.gov.uk
Subject: RE: conditions

[REDACTED]

Apologies for the delay, will have them with you tomorrow

Kind regards

[REDACTED]

From: [REDACTED]@defra.gov.uk
Sent: 08 December 2020 16:18
To: [REDACTED]@gwct.org.uk
Subject: conditions

Hi [REDACTED]

Just checking how you were getting on with proposed conditions. Please could you send them direct to me please.

Thanks

[REDACTED]

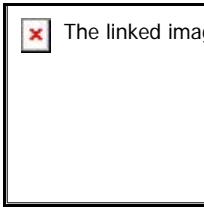
[REDACTED] |[REDACTED] General Licensing (with [REDACTED]) | Department for Environment, Food and Rural Affairs

Tel: [REDACTED]. Mob: [REDACTED] [REDACTED]@defra.gov.uk

Sterling House, Dixs Field, Exeter, EX1 1QA

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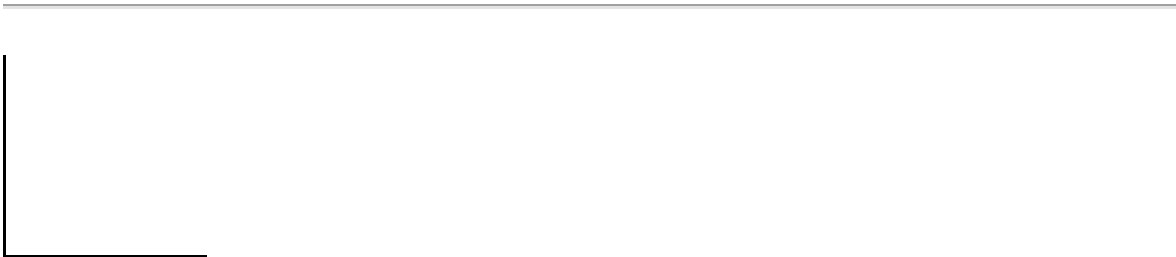


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Item 41

Proposed Conditions:

All within designated site or buffer

Pheasant releasing

Within ancient semi-natural woodland or other sites with sensitive ground flora that could be damaged by disturbance or raised nutrient status: 700 birds/ha of release pen

Sites of mixed, conifer or plantation broadleaf woodland: 1000 birds/ha of release pen

Pens to enclose no more than one third of total woodland (of any kind)

Ensure that where more than 1500 pheasants released in one site that there is more than one lead out/linking strips between habitats between release point and driving cover.

Supplementary feeding: Move feed hoppers at least once a week at all times that food is provided

Use a hopper design that minimises wastage, ideally pan feeder design so less grain falls to the ground thereby minimising wastage and scratching

Red-legged partridge releasing

Avoid placing release pens for red-legged partridges on areas with habitats sensitive to disturbance or nutrient enrichment unless it is integral to the successful running of the shoot. ie use game cover planted on improved grassland or arable land.

Use a game crop or similar buffer between partridge release pens and high conservation value hedgerows

Remove red-legged partridge release pen structures immediately post release. Retain partridges in pens for a short a time as possible, ideally no more than 3 days.

Avoid partridge feed hoppers that sit directly on the ground (e.g. Manola type feeders)

Move feeders at least weekly to fresh ground

Item 42

From: Sargeant, Anna [REDACTED]
Sent: 25 March 2021 16:51
To: [REDACTED]@msn.com; [REDACTED]@perfectpoults.co.uk
Cc: [REDACTED]@defra.gov.uk; [REDACTED]@defra.gov.uk;
[REDACTED]@defra.gov.uk
Subject: RE: Gamebird Releasing Liability

[REDACTED], [REDACTED]

Now with confirmation from legal colleagues that the provision in the Wildlife and Countryside Act relates to any person that releases or allows wild birds to escape illegally. It does not make any mention of providing birds to a customer.

Anna

From: Sargeant, Anna
Sent: 25 March 2021 13:55
To: [REDACTED]@msn.com
Cc: [REDACTED]@perfectpoults.co.uk
Subject: RE: Gamebird Releasing Liability

Many thanks [REDACTED], and welcome [REDACTED]. I'm pretty sure that the GL will focus on those releasing rather than supplying but have asked legal colleagues to confirm.

Anna

Anna Sargeant | Deputy Director, General Licensing and Gamebird Review | Natural Environment, Trees & Landscapes|

Dept for Environment, Food and Rural Affairs | 2 Marsham St, Westminster, London SW1P 4DF

Mobile[REDACTED]

From: [REDACTED]@msn.com
Sent: 23 March 2021 18:22
To: Sargeant, Anna [REDACTED]
Cc: [REDACTED]@perfectpoults.co.uk
Subject: Gamebird Releasing Liability

Hello Anna,

I was on a zoom call with a group of game farmers this morning and they were asking where they would stand if they delivered birds to a customer's shoot which was in breach either of amended Schedule 9 or of a condition of the Interim General Licence?

I wasn't sure but my guess is that if they knew the pens they were delivering to were in a protected site or its buffer zone and that the nature of the release (eg the resultant pen density) was out with the conditions), then that would imply some degree of complicity. But if they didn't know these things would they still be guilty of an offence? And would it make a difference who actually opened the doors of the crates and let the birds into the pen - the game farmer or the shoot workers? Does the landowner commit the offence, the shoot tenant, the employed gamekeeper or his voluntary helpers? Or are they all guilty?

The problem with the Schedule 9/General Licence approach is that it creates wildlife offences, which all carry an unlimited fine, a maximum 6-month jail term, disqualification from using any other General Licence and (not automatic but highly likely) the loss of the offender's firearms certificate and confiscation by the police of all his guns. People like these game farmers are therefore understandably twitchy and need to understand what it all might mean and where the legal liabilities lie.

One of the game farmers on the call said he normally delivers to three shoots with protected sites. He wasn't sure if they were SPA/SACs or just SSSIs. He certainly didn't know whether the release pens he usually delivers to are in the protected sites or within 500m of them. The orders for these birds are being placed now and

he will shortly incur costs rearing them for delivery in July. What happens, he asked, if he turns up with a trailer load of 3,000 birds in July and finds its a protected site and the pens are too small? What happens if the shoot only finds out at the end of May, when the GL is published, that it cannot meet the releasing conditions and has to cancel the order? Who is liable for the cost of rearing the now unwanted birds? Does Government pay compensation?.....

The scenarios are almost infinite but with big money involved (3000 birds = c. £15,000) and potential criminal records, fines and even prison sentences, clarity really does matter. Where can we find that clarity at this stage, please? And if it doesn't exist yet, is it reasonable and proportionate to proceed with this scheme?

I've copied in [REDACTED], who takes over my role at the Game Farmers' Association next week. Please 'reply all' so he is in the loop.

With many thanks and best wishes,

[REDACTED]

Item 43

From: [REDACTED]@basc.org.uk
Sent: 21 January 2021 17:00
To: Sargeant, Anna [REDACTED]
Subject: Letter to Secretary of State re Gamebird Releasing

Dear Anna,

Just to let you know that a number of the shooting and rural organisations have written to the Secretary of State today, with out concerns following the meeting this week. I thought you would appreciate sight of the letter at an early opportunity.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED] Conservation

The British Association for Shooting and Conservation

Mobile: [REDACTED]

Membership Hotline: 01244 573 030

Email: [REDACTED]@basc.org.uk

Website: www.basc.org.uk

From: [REDACTED]@basc.org.uk
Sent: 21 January 2021 16:31
To: [REDACTED]@msn.com; [REDACTED]@countryside-alliance.org;
[REDACTED]@cla.org.uk; [REDACTED]@gwct.org.uk;
[REDACTED]@moorlandassociation.org
Subject: FW: Final SofS letter sent today

Final SofS letter sent off today.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED] Conservation

The British Association for Shooting and Conservation

Mobile: [REDACTED]

Membership Hotline: 01244 573 030

Email: [REDACTED]@basc.org.uk

Website: www.basc.org.uk

Signed off letter to SofS.

Kind Regards

[REDACTED]

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Item 44



The Rt Hon George Eustice MP

Secretary of State

Department for Environment, Food and Rural Affairs

Seacole Building

2 Marsham Street

London

SW1P 4DF

21 January 2021

Dear Secretary of State,

Interim Licensing Scheme for Gamebird Releasing on and within 500m of European Protected Sites

The shooting and rural organisations set out below are extremely concerned that Defra's current proposals for the release of gamebirds on and within 500m of European Protected Sites (EPS) will not achieve an interim regime for gamebird release which is proportionate to the need for Natural England to gather evidence on those protected sites.

In setting out your decision to introduce the new regime, you recognised that this would cause shoots disruption. In order to minimise this, you proposed that key aspects would be communicated at key planning stages for shoots and that the preferred option was to be a General licence, with the option to apply for an individual licence. Our understanding is that these General licences would be underpinned by industry best practice i.e. GWCT

Guidelines for Sustainable Gamebird Releasing. These standards have been developed and are themselves underpinned by extensive scientific research.

At a meeting on 19 January organised by Defra, however, the proposal was put to the shooting and rural organisations that an Individual Licence would be required for EPS (excepting the 17 EPS that could be screened out), and a General Licence for the surrounding 500m buffer around the EPS. Whilst reassurances were given at the meeting that the proposed Individual Licences will be light touch and easily obtained, our experience to-date on applications for Individual Licences for pest birds does not give us the reassurance that this will be the case. At this stage there is no guarantee that shoots on EPS will be able to operate within their existing SSSI consents or to current industry best practice.

The shooting organisations are being asked for clarification by shoots as to what the proposals are for the release of gamebirds on and within 500m of EPS this year. They are desperate to recoup losses following the impact of Covid19 and a dramatically shortened shooting season in 2020 /21. Shoots have to make decisions in February and March on the number of birds to release, and orders must be placed by early April at the latest if game farms are to produce the birds in time.

At this critical stage of shoot planning Defra is not in a position to give any reassurance and guidance for shoots to plan and take financial risk. Furthermore the current proposals are far too complex and will be impossible to convey or deliver in the time frame needed to allow shoots to plan and be legally compliant for the 2021 season.

Our organisations' view is that the proposed regime is unworkable; the letter of the 8 December 2020 to your legal team (copy attached) clearly outlines a far better way of resolving this issue. We would ask that this alternative approach is adopted, and that you do not implement the proposed interim licensing regime, given the lack of compelling evidence of any damage occurring as a result of Pheasant and Red-legged partridge release in or around EPS.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The British Association for
Shooting and
Conservation

Country Land
Association

Countryside Alliance

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

National Gamekeepers Association

Game Farmers Association

Please send your reply to:

[REDACTED], [REDACTED], BASC, Marford Mill, Rossett, Wrexham. LI12 0HL

Item 45

[REDACTED]

Senior Lawyer

Planning, Infrastructure and Environment Team

Justice and Development Division

Litigation Group

Government Legal Department

102 Petty France

Westminster

London

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By Email: [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED] (Direct Dial)

[REDACTED] (Mobile)

[REDACTED]

8 December 2020

Dear Sir

The Secretary of State's decision to introduce interim controls

1. We write in reference to your letter dated 30 November 2020.
2. In the penultimate paragraph of your letter you state that the gamebird review and Natural England's advice "showed that releases in 2021 must be regulated in order for the Secretary of State to comply with the relevant legal obligations" and that the interim licensing regime is thought to be the "only viable approach" to implementing such interim regulation.
3. From Barker 3, we understand the Secretary of State's decision to introduce the interim licensing regime is founded on the advice reported at paragraph 25: i.e. Natural England's advice that "*it does not currently have evidence about individual European protected sites that would allow it to say with certainty that gamebird release on or around European protected sites which are not currently the subject of Natural England investigation would not result in significant disturbance/deterioration of any site (i.e. that there may be sites where gamebird release might have such an effect but of which Natural England is not yet aware.)*"
4. Our clients have significant concerns about the Secretary of State's conclusion that a blanket licensing regime is a necessary response to Natural England's advice as quoted above.
5. First, as is also clear from Natural England's advice, all releases within European Sites are subject to the existing SSSI consenting regime "*which will ensure adverse effects are avoided*".
6. There is therefore no necessity whatsoever for additional controls within SSSIs. Natural England already have all the powers that they might need to

control releases and the introduction of a twotiered system where shoots have to have both a s.28E consent and a licence would have:

Belgium | China | France | Germany | Ireland | Italy | Luxembourg | Netherlands | Spain | UK | US (Silicon Valley)

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- (a) No benefits in terms of the avoidance of harmful effects; and
 - (b) The practical effect of depriving current operators of their existing rights under extant s.28E consents.
7. Under the regime governing such consents, the refusal of a consent, the grant of a conditional consent and the modification or withdrawal of a consent under s.28E(6) are all subject to a right of appeal to the Secretary of State under s.28F. In addition, where such a consent is modified or withdrawn, there are rights of compensation: see s.28M. The new interim regime proposed carries with it no rights of appeal or compensation, and has, as we have said, the practical effect of depriving current operators of their existing rights under extant s.28E consents. This would, it seems to us, be in breach of Article 1 of Protocol 1 to the Human Rights Act 1998.
8. Second, although Natural England draw attention to the limits of the evidence base, the mere absence of information is not a sufficient basis on which to justify the imposition of additional regulation and the effective removal of pre-existing rights under s.28E consents without right of appeal or compensation (see above). In this respect, we note that outside the sites which are already being monitored, Natural England do not acknowledge any risk of disturbance or deterioration except in relation to releases at a density greater than 1000 birds/per hectare and indeed advise that “*smaller releases (those <1000birds/ha) would have little or no discernible effect outside the release pen, limiting the immediate eutrophication effects to within the pen*”.
9. Given this evidence base, it is unclear what justification there can be for requiring the licensing of all releases of pheasants and red legged partridges – even if it is below the density threshold identified by Madden & Sage and Natural England. We also note that the proposal for a general buffer zone around all European Sites does not do anything to reflect the different characteristics of those Sites, which may be more or less vulnerable to impacts from gamebirds. For example, it is clear that there is no plausible basis for thinking that the release of pheasants or red legged partridges could have any

effect on those SPAs which are located below the high-water mark. What possible basis can there therefore be for imposing additional regulation on shoots within 500m of those estuarine Sites?

10. Third, and perhaps most importantly, it appears from your letter that the fundamental reason why the Secretary of State has taken this decision is that his regulator, Natural England, is not in a position to say whether it has taken effective steps under the existing regulations to meet its statutory duty to ensure compliance with the Habitats Directive. This appears to be a result of shortfalls in resources – see Natural England’s advice at pages 5-6 – rather than a result of any deficiencies in the legislative framework, and is of major concern. How can the Secretary of State be confident that a blanket approach to interim licensing is proportionate when:
 - (a) Natural England’s own advice highlights the need for work over a minimum of three years and the need for resourcing for that work; and
 - (b) The Secretary of State is himself not proposing any additional funding to meet those requirements. This also points to a basic irrationality at the heart of the Secretary of State’s position. If a lack of resources is the true reason why Natural England cannot be sure that disturbance or deterioration will not occur, why has the Secretary of State not addressed that issue directly?

11. Fourth, it seems the Secretary of State has significantly underestimated the level of impact associated with introducing an interim licensing regime in 2021. Game shoots have already been financially weakened by the Covid-19 crisis. If licences are published late, or significant number of specific licences are required, the additional uncertainties and burdens will be the last straw for many. The delays which have historically been experienced in the grant of specific licences for other kinds of bird control, such as gulls, and the lack of any commitment to additional funding for

Natural England, all point to a likelihood of delay and disruption for a substantial number of shoots within the proposed 500m zone. In that context, it is incumbent on the Secretary of State to seek to minimise disruption – particularly where Natural England’s advice is that the evidence shows no particular risks arising from a further year of releasing under the existing regime.

12. Finally, our clients are also highly concerned that as yet, no consideration appears to have been given to the negative ecological impacts which imposing a licensing regime may have. As the Madden & Sage report identifies, pheasant and red legged partridge release and rearing brings with it a range of positive impacts through the associated countryside management which it both justifies and funds. At this stage, the proposed interim licensing regime has not been subject to any appropriate assessment despite its clear potential

to have likely significant effects on European Sites. It will be essential for a full HRA to be carried out of any proposed regime and for that HRA to apply a precautionary approach not just to the risks of damage through ongoing gamebird release but also the risks of damage from the cessation of management.

Suggested alternative approaches

13. Your letter then goes on to indicate that the Secretary of State is open to considering genuine alternatives to the interim licensing regime that would ensure an equivalent level of protection. In the light of this assurance, we have determined that it would not be appropriate at this stage to seek to challenge the Secretary of State's position by way of judicial review.
14. Instead, we will do as you have suggested and use the consultation process and other engagement to seek to persuade the Secretary of State to take a different course. However, we reserve the right to bring judicial review proceedings in the future were the Secretary of State to reject our suggestions as set out below and to instead decide at the end of the consultation process to adopt the unlawful option of the interim licensing regime. The alternatives that we suggest are as follows:
 - (a) Commit additional resources to Natural England. The most obvious approach which, surprisingly, does not seem to have been considered by the Secretary of State, would be to provide funds allowing Natural England to expand its monitoring programme to cover other European Sites where there is thought to be a risk of as yet unidentified disturbance or deterioration. Again, this would be a much more targeted response to the largely speculative risk which appears to be driving the Secretary of State's decision. It would much better fit the requirements of proportionality and likely provide better value for money through specific targeted actions. Given that Natural England accept that they have sufficient powers to control releases which are found to be causing harm, it is hard to see why an expansion of their capabilities would not be enough to address any risks or why the introduction of new interim regulatory requirements (which will impose administrative burdens tending to reduce rather than increase Natural England's operational capacity to identify harm) is necessary.
 - (b) Extend the scope of SSSI controls. The release of gamebirds within SSSIs is already subject to detailed controls under s.28E of the Wildlife and Countryside Act 1981. Natural England accept that these are sufficient to ensure no adverse effects within SSSIs. It has though been held at Upper Tribunal level⁵ that s.28E does not as currently drafted apply

⁵ *Natural England v Warren* [2019] UKUT 300 (AAC).

to activities outside but immediately adjacent to SSSIs. Our clients' proposal would be to seek to address the consequences of **Warren** by extending controls beyond SSSI boundaries (in line with the approach taken by Natural England to the existing legislation in that case) by allowing the Secretary of State to specify areas of land and activities which require consent under s.28E(3). This would give the Secretary of State the flexibility to put in place additional protections, where necessary, outside of European Sites without duplicating those controls that already exist or extending controls to areas which do not need to be regulated (such as the zones around other non-European designated SSSIs or the zones around estuarine SPAs for which it can be clear that nearby gamebird release will have no effect).

15. The extension of SSSI controls to cover specified activities within the immediate surroundings of certain SSSIs would, in our clients' view, amount to a much more proportionate response to the evidence gap identified by Natural England.
16. This could be achieved by an amendment to s.28E(1) in terms which allowed the Secretary of State to specify (by regulation) areas of land and activities which require consent while the SSSI notification is in force.⁶
17. Such a regime would have significant advantages over a licensing regime under s.14 and Schedule 9.
18. First, it would not have the effect of prohibiting all pheasant and red legged partridge releases unless otherwise permitted but it would allow a much more tailored approach to their regulation. We would suggest that, for the interim period until Natural England have met the evidence gaps, the appropriate response would be to require consents for any releases at densities above 1000 birds/ha within a buffer zone of 300m, that being the maximum area for which any scientific work has shown gamebird impacts⁷. That would appear to more than meet the risk identified by Natural England. We also consider that the zone could be restricted to relate only to SPAs or SACs above the high-water mark: there is plainly no risk that pheasants or partridges will stray into estuarine areas. There would be no need for it to apply to SSSIs which are not SPAs or SACs.
19. Second, under this regime any refusals of consent would be the subject of a right of appeal – something absent from the proposed interim licensing regime.

⁶ By way of suggestion, s.28E could be amended to read: "(1) The owner or occupier of any land included in a site of special scientific interest **or of other land as specified in regulations made under this section** shall not while the notification under section 28(1)(b) remains in force carry out, or cause or permit to be carried out, on that land any operation specified in the notification **or, in relation to other land specified in regulations made under this section, any operation specified in relation to that land in regulations made under this section** unless—"

The amendment would need to be accompanied by provision applying s.26 of the 1981 Act to regulations made under Part II.

⁷ See Third Witness Statement of Edward Barker at paragraph 11(b).

Moreover, the withdrawal and modification of any consents granted would carry the usual compensation rights (see above) – something again absent from the proposed interim licensing regime.

20. Third, the extension of the SSSI regime would prevent unnecessary duplication of controls. This would both ensure that the existing rights of s.28E consent holders within SSSIs were not unjustifiably removed, and avoid the unnecessary administrative burden which would otherwise fall on Natural England as a result of this “double-plating”.
21. Fourth, it would have advantages for operators in providing a clearer identification of the operations and areas where additional consents will have to be sought, rather than leaving it to the general licences which (as recent experience has shown) can be subject to disruption. This regime would allow for more effective planning which would in turn assist with investment decisions.
22. It is convenient that a ready legislative option for making such an amendment already exists in the Environment Bill.

Next Steps

23. Our clients are open to discussing the alternative approaches described above and would welcome a meeting to explore the details of how DEFRA can make them work. Any such meeting will of

course be without prejudice to their ongoing concerns about the legality of the interim regime as now proposed.

Yours faithfully



Fieldfisher LLP

Item 46

From: Sargeant, Anna [REDACTED]

Sent: 27 April 2021 09:46

To: [REDACTED]@perfectpoults.co.uk

Cc: [REDACTED]@defra.gov.uk; SM-Defra-GL Team <GLTeam@defra.gov.uk>

Subject: RE: Gamebird releasing

[REDACTED]

Good morning. I'm really aware of the need to update stakeholders on progress – we just need final Ministerial clearance before we do and are currently discussing with comms colleagues when we can put a date in the diary with you to discuss.

I can say that we are, as originally indicated, on track to introduce the general licence for the beginning of June.

Anna

Anna Sargeant | Deputy Director, General Licensing and Gamebird Review | Natural Environment, Trees & Landscapes|

Dept for Environment, Food and Rural Affairs | 2 Marsham St, Westminster, London SW1P 4DF

Mobile: [REDACTED]

From: [REDACTED]@perfectpoults.co.uk

Sent: 26 April 2021 13:52

To: Sargeant, Anna [REDACTED]

Subject: Gamebird releasing

Hi Anna,

Since we are now less than 8 weeks away from the first of this years' birds being released, and the consultation period finished some weeks ago, I thought I would write to see if you are able to give me any insight into your expected timeline for introducing the interim licencing system. In addition, I am just putting together our Spring Newsletter, which will be going to print next week, and as I'm sure you can imagine, our members are eager for an update on where things stand.

As things seem to have slipped past the original timeline, I would be grateful for any information you can give me on new legislation, confirmation of scheme details and expected launch dates etc., so I can pass this on to our members.

Regards

[REDACTED]

GFA

Item 47

From: [REDACTED]@defra.gov.uk
Sent: 19 April 2021 13:01
To: [REDACTED]@basc.org.uk
Cc: Sargeant, Anna [REDACTED]
Subject: RE: EPS and gamebird release

Hi [REDACTED]

Thanks for your email. I'm afraid we are not able to give you any further information at this point, but we remain on track with our plans and will update you as soon as we can.

Best wishes,

[REDACTED]

[REDACTED]

Game Birds Review Team | Natural Environment, Trees and Landscape Directorate (NETL) | Department for Environment, Food and Rural Affairs

Tel: [REDACTED]

[REDACTED]

From: [REDACTED]@basc.org.uk

Sent: 19 April 2021 11:26

To: Sargeant, Anna [REDACTED] [REDACTED]@defra.gov.uk

Subject: EPS and gamebird release

Dear Both,

Hope all is well. I wondered if you are in a position to give an update regarding the outcome of the 'gamebird/EPS' consultation, next steps and also the laying of any SI along with timescales, please.

Best wishes

[REDACTED]

[REDACTED]

[REDACTED] Game and Gundogs

British Association for Shooting and Conservation

Marford Mill

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Nr Wrexham

LL12 0HL

Direct dial [REDACTED]

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Item 48

From: [REDACTED]@basc.org.uk

Sent: 26 November 2020 16:30

To: Sargeant, Anna [REDACTED]

Cc: [REDACTED]@msn.com; [REDACTED]@countryside-alliance.org;

[REDACTED]@countryside-alliance.org; [REDACTED]@basc.org.uk

Subject: Consultation plans

Dear Anna,

Thank you for your email. I am writing on behalf of The British Association for Shooting and Conservation as well as The Countryside Alliance, National Gamekeepers' Organisation and the Game Farmers' Association. We are pleased to note your confirmation of a desire for an open and constructive relationship. This position is very much shared by all four organisations. Unfortunately the Secretary of State's apparent decision to seek the introduction of an interim licensing regime does not appear to have been conducted in this spirit. We remain very concerned at the rushed nature of the proposals currently being discussed which we cannot endorse as being necessary, proportionate or in the best interests of our members, particularly when the available data for the efficacy and impact of such a scheme is lacking.

Our members are understandably anxious to understand the exact nature of what decisions have been made and whether they are lawful. We look forward to receiving your response to Fieldfisher's letter which we hope will clarify these issues. In the meantime we will be pleased to continue our discussions on the proposed interim regime although for the reasons noted above whilst reserving our position more generally on the wider scheme .

Kind regards

[REDACTED]

[REDACTED]

[REDACTED] Conservation

The British Association for Shooting and Conservation

Mobile: [REDACTED]

Membership Hotline: 01244 573 030

Email: [REDACTED]@basc.org.uk

Website: www.basc.org.uk

On 25 Nov 2020, at 10:23, Sargeant, Anna [REDACTED]wrote:

Good morning

We've received Fieldfisher's latest letter sent on your behalf questioning the legality of our consultation plans. We are considering. Meanwhile, it would be great if we could talk about such things in more depth before resorting to official legal letters, which we're likely to now need to respond to in a similar manner. I'm really keen to have an open and constructive relationship as I had hoped last week's meeting had demonstrated. If we're not able to satisfy your concerns in a larger setting please do feel free to follow up separately so that we can explore further.

Anna

Anna Sargeant | Deputy Director, General Licensing and Gamebird Review | Natural Environment, Trees & Landscapes|
Dept for Environment, Food and Rural Affairs | 2 Marsham St, Westminster, London SW1P 4DF
Mobile: [REDACTED]

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Annex G

Additional relevant correspondence

Item 49

From: SM-Defra-GL Team

Sent: 23 February 2021 10:05

Subject: Consultation on Interim Gamebird Release Licence in England

Dear Stakeholder,

The Interim Gamebird Release Licence in England Consultation has launched today and can be found [here](#). It will remain open for 3 weeks, closing on the 15th March.

Thank you for your open and constructive engagement thus far in shaping the interim licensing regime. Your insight has been invaluable in its development and we hope you will continue to engage and respond through the online portal so we can further our understanding and develop an interim licencing regime that is effective, practical and proportionate.

We will schedule a meeting later this week to address any points of clarification you may have on the consultation.

Kind regards,

[REDACTED]

[REDACTED]

Policy Officer | Game Birds Review Team | Natural Environment, Trees & Landscapes | Department for Environment, Food and Rural Affairs | Direct line: [REDACTED] | Address: 2nd Floor, Horizon House, Deanery Road, Bristol, BS1 5AH

Item 50

From: Sargeant, Anna [REDACTED]

Sent: 24 February 2021 18:18

To: [REDACTED]@msn.com

Cc: [REDACTED]@countryside-alliance.org; [REDACTED]@basc.org.uk;

[REDACTED]@gwct.org.uk; [REDACTED]@basc.org.uk; [REDACTED]@cla.org.uk;

[REDACTED]@perfectpoults.co.uk; [REDACTED]@nationalgamekeepers.org.uk;

[REDACTED]@defra.gov.uk; [REDACTED]@defra.gov.uk;

[REDACTED]@defra.gov.uk; [REDACTED]@defra.gov.uk;

Subject: RE: Interim Licence Consultation

[REDACTED]

As you note, the consultation does set out Defra's intention to exclude 87 sites from the licensing regime. We are currently considering internally how this can best be achieved.

[REDACTED] is setting up a call for early next week to go through this and any additional queries you may have so I look forward to discussing then.

Anna

Anna Sargeant | Deputy Director, General Licensing and Gamebird Review | Natural Environment, Trees & Landscapes|

Dept for Environment, Food and Rural Affairs | 2 Marsham St, Westminster, London SW1P 4DF

Mobile: [REDACTED]

From: [REDACTED]@msn.com
Sent: 23 February 2021 16:55
To: Sargeant, Anna [REDACTED]
Cc: [REDACTED]@countryside-alliance.org; [REDACTED]@basc.org.uk;
[REDACTED]@gwct.org.uk; [REDACTED]@basc.org.uk; [REDACTED]@cla.org.uk;
[REDACTED]@perfectpoults.co.uk; [REDACTED]@nationalgamekeepers.org.uk
Subject: Interim Licence Consultation

Good Afternoon, Anna,

Having read the consultation document that went public this morning, can I check one thing with you, please?

The consultation talks of the 87 sites being excluded from the scheme because they are estuarine or could otherwise not be harmed by gamebird release. It calls them 'Group 2'. We welcome that, as you know, but I cannot see from the consultation how you intend to achieve it.

The consultation repeatedly says that the amendment to Schedule 9 WCA will make release on European sites plus buffer zones illegal. The footnotes to this repeatedly state that "relevant sites are all sites that fall within the definition of European sites in Regulation 8 of the Conservation of Habitats and Species Regulations 2017." So, the 87 (Group 2) sites are not excluded from the Schedule 9 releasing ban.

But the consultation also says that 'Group 2' sites (ie. the 87), "Will be excluded from the licencing regime." If they are excluded from the licensing regime, then the amendment to Schedule 9, as you propose it, will mean that releasing in the Group 2 sites will be not only be completely illegal but unlicensed and indeed un-licensable . That is not what we discussed nor, I think, what you intend.

We need an amendment of Schedule 9 that applies only to EPS's (and their buffer zones) that are not listed in Group 2.

I welcome your immediate comments, please, because this is pretty fundamental.

With thanks and best wishes,

[REDACTED]

Item 51

From: [REDACTED]@msn.com
Sent: 08 March 2021 16:38
To: [REDACTED]@defra.gov.uk
Subject: Re: Consultation Responses

Thanks [REDACTED]. I'm glad you are getting a good number of responses and hopefully the majority will be useful.

Best wishes,

[REDACTED].

From: [REDACTED]@defra.gov.uk
Sent: 08 March 2021 16:28
To: [REDACTED]@msn.com
Cc: Sargeant, Anna [REDACTED] [REDACTED]@defra.gov.uk
[REDACTED]@defra.gov.uk
Subject: RE: Consultation Responses

Hello [REDACTED],

Thank you for the heads up and encouraging members to respond.

I have seen the NGO response. We have almost 600 responses presently.

Regards
[REDACTED]

[REDACTED] | General Licensing Review Team
Defra | Area 5C, Nobel House, 17 Smith Square, London SW1P 3JR
Email: [REDACTED]@defra.gov.uk | Tel: [REDACTED]

From: [REDACTED]@msn.com
Sent: 08 March 2021 14:44
To: [REDACTED]@defra.gov.uk
Cc: Sargeant, Anna [REDACTED]**Subject:** Consultation Responses

Good afternoon [REDACTED],

I used the Online survey form to reply earlier today on behalf of the National Gamekeepers' Organisation to the gamebird releasing consultation. Hopefully you picked that up but I thought it would do no harm to let you know direct.

We have again encouraged potentially affected members to reply to the consultation (especially Part C).

See: <https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nationalgamekeepers.org.uk%2Farticles%2Fgamebird-release-consultation-response&data=04%7C01%7C%7Cb4564dd839f54d21d8e808d8e237e625%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637508077030005934%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=FhptwRhZDzpaqg3uEk57OdH7Fy2gudNuswDAkk5Vabk%3D&reserved=0>

How many consultation responses have you had so far, please? I can imagine some will have responded over the weekend and we have taken quite a few calls about it from members.

With thanks and best wishes,

[REDACTED].

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Item 52

From: SM-Defra-GL Team <GLTeam@defra.gov.uk>
Sent: 11 March 2021 16:04
To: [REDACTED]@basc.org.uk; SM-Defra-GL Team <GLTeam@defra.gov.uk>
Subject: RE: BASC response to the Interim Gamebird Release Licence in England Consultation

Many thanks [REDACTED]

We have received your response.

Best wishes

[REDACTED]

From: [REDACTED]@basc.org.uk
Sent: 11 March 2021 14:54
To: SM-Defra-GL Team <GLTeam@defra.gov.uk>
Subject: BASC response to the Interim Gamebird Release Licence in England Consultation

Dear Sirs,

Please find attached a response to the Interim Gamebird Release Licence in England Consultation on behalf of the British Association for Shooting and Conservation. To confirm we do not request that this response is kept confidential.

I would be grateful if you could confirm receipt.

Yours sincerely,

[REDACTED]

[REDACTED] Game and Gundogs

British Association for Shooting and Conservation

Marford Mill

Rossett

Nr Wrexham

LL12 0HL

Direct dial [REDACTED]

Mobile: [REDACTED]

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Item 53

11 March 2021



Consultation Coordinator

Marford Mill

Defra

Rossett

2nd Floor, Foss House

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Kings Pool

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YO1 7PX

Email: enquiries@basc.org.uk

By email to: GLTeam@defra.gov.uk

Defra consultation on proposals for an interim gamebird release licence in England

Dear Sir/Madam,

The British Association for Shooting and Conservation (BASC) is the largest shooting organisation in the UK with approximately 150,000 members. Our mission is to promote and protect sporting shooting and advocate its conservation role throughout the UK.

Our role is:

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

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

Shooting and conservation are inextricable, as shooting relies on species management and the provision of good quality habitat. People who shoot spend 3.9 million workdays on conservation which is the equivalent of 16,000 full-time jobs and shoot providers spend nearly £250 million a year on conservation.

BASC's response to the consultation questions are below. Please note that BASC's position in answering these questions is specific to the proposals outlined in the consultation and we reserve our position with regard to any government proposals that may impact on gamebird releasing in England.

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?

BASC does not agree with the proposal that sites in Group 1 require an individual licence.

This is because all Special Protection Areas (SPA) and Special Areas of Conservation (SAC) are also Sites of Special Scientific Interest (SSSI). As such, there already exists a robust mechanism for ensuring the integrity of such sites; with the requirement to gain consents from Natural England (NE), the government agency responsible, along with the provision for NE to take action if there are issues.

Therefore, BASC feels that there are already sufficient measures in place to protect the integrity of the two Group 1 sites listed. The principle should be that a general licence can be relied upon across all SPAs and SACs that are subject to the proposed interim licensing regime. NE has powers to prevent damage to these sites through the existing SSSI regulations.

BASC agrees with the exclusion of the sites in Group 2 from the proposed licensing regime. Clearly when there is no risk of impacts to the designated features of a site, there is no benefit to including these sites in any such licensing regime.

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?

BASC does not agree with the proposed 500m buffer zone around SACs and SPAs because we believe that this is an overly precautionary approach by Defra.

BASC recommends that the proposed buffer zone be revised to 300m because this reflects the evidence submitted during the Judicial Review.

The Government's own evidence, as put forward in the Defra witness statement, highlighted that when release takes place in line with guidelines for sustainable releasing (which are now a proposed requirement of the general licence), there was "...little or no discernible eutrophication or vegetation depletion effects beyond a relatively limited distance (up to 15m) from release pens and feeding stations". Similarly, effects on hedgerows are limited to those sites within 100m of release pens or where releases of more than 1,500 birds takes place in one pen. See section 1A and 1B of Madden and Sage (2020) for more information.

Therefore, on the most precautionary approach, the distance of any buffer zone should be set at no more than 300m.

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

BASC does not agree that a 500m buffer zone around SACs and SPAs is feasible because such a buffer zone would be unnecessary and overly precautionary. A 300m buffer zone is

feasible because this reflects the evidence submitted during the Judicial Review. See BASC's answer to A2.

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

BASC agrees with the suggested release densities in the proposed general licence, noting that they are based on the shooting community's own recommendations.

Additionally, there must be a provision for those who need to, to apply for an individual licence to undertake release outside of these figures. Such applications should be readily and fairly dealt with by NE in a timely manner.

BASC would also highlight that where an existing SSSI consent is in place (which by its nature should already include an assessment of the situation), there should be a presumption to issue such an individual licence covering such a site.

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?

BASC does not agree that users of the general licence should be required to supply this information. It is incorrect to state that users could operate under the general licence without any need for an 'individual assessment'. Under the proposed interim licence regime, a 'shoot' would also require a valid SSSI consent to release gamebirds (on any relevant site). The SSSI consent process acts as the 'individual assessment'. As such BASC feels that NE should already know the status of the relevant protected sites and indeed the level of release which it has consented to (for these sites) and be able to advise Defra of these.

It is important to note that NE's remit is not to prevent any activity but to ensure the integrity of the relevant site, whilst paying due regard to the totality of activities (recreational and otherwise) which may impact on the site's features.

Furthermore, BASC is concerned how such information regarding the use of this general licence would be stored, processed, and used and to whom it would be made available. There remains a real risk if it were widely available or not securely stored that those opposed to shooting or wishing to undertake criminal activity such as poaching, and theft could use it to target individuals. A situation of this nature arose around details of those involved in the Government's badger cull being 'leaked'.

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

No.

A7. Please highlight any views you may have on the condition above, or additional suggestions for conditions.

BASC agrees with the suggested approach in the consultation document that the site-specific aspects are already covered by the consenting regime and would oppose any additional conditions to those currently proposed.

In relation to the encouragement of birds onto a 'protected site' from the buffer zone; in practice this cannot happen without the provision of infrastructure which is already covered by the need for consents (where relevant). Therefore, the additional condition relating to activity in the buffer zone is not required.

Furthermore, BASC is concerned that this licence condition, as currently proposed could have unintended consequences. For example, moving a feeder towards the relevant site (even at several hundred metres distance) could encourage birds towards the site without any intention of attracting birds onto any SPA or SAC or without any birds ever going there and this could put the user in breach of this condition. We cannot see that this is the intention, but this could be an unintended consequence of such inclusion.

A8. Please highlight any views you may have on the recommendation above, or additional suggestions for recommendations.

Noting that the general licence is proposed as an interim measure, BASC recommends that the licence should be as concise as possible, and we cannot see any benefit in unnecessary conditions or recommendations which can add to complexity and confusion. The suggested recommendation is not needed but if it is to be included then its status as being a recommendation and not a condition must be clear.

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?

BASC does not agree that an interim licensing regime is needed because there are already processes in place to ensure the integrity of these sites via the SSSI regime. This was a point that BASC and the other interested parties made during the Judicial Review. It has been proposed because of the need for NE to gather further evidence and not because of any identified issues.

However, BASC would advise in relation to this proposal, that any amendment to Schedule 9 WCA 1981 should exclude the Group 2 sites (as identified in the consultation) and this should not be left to the general licence regime. It would be disproportionate and potentially unlawful to make gamebird release illegal on and around such 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 (please note the reduction from 500m as advised above) of European protected sites, excluding all those listed on Group 2, for a defined period of time (see below).

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?

BASC agrees with the proposed inclusion of a sunset clause in the statutory instrument because it is essential to provide reassurance of the Secretary of State's commitment that this is an interim measure, solely to enable the gathering of further evidence. As such, a defined period will also galvanise the efforts of civil servants to ensure that this evidence is gathered in a timely fashion.

BASC recommends that the sunset clause ends in two years because that is when a review is planned. This would also be helpful in that it could link to a two-year general licence which is permitted under the relevant legislation. This would reduce the work of relevant civil servants and provide certainty to those who will need to rely on these licences.

Part B – Economic Impacts- This section seeks to inform our understanding of the likely impacts of the proposed interim licensing regime on users and wider interested parties. It is only relevant for those respondents who will require a licence to release gamebirds.

BASC is not providing answers to the questions in Part B because they are designed and worded for those who release on the proposed areas.

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?

BASC does not agree that an interim licensing regime is needed. SPAs and SACs are already, via the SSSI regime, subject to a consenting regime and processes to ensure their integrity. The interim regime has been proposed simply whilst NE gain a greater understanding of gamebird release and not because of any identified issues.

BASC is of the opinion that the measure is not required. Defra's witness statement states "Natural England has also advised that; '*generally speaking, any direct impacts from gamebird release (i.e. physical damage to habitats from birds and loss/disturbance to individual animals) during a single season is unlikely, on its own, to be considered to be sufficiently significant to result in a permanent long term negative impact on the SSSI or European protected site feature.*'

BASC was extremely disappointed that the Judicial Review was not heard, especially in light of the judge's comments in awarding costs.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED] Game and Gundogs,

BASC.