

Taking forward Wales' sustainable management of natural resources

Consultation response form

Your name: Sue Evans

Organisation: GWCT Cymru

e-mail: sevans@gwct.org.uk

Your address: GWCT Cymru, The Maltings, East Tyndall Street,
Cardiff Bay CF24 5EZ

This submission has been produced by the Game & Wildlife Conservation Trust (GWCT), a research and education charity that has had over 1,000 scientific papers published in peer-reviewed journals over the past 80 years. On the basis of our scientific expertise, we regularly provide advice to statutory bodies. We also provide practical advice to farmers and landowners on how to manage their land with a view to improving biodiversity. Much of our research is undertaken in collaboration with other institutions and organisations, including Cardiff University, the British Trust for Ornithology, the Centre for Ecology and Hydrology, and the RSPB.

We have submitted answers to all questions we are well-positioned to answer and removed those without a response.

About this consultation

The consultation seeks views on new regulatory approaches to the sustainable management of natural resources in Wales. Proposals include:

- promotion of the circular economy
- nature-based solutions
- new markets and innovative mechanisms
- smarter regulation

Question 1

Towards the Sustainable Management of Natural Resources Promote a Circular Economy

Do you consider there are further opportunities for integration of circular economic approaches? If so, please provide examples of where there are any regulatory obstacles to achieving integration.

Yes

Game sports such as shooting and fishing provide further opportunities for circular economic approaches, providing a use for tourism services through the winter months.

To give an example of where current regulatory obstacles may limit such activities:

Natural Resources Wales (NRW) have ceased permission both for shooting on Welsh Government (WG) owned land, and for wild fowling licences. Recent discussions with one person who shoots on the Dyfi revealed that he and others have cancelled all of their accommodation for shooting this winter which would have been supporting the tourism industry in that area.

Country sports such as shooting & fishing are the primary activities which actually monetises natural resources. There are also well documented benefits to the wider biodiversity as well as support for the local economy at times of year when other forms of tourism are scarce.

A clear example of biodiversity benefits is documented in the study published in the Welsh Ornithological Society's journal on Bird populations on the Berwyn Special Protection Area.

<https://www.gwct.org.uk/wales/research/bird-populations-on-the-berwyn-special-protection-area/>

In 1994, there were 10 active grouse moors in Berwyn but following the loss of driven grouse shooting in the late 1990s, surveys revealed that lapwing had disappeared from sample plots; golden plover had declined by 90% while curlew had declined by 79%. Even numbers of hen harrier, whose decline has been frequently blamed on gamekeepers, suffered a decline of 49% since management for red grouse was abandoned (Warren and Baines 2014).

Further evidence, examples and detail are given in the GWCT response submitted to the NRW consultation on shooting earlier in the year.

<https://www.gwct.org.uk/media/744617/Shootig-review-submission-to-NRW-FINAL.pdf>

Warren and Baines. 2014. Changes in the abundance and distribution of upland breeding birds in the Berwyn Special Protection Area, North Wales 1983-2002. *Birds in Wales*. 11 (1):32-42

Question 2

Delivery of Nature Based Solutions

Are there any regulatory barriers to introducing nature based solutions? Please provide information.

Yes

Waste regulations - It is important to review and amend waste regulations, to enable on-farm innovation. This should give the flexibility to allow modern approaches for dealing with on farm waste and community or local waste e.g. Anaerobic Digesters and Bioethanol production, which have the potential to contribute to sustainability for Wales in future.

Question 3

Support New Markets and Innovative Mechanisms

Are there potential opportunities for market mechanisms or innovative regulatory approaches? Are there any legislative barriers to their implementation?

Yes

Increased incentives or encouragement to adopt nature based solutions would be beneficial. Awareness raising programmes to educate people as to the range of sustainable and innovative approaches that are available, in conjunction with the incentive to adopt such techniques would likely greatly increase their uptake.

For example, obtaining planning permission on green field sites can be very difficult and yet if better design and use of green infrastructure was implemented it would produce a more sympathetic development. For example, a toilet/washing block for a camp site designed to be covered with grass would have far less impact on the environment and be virtually invisible in the landscape.

Question 4

Forestry

Do you agree with proposals to align NRW's general duties (including the balancing duty) under the Forestry Act with the sustainable management of natural resources?

Yes

Question 5

Do you agree that NRW should be able to delegate its responsibilities for managing the Welsh Government Woodland Estate to others? Please indicate, whether you consider if there should be any limitations on NRW to delegate these functions.

Yes

We believe it is wise use of resources to delegate responsibility for some activities to others who are better qualified or resourced to perform them. One particular case in question is the control of species who have a negative impact such as deer and foxes etc.

In the case of deer, NRW currently bear the cost of culling to reduce deer numbers, whereas the end result may be achieved whilst delivering a profit if run as a deer stalking business. This potential source of additional revenue, as well as the cost saving, could be reinvested to the public benefit.

Question 6

Do you agree that a long-term forest management plan agreed between a forest manager/owner and NRW could be an appropriate way to regulate and authorise the felling of trees?

Yes

Question 7

Do you agree that conditions in a conditional felling licence or long-term forest management plan should align with the sustainable management of natural resources?

Yes

Yes, with a holistic and adaptable approach which takes practicalities and a long term view of the whole estate management into account.

Question 8

Do you agree that NRW should be able to revoke or amend felling licences or forest management plan approvals? Please indicate if you foresee any difficulties amendment or revocation might cause.

Yes

An adaptable approach is essential to ensure that any changes in circumstances can result in a positive outcome with a suitable change to the plan. Unforeseeable events and situations often occur that necessitate altered management.

Adaptability should be incorporated into any management plan at the beginning, so that alterations are easy to facilitate later on, where both parties agree it is the appropriate course of action.

There also needs to be an appeal process, particularly if the NRW has the right to revoke a plan.

Question 10

Do you agree with the proposals to improve the protection afforded to valued veteran and heritage trees by refining the existing statutory frameworks, principally the tree preservation order regime?

No

There is a great weight of responsibility on landowners for health and safety of trees. We would not want to see an increase in any regulation which adds more complications for landowners in having to comply with potentially conflicting regulation.

Question 11 **Designated Landscapes**

Should the statutory purposes of AONB and National Parks be aligned with the sustainable management of natural resources?

Yes

It is important that Sustainable Management of Natural Resources (SMNR) is applied across the whole of Wales which includes the AONB's and National Parks. These protected areas should not lose sight of the need for sustaining local economies, climate change or biodiversity for the sake of landscape alone.

Question 12

Where the special qualities of each designated area are identified, should this be given greater weight in decision making? In considering this, how should it be done in order to most effectively add value to the governance of those areas and the connection to local communities and businesses?

Not sure

The question refers to communities and business. We would like to highlight that this includes farmers and landowners, who are likely to own most of the land in question and are an integral part of any rural community. We would not like to see yet more regulation burden put on small farmers.

Question 13

Should legislation be introduced to recognise a wider range of areas and partnerships involved in driving the sustainable management of natural resources? What approach should be considered?

No

Question 15 **Access to Outdoors**

Will these proposals deliver consistency in the opportunities available for participation in different activities and provide effective safeguards for land management and the natural environment?

No

The possibility of granting open access to the countryside raises many questions which we do not feel have been fully explored. A more detailed assessment of the possible consequences is necessary before such a change were made to avoid unintended consequences. The following questions reflect merely a few examples of a wide range of topics that we feel could be impacted, and are important to investigate prior to granting free access:

It is important to consider the possible effect of additional usage on biodiversity. Can Welsh Government be sure that this additional proposed freedom of access would not be detrimental to Sustainable Management of Natural Resources?

Where the public are active especially with dogs on moorland areas where there are ground nesting birds such as Ireland Moor it would be good to understand more about the potential consequence. The anecdotal evidence which we are receiving is that ground nesting birds in the area are failing to fledge chicks because of the pressures from dogs being exercised in the area disturbing nests.

How will these areas be policed and enforced? There are great risks for, and potentially costs to, rural communities derived from increased usage – for example, loss of livestock, wild fires etc. Is there evidence of the potential positive contribution that may be achieved by increased access rights? With any potential means to charge for access removed this is likely to result in less sustainable communities.

The assumed economic benefit to Wales should be investigated further before actions are taken. For example, it is possible that visitors from large conurbations over the border in England may come into Wales bringing all of their own food and equipment for activities such as wild camping and mountain biking. Therefore, any increase in these activities and possible accompanying detriment to the countryside could occur without any balancing financial contribution to the upkeep of rural Wales.

Cyclists in particular create a lot of erosion which will incur higher costs of maintenance. Will there be sufficient income derived from this additional access granted to cover the increased cost of maintenance?

Will farmers and landowners be compensated for the additional use of their land? There would need to be a financial value put on the service being provided by

landowners to the public and a voluntary option to enter into any additional access agreements would be preferable.

Where will liability sit for accidents which happen as a result of any additional access and who will bear the cost?

A more sustainable approach may be to allow farmers and landowners more freedom under planning law to have camping on their land (including wild camping) which would give them the ability to make a charge for any additional use. More flexibility could be provided to farmers and landowners to allow them to provide refreshments or other services on farm without overly onerous regulation. Again, this would provide additional opportunities in rural areas and encourage farmers to open their doors to the public.

Where landowners have already opened their doors to the public providing services and charging an entry fee any new legislation to create more free access would be a threat to those existing businesses and would inhibit any future entrepreneurship in that enterprise.

Proposal 10

Where would funds come from to pay for the additional infrastructure required in order to convert footpaths into bridle ways? How long would Authorities have to make those changes so that riders did not find themselves trapped by an inaccessible footpath? Who would be responsible for mapping the footpaths to ensure that it is possible to travel the footpath by horse and identify any risk to horse and rider? Who would be responsible for accidents? Would farmers be compensated for additional poaching caused by horse use and would they be penalised for poaching under their Cross Compliance or similar in future? Many footpaths are close to rivers with additional poaching by horses potentially causing additional sedimentation into rivers. How could WG then restrict that use to stop any similar problems?

Proposal 11

Allowing camping on CROW land will particularly increase the fire hazard in moorland areas, which have an already large threat of wild fires.

CROW areas are quite often high conservation areas and cover many SSSI's. What effect would increased activity in these areas have to the biodiversity of the area? On the Powys Moorland Partnership Sustainable Management Scheme we are beginning to see a correlation between moorland public use and reduced number of successful breeding birds particularly where there is a high usage by dog walkers. We would like to see more study done and a conscious decision made by Government as to its priorities in certain areas before overriding pieces of legislation such as this have an impact.

Proposal 12

Again, who will pay for additional upkeep of bridle paths in relation to additional use particularly if race tracks are made popular? We propose that what is needed is increased encouragement to landowners including the WG owned land and in particular forestry to provide more purpose built facilities with car parks, toilets and catering which can provide an income for the area.

Reduced liability on land owners would be greatly welcomed as it is one of the greatest inhibitors to landowners for allowing people onto their land. Reducing the risk of inviting people onto your property will only encourage landowners to be more open in inviting people into their home environments.

Proposal 13

Extending access to coast and cliffs is likely to affect many businesses who currently charge people to visit their property in these areas. There is great risk of reducing both existing and potential income into Wales by providing more free services.

Question 16

Will these proposals deliver a more integrated and up to date system for identifying, designating and recording publically accessible areas?

No

The first place to improve the access system in Wales would be to simplify the ability to amend existing pathways eg. To move them out of farm yards and create circular routes. This could include having the ability to negotiate with landowners better pathways across their land to deliver more public benefit as done with the coastal path.

Question 17

Will these proposals provide significant clarification to ensure that the public, land managers and others are clear about their rights, responsibilities and duties in relation to access to the outdoors?

No

Question 20

Fisheries

In line with Salmon and Trout Conservation Cymru's response we also welcome the development of a Welsh National Marine Plan and agree that certain specific issues would be best dealt with under regional plans.

Our specific concerns regarding marine issues relate to the estuarine and marine phase of migratory salmonids, i.e. the sewin or sea trout (*Salmo trutta*) and the Atlantic salmon (*Salmo salar*). We would also wish to take this opportunity to note the presence of other migratory fish within Welsh rivers, namely the European eel (*Anguilla anguilla*), the Twaite shad (*Alosa fallax*) and the Allis shad (*Alosa alosa*), all of which depend on the marine waters for part or most of their lifecycle. Whereas the Atlantic salmon and European eel are only present within Welsh marine waters as they transit to and from the open Atlantic, the sewin and shads both spend the

greater part of their adult lives in coastal waters, only returning to the freshwater environment for the purposes of reproduction.

We would urge the Welsh Government to acknowledge these species within both national and regional marine plans and include specific provisions to preserve their natural migratory routes, so as to protect them from over-exploitation and coastal developments.

We have no objection to an expansion of marine aquaculture so long as it can be shown not to have a negative effect on the environment. We are wholly opposed to open cage systems for salmon and trout production, due to their devastating effect on the local aquatic environment and their transmission of disease and parasites to wild migratory fish. To that end, we strongly encourage the Welsh Government to prohibit any development of open cage systems, no matter where they might be sited. Rather, they should encourage the adoption of closed system methods of production, be they floating or on land, in which a biological barrier exists between farmed and wild fish and through which no pollutant, parasite or disease can escape into the open environment

Question 23

Water

While we agree with many of the proposals for abstraction and drainage reform, there are some aspects which need consideration to avoid unintended consequences.

At present, water abstraction is regulated under licence, but several catchments are not presently abstracted to full licence levels. However, if catchments were allowed to be abstracted to full licence levels, for instance through water trading, they could well suffer increased environmental damage. Therefore, any abstraction reform must start from the premise that no catchment should be abstracted at a rate above present actual quantities unless it can be categorically evidenced through sound scientific evidence (independent of commercial interests) that such abstraction would not cause increased environmental damage.

We also believe that all abstractions should be time-limited, so that they can be regularly reviewed against any environmental damage being caused. This will become even more important with the predictions of the potential impact of climate change in future years.

While water trading could, on the face of it, be a natural component of abstraction reform, it is important to remember that movement of water from one region to another brings with it the potential for significant environmental repercussions as a consequence of differing chemical and biological signatures including temperature differences between imported water and that of the receiving environment. Water transfers also bring the danger of moving non-native flora and fauna from an impacted region to one which is presently un-impacted, and so environmental safeguards are critical to all water transfer schemes.

Any future abstraction policy that looks for water resilience to future supplies should also take into account future environmental resilience – as stated above, this is why time-limiting licenses is so important. We believe that much more resilience can be achieved by sound catchment management in holding back water – through rewetting upland areas by taking sensitive upland areas out of intensive agriculture through grants and subsidies, holding back water with native tree plantations and the flooding of marginal land in heavy rainfall events, so allowing a more natural flow regime that will have benefits for water supply, downstream flood prevention and biodiversity.

We are disappointed not to see recommendations within the proposals for abstraction reform to ensure that leakage from infrastructure is properly controlled beyond what might be presently considered to be economical. We believe that the value of environmental protection and the ensuing knock-on benefits to communities should be taken into account when calculating economical leakage control.

Questions 24 & 25

We support much of the proposed policy on drainage, but we do have concerns over direct input of land drainage into water courses. Much direct drainage originates from road/urban run-off, forestry and farmland which can discharge sediment, excess nutrients and toxic substances into watercourses. We therefore do not believe there should be any increase in such discharges without first having a coordinated approach to landscape management which seeks to minimise all potentially harmful discharges into watercourses at the catchment scale.

The agricultural community have been working hard and in collaboration with other organisations to develop better ways of managing slurry and run off. We would support additional funding particularly in investment in farm infrastructure such as slurry lagoons and innovation to reduce negative impacts of slurry. We have demonstrated through our research that the porosity and natural drainage of agricultural land is hugely effected by earth worm densities which can be negatively affected by slurry thus exasperating the run off into rivers. We would welcome more support for research, development and training to work towards a fully sustainable farming industry.

We recognise the risk of run off when planting crops such as maize, potatoes and winter barley and we have carried out research and developed practices which can help reduce the risks by using buffer strips and undersowing of bare fields in winter. We support continued work with farmers and incentivisation to develop the best practices on individual farms.

It has been demonstrated that discharge and overflow from private septic tanks which are used incorrectly having bleaches and detergents put into them is a large contributor to harmful phosphates in rural watercourse. Better education in the use of septic tanks is required for them to perform as efficient and sustainable systems. We believe that more investment is required in some smaller rural sewage treatment works, which may be considered insignificant by urban standards but can still have damaging impact on watercourses, especially in times when storm water overwhelms poorly maintained infrastructure.

Question 29

Smarter Regulation – The Role of Basic Measures

Yes

We fully support measures which would reduce bureaucracy, enable sustainable and appropriate development and develop a more sustainable environment. If Basic Measures enable responsible persons and organisations to take little, if any, action to comply with the rules, as they would be based on common good practice we would see this as a good approach. Policing and enforcement is necessary and a simpler approach would also be welcomed which potentially could be through a proportionate civil sanction or fixed or variable penalty notices.

We would like to be involved in further discussions in developing Smarter Regulation. It could potentially work well with the GWCT Cymru vision for future domestic Sustainable Natural Resource Funding policy which involves a light touch regulatory framework with yearly reviews and inspection by a single accredited assessor.

Question 31

Wildlife

Do you think the Welsh Government Code of Best Practice on the use of snares in fox control is improving animal welfare standards? Do you have evidence on the effectiveness of the Code in Wales?

Yes

The GWCT is convinced that when code compliant snares are used in a code compliant way, issues of poor welfare for both foxes and non-target species are kept to a very low level. Our scientific research has shown that following the code allows snare users to easily achieve the welfare requirements of the Agreement on International Humane Trapping Standards (AIHTS). Over the last year, in association with the National Gamekeepers Organisation, we have held an awareness day attended by approximately 80 snare users, plus seven training days across Wales, attended by a total of over 50 gamekeepers. We believe that this marks a significant uptake of the code and what it proposes. We also have plans for further events early in 2018, after the close of the shooting season, to build on what has already been achieved.

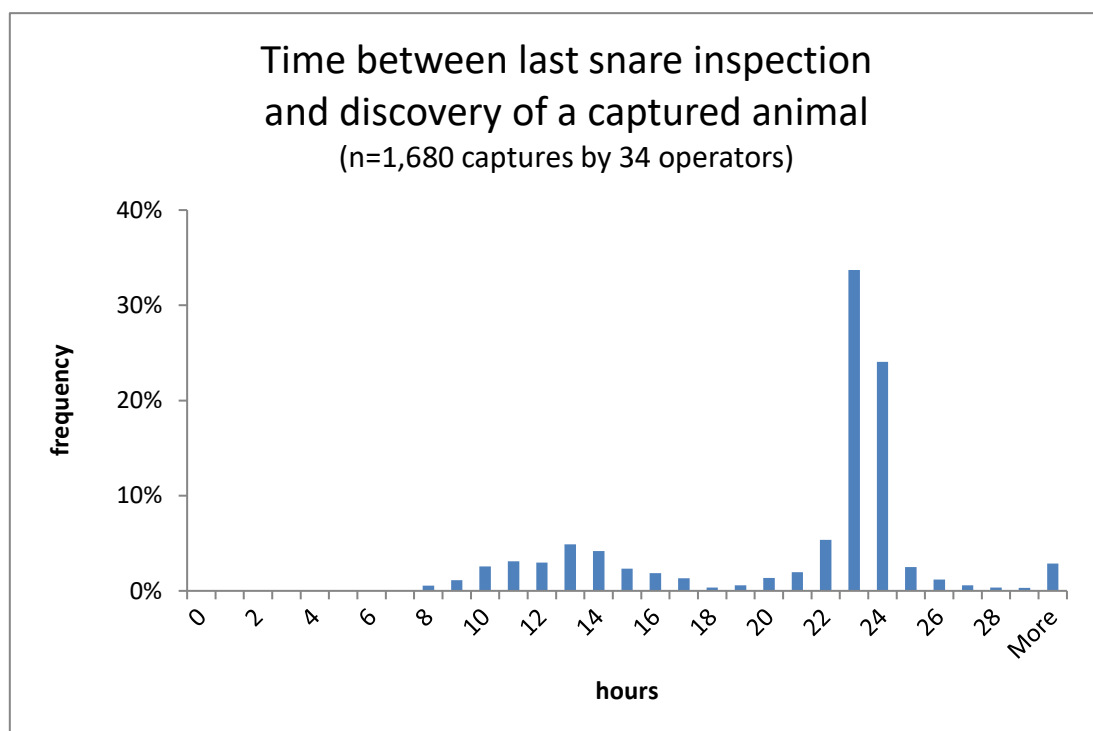
Question 32

Do you agree clarification of the term “at least once every day” would be beneficial?

Yes

GWCT believes that in practice, few fox snare-users fail to make a daily check. Because the majority of captures happen at night, the incentive to check snares early in the day is very strong, both for welfare reasons, and to minimise the risk of a fox escaping. These aspects are emphasized in current Codes and training material.

In a study within the game-management sector, before recent Codes were published, Short & Reynolds (2012) found that the time elapsed between discovery of a captured animal and the previous inspection of that snare (i.e., the maximum time the animal could have been held captive) had a bimodal distribution, with the larger peak containing 75% of cases centred around 24 hours (suggesting a daily routine), and a smaller peak containing 25% of cases centred around 12 hours (suggesting a twice-daily routine). 72% of captured animals were handled within 24 hrs of the last inspection, and 97% within 28 hrs. The exceptional maximum lapse was 39.5 hr. The following figure illustrates those data:



We recognise that current legislation leaves scope for a snare to remain unchecked for (in theory) almost 48 hours without an offence being committed. That said, the apparently simple remedy of requiring at least one check within each 24hr period is impractical to follow, as someone who was just one minute late would be breaking the law. Some leeway is necessary to allow a regular daily routine, and also to allow for variation in routes or mode of access (which might be dictated by weather conditions, for instance). We suggest wording along the lines “Snares must be checked every day, and not more than 28 hours after the previous check.” We believe this would address the concern raised, while allowing a realistic degree of leeway. Existing wording about ‘reasonable excuse’ should be retained.

Short *et al* (2012). Selectivity and Injury Risk in an Improved Neck Snare for Live-Capture of Foxes. *Wildlife Society Bulletin*. **36**(2):208-219.

Question 33

Do you agree a requirement to remove an animal caught would remove ambiguity in relation to the regular checking of snares?

No

Yes, but the GWCT would not support an obligation to remove all captives literally at the time of checking. If compliant snares are used in accordance with the code, it will be very rare that any animal is found dead within a snare. While it is clearly essential that all non-target animals are liberated immediately, the normal procedure would be to shoot a captured fox from around 10m away. At this point, if the operator collects the carcass, he or she will be likely to pick up fox scent which would be carried to other snares yet to be checked. This would be likely to deter foxes from being caught, but not non-target species. On this basis, we believe that following the code's advice, to remove carcasses as soon as practical implies removing shot foxes straight away after the check round is complete. We would therefore support a requirement to remove all carcasses before the end of the day of capture.

Question 34

Should there be a requirement not to possess or sell a self-locking snare? Would this result in any disadvantages?

Yes

Recent research has shown that the self-locking/free-running nature of the snare eye is one detail among many that contribute to the welfare of target and non-target animals. It was singled out for inclusion in the 1981 WCA, but has proved difficult to define. GWCT would therefore go further and suggest that the sale and use of non-code compliant snares should be made illegal in Wales. Because of the difficulty of defining what is and is not a snare before it is actually used, we suggest that a ban on possession *per se* would not be helpful.

Question 35

Should there be an offence for anyone using or in possession of a snare on any land without the owner/occupiers permission safeguard owner/occupiers from unauthorised setting of snares on their land?

Yes/No

The GWCT believes it should be an offence to set snares on land without permission. However, we feel that a ban on possession goes too far. For example, it could result in prosecution of someone who was using a public footpath or other right of way to access land where they do have permission to use snares.

Question 36

Should there be further Order making powers for the Welsh Ministers to regulate snares? Would this provide an effective and flexible mechanism to control snare use in the future? Please consider whether Welsh Ministers should have such a broad power to, via Order, specify further requirements such as checking, labelling and for snare operators to be trained.

No

The GWCT does not see that there is currently a need for Ministerial powers of this sort. As we see it, the main suggested reasons would largely be addressed in prohibition of sale and use of non-code-compliant snares, as suggested in our answer to question 34.

Question 40

We have asked a number of specific questions. Do you have any related issues which we have not specifically addressed? Please use this space to report them:

Yes

We have struggled to answer yes/no/not sure above to some questions because they were posed as multiple questions to which we would answer differently to each element. We have concerns about how this will be recorded.

Unintended consequences of legislation are a real risk. No legislation should be implemented unless there is an identified need and that the effects are thoroughly tested and researched.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: