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Mrs Alex McGarel
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Committee for the Environment
Northern Ireland Assembly
Parliament Buildings
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BELFAST
BT3 3XX Environment Committee

Dear Mrs McGarel

Response to the Wildlife and Natural Environment Bill

BASC is grateful for the opportunity to respond to the Environment Committee in respect of the Wildlife and Natural Environment Bill on the occasion of the second reading that the Bill received in the Chamber. In making this response BASC is voicing the views of its membership.

In giving evidence to the Environment Committee, various references were made by other witnesses to the British Association for Shooting and Conservation, so we would welcome the opportunity to address the Committee to expand upon some of the issues addressed by the Bill, in particular on snares and the shooting community's input to conservation measures for quarry species.

ABOUT BASC

BASC was founded in 1908 as the Wildfowlers Association of Great Britain and Ireland and is the UK's largest shooting association. BASC is constituted as an Industrial and Provident Society and has a membership in excess of 130,000. BASC is the representative body for sporting shooting in the UK. It aims to promote and protect sporting shooting and the wellbeing of the countryside throughout the UK and overseas. It actively promotes good firearms licensing practice, training, education, scientific research and practical habitat conservation. BASC believes that all who shoot should conduct themselves according to the highest standards of safety, sportsmanship and courtesy, with full respect for their quarry and a practical interest in wildlife conservation. As such, working dogs play a key part in sporting shooting, both in flushing quarry from cover and in recovering shot quarry.

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BASC's expertise in shooting matters is widely recognised and its staff members are routinely consulted by a variety of government departments and agencies, and other statutory and non-statutory bodies.

The shooting community makes a vast input to habitat management and conservation, through the truly massive area of land over which it has control and influence. Independent evaluation shows that sporting shooting in Northern Ireland alone spends £10 million per year, equivalent to 640 fulltime jobs, on habitat improvement and wildlife management, across more than 990,000 hectares around the Province.

In making this response, BASC has consulted with members of its NI Advisory Committee and other members. Please find our response detailed below.

Yours sincerely

Sent unsigned by email

Roger Pollen.

Director, BASC NI

Wildlife and Natural Environment Bill

BASC Response

BASC broadly welcomes the Wildlife and Natural Environment Bill as delivered at its second reading by Minister Edwin Poots, subject to some reservations.

The Bill is a good piece of draft legislation and the Minister and his team undertook a thorough process of consultation in its development. It is measured and reasonable in its scope and it brings a number of welcome strengthening measures to the Province's wildlife law. It reflects input from across the spectrum of interested parties and organisations, and it has achieved a significant degree of support from all parts of that spectrum. It seeks to amend the Wildlife Order and game laws in ways that are either helpful to sporting shooting or at least do not pose further restrictions.

However, although it is a good Bill, when it got its 2nd reading in Stormont, it was clear that some MLA's had concerns about certain aspects of the Bill, and that the animal rights and anti-shooting lobby had been active in briefings. In making this response, we also make reference to some of the reservations expressed by some MLA's, and hope that this input will allay their concerns.

This response is restricted to those key points of relevance to BASC's members, specifically that the Bill:-

- Plans to leave the quarry species schedules intact, with curlew remaining on the quarry schedules, relying for its protection on the widely promoted voluntary moratorium.
- Did not propose changes to the status of Irish hare nor the red grouse.
- Proposes to scrap the game licence, the game dealer's licence and the restrictions on selling lawfully taken game out of season.
- Proposed clarification and refinement of the laws on use of snares.
- Would address deer management concerns by extending the season for hinds and does.
- Proposed a requirement for the Dept of the Environment to maintain a register of occupiers of ASSI's.
- Proposed the creation of Wildlife Inspectors with special powers.

Quarry schedules

BASC welcomes the proposal to leave the quarry schedules unaltered, and specifically welcomes the retention of curlew, Irish hare and red grouse on the schedules. We are aware that many people wish to see these three species in particular flourish, and the sporting shooting community is at the forefront, not only in this desire but in the ability to deliver positively on that desire.

In respect of curlew, it is clear that there is a dearth of scientific data about the over-wintering habits of Northern Ireland's breeding curlew population. There is clearly a need to understand more about this important bird. In that spirit, BASC worked closely with the EHS/NIEA and the RSPB in a six year programme to establish the value of predator control in enhancing the success of ground nesting birds.

The shooting community has management influence over a huge area of Northern Ireland, through which it can undertake effective predator control work and habitat management. These are the two main factors that need to be addressed in respect of each of curlew, Irish hare and red grouse, if populations are to be stabilised and enhanced.

The shooting community has had a widespread moratorium on the shooting of Irish hare for many years, and more recently has introduced its own moratorium on the shooting of curlew throughout most of the Province. It has also invested huge sums on the restoration of grouse moors to help re-establish this iconic species. In short, we believe that it is very much better to engage effectively with the shooting community and harness its capacity to deliver real conservation benefits than to alienate it by putting in place statutory bans where voluntary self-regulation had already been adopted and been effective. This is the very essence of modern governance and we welcome the fact that the Bill embraces that spirit.

Revision of the game laws

The Bill proposes sensible revision of the game laws. Specifically, it proposes alignment with England and Wales, with the scrapping of the Game Licence, which costs more to administer than it raises and which is a throw-back to historic restrictions on the shooting of game by the general population.

The Bill also proposes scrapping the requirement for game dealer's licences, which is a reflection of the increased role of other legislation and controls. This is a welcome deregulation and will assist with the increasing popularity of game as food in mainstream restaurants and households.

The Bill also recognises changed storage and processing capabilities, and proposes removing the restrictions on selling lawfully taken game out of season. This recognises use of freezing, smoking and other forms of preserving to extend the period during which game can be offered up for sale.

Clarification on the use of snares

BASC Northern Ireland is concerned that the debate about snares is developing without full understanding of how and why they are used, and the new technology being developed. BASC is conscious of the welfare issues around snaring and has prepared a briefing paper (attached) to inform policy makers.

Snares are an essential tool used both by the Province's farmers as well as wildlife and conservation managers to manage certain predators and pests in the countryside.

Foxes not only kill livestock and game birds, but threaten a range of ground-nesting bird species, some of which are identified within the NI Biodiversity Action Plan, as well as mammals such as Irish hares. A well-designed snare, set correctly, is a highly effective method of restraining foxes and rabbits until they can be humanely dispatched, and where other techniques such as trapping or shooting are neither suitable nor effective.

BASC chairs the Red Grouse Species Action Plan Delivery Group. It is clear from discussing the issue in the Group that fox control is the single most important measure that can be undertaken for the benefit of the grouse. It is essential that snares continue to be available as a management tool, to be used properly and humanely, and BASC is committed to working to ensure that those who use them act in a responsible and a professional manner.

Forest Service, which owns 150,000 acres of forest in Northern Ireland, much of it of key importance to endangered wildlife. The Service does not allow bullet-firing weapons to be used in its estate, which leaves snaring as one of very few remaining options for fox control. To remove its ability to snare would be to condemn a great many threatened birds and animals to predation by foxes. In addition to foxes, the snaring of rabbits is another major requirement in effective land management.

BASC was pleased to note that the RSPB, in both its written submission to the consultation and in oral evidence to the Environment Committee, recognised the continued need for snares within the options available for effective land management. Snaring is a complex matter and we would welcome the opportunity to discuss it directly with the Environment Committee.

Deer legislation

The proposals on deer are sensible and measured. There is widespread anecdotal evidence that deer numbers are increasing throughout the Province and, with a DARD objective to double woodland and forest cover from the current 6% of land mass to 12%, it is reasonable to expect that deer numbers will significantly increase.

This is welcome but it will require greater deer management effort to ensure a healthy, sustainable population in which numbers do not rise to such an extent that the current level of road traffic accidents and forest damage caused by deer increases to an unacceptable level.

There are few variables in achieving an increased cull and the proposal to extend the open season for doe and hind culling is the most appropriate. Of the other measures which have

been suggested, BASC is strongly opposed to any proposals to introduce night shooting or out of season shooting.

The current open season for female deer in Northern Ireland is 1 November to 28/9 February. All of the deer stakeholders in Northern Ireland agree that an extension to the season is the most appropriate way of extending deer management opportunity, but there is some debate as to whether the open season should be brought forward to start at the beginning of October, or be extended to run until the end of March.

BASC believes that a sensible balance could be struck in which the open season commences on 21 October and runs until 31 March. This would mirror the commencement of the open season in Scotland and the end of the season in England and Wales and would allow some flexibility for the Province's deer managers to act as they feel is appropriate in their particular conditions.

It is worth noting that this is not an issue dominated by financial imperatives – it does not impact on the letting of stag shooting to paying stalkers; it is simply focused on the females for the purposes of managing the herd.

Notification of change of occupier in an Area of Special Scientific Interest

The Bill proposes making it a requirement to notify the Department of Environment of changes in the occupier of ASSI's.

The term "occupier" is not defined, yet land use is so diverse that a single piece of land can have many occupiers. For example, a single piece of land may have the following "occupiers" :-

- The land owner
- A lease holder
- Tenant farmer
- User under conacre
- Sporting rights lessee
- Fishing rights lessee
- Shoot manager
- Event organiser (eg BASC when we lease an estate for the purposes of staging a Game Fair)

The term "occupier" is relied upon in other legislation in ways that can mean that it can define whether a statutory offence has been created or not. For example, under the Firearms NI Order 2004, a person is within the law if they borrow a shotgun and use with the permission and under the supervision of the "occupier". The provision also means that someone shooting on land "without the permission of the occupier" would be committing an offence of armed trespass.

If the Wildlife and Natural Environment Bill were to progress the idea of establishing a register of occupiers, it would assume responsibility for defining "occupiers" and maintaining an up to date register that might be relied upon as a factor in determining whether a statutory offence had been committed.

We believe that the bureaucracy and the costs of establishing such a register would be massive, whilst the benefits will be minimal. The legal owner should be able to be held to account in respect of the protections required for ASSI's and so better engagement with Land Registry should provide a more effective solution than the proposed measure.

Wildlife Inspectors

BASC has significant concerns about the terms of reference of “wildlife inspectors”. The Bill makes provision for Wildlife Inspectors to enter premises, to take other people with them into those premises, and makes obstruction of those Inspectors an offence.

Given these powers, it is essential that they are used with great care, and BASC has concerns about the provisions in the Bill that could allow anyone to be deemed an Inspector and have these powers conferred upon them, simply through a letter of authorisation by the Department.

It raises the prospect of inconsistency of approach, and it has implications for resources and management, such as creating a need for training in evidence collection and preservation techniques etc.

As presently couched, the Bill does not require such people to be permanent staff of the NI Environment Agency or the Dept of the Environment. The powers could be used to appoint anyone as a Wildlife Inspector, whether that might be a local authority Biodiversity Officer, a staff member of the RSPB, BASC or the National Trust, or even a member of an animal rights lobby.

BASC is supportive of the proposal to establish wildlife inspectors to assist with enforcement but we do not believe that such powers should be created to allow anyone other than permanent staff of the Department of the Environment to be appointed.

Omissions

The Bill was silent on some proposals and representations made by BASC throughout the consultation process. Key amongst these were:-

- A change to the regulations to allow foreshore shooting until 20 February, to bring the Province into line with the rest of the UK.
- Shooting of wildfowl at night by moonlight, to fall in line with the rest of the UK.
- Legalisation of the sale of dead Mallard. Unlike in the rest of the UK, there is an anomaly in Northern Ireland which prevents this. BASC believes that law should be revised to enable the sale of estate-reared Mallard into the food chain.
- We believe that the lack of detailed knowledge of deer in Northern Ireland means that legislation is being created and administered by various Departments without a real understanding of the drivers and impacts of that legislation. It would be helpful to have a quinquennial deer survey and census, in tandem with the review of the schedules, to establish accurate data on herd numbers, population trends, and other impacts, such as venison put into the food chain and road traffic accidents.

Other considerations

The RSPB, in their oral evidence, raised the issue of “Stop Notices” which could be issued in respect of alleged damage to ASSI’s. Whilst sympathetic to the spirit behind their wishes, with the example of the ploughing of part of Strangford Lough illustrating the point, we have reservations about the implications of Stop Notices which could impede lawful activities.

In particular, when taken in conjunction with the RSPB’s desire to see the Glens of Antrim designated as an ASSI, Stop Notices could be used to interrupt heather burning that is being carried out as part of habitat management for red grouse conservation. If powers are to be created, detailed consideration would need to be given to how they could be misused, either intentionally or accidentally, to frustrate lawful activity.

RSPB in their oral presentation argued for restrictions on General Licences, suggesting that individuals ought to have a duty to demonstrate that no other measures would work before shooting of pest birds is adopted. We believe this would be unworkable and would achieve little. The current system is effective and there is no evidence of any problem arising from its continued use, and we would advocate continuation of a good and well-run system of licensing.