

(Draft) Wildlife and Natural Environment Bill

A response by the Northern Ireland Badger Group

15 February 2010

INTRODUCTION

In this response to the draft Wildlife and Natural Environment Bill the Northern Ireland Badger Group considers further some of the Clauses and Schedules in order to further improve the Bill so that Northern Ireland's wildlife can be properly protected and to help bring the legislation in Northern Ireland into line with that in England and Scotland and to help Northern Ireland meet its obligations under the European Habitats and Species Directive.

Furthermore we believe this Bill is an opportunity for the Northern Ireland Assembly to enact exemplary legislation to demonstrate a genuine commitment to provide effective environmental protection for the 21st century and for future generations.

We recognise that some aspects of this Bill will be subject to conflicting views and recommendations. We respectfully draw your attention to *recommendation 1* of the *Northern Ireland Biodiversity Strategy* which states:

RECOMMENDATION 1: Assess all new or revised policies and programmes for their impact on biodiversity and apply the precautionary principle

DUTY TO CONSERVE BIODIVERSITY - Clauses 1, 2 & 3

We welcome Clauses 1, 2 and 3 establishing a new duty on government and all public bodies to further the conservation of biodiversity when undertaking their functions. However, it is not clear what guidance will be provided to public bodies and what resources will be available to assist in compliance and to ensure that they will comply. There should be a standard format report that public bodies must complete annually to declare that they have met this Biodiversity Duty and they should be required to submit the completed report to the Department of the Environment.

There should be a requirement for the Department of the Environment to publish a report on the Biodiversity Strategy every three years, as set out in Clause 2.4 in the earlier draft of the Order.

SNARES – Clause 10

Clauses 5 & 6 extend the scope of existing offences such as reckless behaviour that causes harm to wildlife. In respect of snares (clause 10), the Northern Ireland Badger group believes there is no defensible agricultural, environmental or welfare case for the continued practice of using any form of snare for the purpose of catching or controlling wildlife.

We believe that this practice should be outlawed in this Bill and that possession and use of snares should be an offence.

This is the only action that would be simple to enforce and would give adequate protection to wildlife (including non-target species), domesticated animals and agricultural livestock.

We note that snares have been outlawed in almost all EU states.

Current legislation requiring the use of free-running snares along with daily inspection does nothing to prevent collateral damage or great suffering.

In spite of a code of practice, the fact is that a great many badgers and other non-target animals are caught in snares every year. Other animals caught in snares include dogs, cats, sheep, horses, deer, and even otters. Many of these animals suffer a terrible fate. Snares are not humane and animal welfare costs are high to both target and non-target species.

There is a growing body of evidence that physical injury or trauma is not the only threat to a snared animal's survival. Stress-induced *capture myopathy* may have immediate or longer term fatal effects, even in animals that do not display any apparent serious physical injury.

(Please see Appendix 1: *Snares - The Way Forward*, the Badger Trust's Submission to DEFRA's consultation on snares and traps.)

ENFORCEMENT – Clauses 18 & 20

We are concerned that financial cuts may limit the number of enforcement officers in the Department of the Environment.

Wildlife crime should be integrated with all other environmental crime in the NIEA's Environmental Crime Unit.

There appears to be no provision to give the PSNI adequate resources to deal effectively with wildlife crime. The PSNI currently has only one wildlife liaison officer covering the whole of Northern Ireland.

PSNI personnel currently receive little, if any, training concerning wildlife Crime. Many officers are unaware of the existence of the PSNI wildlife liaison officer,

much less the procedures for recording or investigating wildlife crime. Wildlife crime remains under-recorded because many members of the public believe that reporting incidents to the PSNI is a waste of time.

PSNI personnel must receive adequate training and resources to effectively record and investigate wildlife crime.

PENALTIES - Clause 22

Clause 22 will give the courts powers to impose custodial sentences for serious offences and this is a welcome and necessary change. Penalties for wildlife crime have been completely inadequate and steps are needed to ensure that genuinely punitive fines and custodial sentences will be imposed as appropriate. It is only through this that wildlife crime will become truly unacceptable.

Fines and sentences must be punitive in order to act as a deterrent.

SCHEDULES – Clause 24

Duty to review the Schedules

We welcome the introduction of the Department of the Environment's new Duty to review the Schedules to the Wildlife (Northern Ireland) Order 1985 lists every five years.

We note that in 2004 over 50% of Northern Ireland's priority species were classed as declining.

There should be provision for more frequent review where there is new information, especially new scientific evidence or data about species of concern.

Schedule 5 – the Irish hare (*Lepus Timidus hibernicus*)

We note that the Irish hare is a priority species which is genetically distinct to Ireland.

As a group which conducts regular fieldwork across Northern Ireland, in close contact with the rural community, we are very concerned about the very low numbers of Irish hares. It is very clear that the Irish hare has become locally extinct in many areas. We also believe that two significant annual time-series surveys carried out by the Northern Ireland Department of Agriculture (1986-1995) and NIEA/Quercus (2004-2009) clearly show an ongoing population decline (Please refer to survey results in Appendix 2).

Therefore we are dismayed that this vulnerable mammal remains on the quarry list and that this draft Bill does not address the clear need for greater legal

protection. Measures to protect the habitat of the Irish hare are welcomed but the only satisfactory outcome is to give the Irish hare the same level of protection as other native animals such as the badger.

This Bill should provide for the Irish hare to be added to Schedule 5 (animals which are protected all times).

END NOTE

We agree that the changes currently proposed will have some positive impact on the conservation of biodiversity and the protection of our wildlife, but the additional measures that we have specified above are also required to make the Bill fit for purpose. Wildlife crime continues to be a major problem in Northern Ireland and the changes that we suggest are necessary for the effective, practical and timely solution of this problem.

The Badger Group will be pleased to discuss any aspect of the responses contained in this document.

On behalf of the Northern Ireland Badger Group,

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Enclosures with this document:

Appendix 1: *Snares - The Way Forward*, the Badger Trust's Submission to DEFRA's consultation on snares and traps.

Appendix 2: Survey results showing Irish hare decline in Northern Ireland.