



Agriculture (Wales) Bill Consultation Response

Introduction

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. Shooting activities in Wales contribute £75 million to the UK economy directly supporting the equivalent of 2,400 full-time jobs. The management practices associated with shooting play a pivotal role in protecting ecosystems and helping wildlife to thrive. Shooting is involved in the management of 380,000ha in Wales, which is 19% of its land mass. Across Wales, shooting contributes to an annual spend of £7.4m on conservation, which is the equivalent of 490 full-time jobs or 120,000 conservation workdays. ¹

We are responding to the Agriculture (Wales) Bill consultation on behalf of 7,000 BASC members in Wales, with a focus on 'Part 1: Sustainable land management' and 'Part 5: Wildlife' in the Explanatory Memorandum for the Bill.

Key points from our response are as follows:

- Shooting provides farms with essential pest and predator management to minimise food production losses.
- Greater Welsh Government recognition, promotion and support for wild food sources from farmland, such as rabbit, pigeon and deer, will help provide more animal protein to market whilst supporting positive environmental outcomes.
- The Welsh Government should recognise and support the positive contribution of sustainable shooting on farmland in the context of its Sustainable Land Management objectives and the Sustainable Farming Scheme.
- The management of habitats to support sustainable shooting on farmland in Wales plays an often overlooked but essential role in mitigating climate change because these habitats can reduce carbon emissions and increase carbon storage and sequestration levels.
- Effective moorland management requires prescribed burning to reduce the risk of uncontrolled wildfires and the significant carbon emissions arising from such fires.
- Along the Welsh coastline wildfowling clubs have been managing saltmarsh and other wetland habitats in good condition for decades and it is only recently that the value for biodiversity and carbon storage from these habitats is being understood.

¹ PACEC (2014) *The Value of Shooting: The economic, environmental and social benefits of shooting sports in the UK*. Commissioned report for UK shooting and countryside organisations. Available at: <http://www.shootingfacts.co.uk/pdf/The-Value-of-Shooting-2014.pdf> (Accessed: 14/10/2022)

- Woodland that is managed for game shooting and effective deer management improves the woodland ecosystem and ecosystem services.
- The Explanatory Memorandum for the Bill mentions the importance of managing invasive species to improve ecosystem resilience. BASC and the shooting community have been managing species such as mink, grey squirrel and deer for decades in Wales.
- Projects promoting increased public access need to take into consideration existing recreational activities such as shooting, which provide local and non-local individual personal benefits and local businesses with trade and ecological and environmental benefits on farmland.
- Sustainable shooting and its associated conservation activities provide a wide range of environmental and economic benefits in Wales, achieving each of the seven wellbeing goals of the Wellbeing of Future Generations (Wales) Act 2015.
- BASC has serious concerns that a ban on all snares would remove the latest most modern fox snare designs which should correctly be referred to as 'humane cable restraints'.
- Humane cable restraints are used by conservationists and landowners to prevent foxes preying on ground nesting birds such as Curlew, Lapwing, and Golden Plover.
- Removing the lawful use of humane cable restraints to catch and hold foxes, at times of the year and in locations where other methods simply do not work, would have serious and unintended consequences for rare and endangered wildlife and risk hastening the extinction of iconic species such as Curlew in Wales.
- BASC has engaged with the Welsh Government and other stakeholders regarding the issue of snaring, the adoption of humane cable restraints and best practice. We fully support the Welsh Government's Best Practice Code.
- BASC supports the continued use of humane cable restraints, making compliance with the Best Practice Code a legal requirement and banning the use of non-code compliant snares.
- BASC understands the prohibition of snares requires primary legislation so cannot see how appropriate wording to the effect of banning all snares other than humane cable restraints approved and used in accordance with a statutory Welsh Code could not be introduced.
- BASC understands the prohibition of snares requires primary legislation so cannot see why the Agriculture (Wales) Bill cannot simply introduce a ban of snares and a licencing system for the use of humane cable restraints by authorised people rather than just a ban.
- Considering the estimated amount of people who rely on humane cable restraints, such a licencing system does not seem to be too onerous.
- BASC supports the prohibition of old snare designs, whilst allowing the use of modern humane cable restraints. Additionally, we would support making compliance with the provisions in the current Code a legal requirement and for every operator to be trained before setting a humane cable restraint. BASC would also advise that such a stepwise process has been recommended by the Welsh Senedd's own Climate Change, Environment and Rural Affairs Committee.

Sustainable Land Management Objectives

1) The sustainable production of food and other goods.

With the pressure to find greater domestic food efficiency and to reduce wastage, farms are needing to avoid losses in production. Shooting provides farms with essential pest and predator management to minimise those losses, leading to improved margins and farm business viability.

The additional benefit for wider Sustainable Land Management (SLM) objectives and the Sustainable Farming Scheme (SFS) is that profitable farms may be more willing to invest in conservation projects such as restoring ecosystem services through non-farmed habitat creation and management.

Rabbit damage has been estimated to cost British agriculture millions per annum. ²

Woodpigeon damage is estimated to be £110 million per annum. ³

However, these pest species are also sources of wild food. Wood pigeon are controlled for the purposes on general licences, but a by-product of that control is high quality meat. In the UK wood pigeon meat is estimated to be worth £3 million per annum. Rabbits are also a good source of protein. ⁴

The Welsh Government's '*Wild deer management: action plan 2017 - 2022*' promotes appropriate deer control to avoid impacts on forestry and woodland, priority habitats and native flora. One of the objectives from this strategy is "*to make venison from wild deer management more widely available to local markets*". ⁵ The Welsh Government should use this Bill to support this objective.

Clause 3.42 in the Explanatory Memorandum for the Bill states that "The first SLM objective also recognises the important contribution that farmers and the agricultural sector provide for the preservation and furtherance of Welsh culture."

Sustainable shooting is a longstanding part of Welsh culture. The unique quality of sustainable shooting in relation to farming is that in addition to diversifying farm income, it pays the farmer to manage land for wildlife, such as putting in game cover crops or improving the condition of woodlands and wetlands, whilst the shooting of pest and quarry species on farmland increases food provision in an environmentally, socially and economically equitable way.

² Williams F, Eschen F, Harris A, Djeddour D. (2010) '*The Economic Cost of Invasive Non-Native Species on Great Britain*'. Available at: https://www.researchgate.net/publication/298559361_The_Economic_Cost_of_Invasive_Non-Native_Species_on_Great_Britain (Accessed: 14/10/2022)

³ The British Association for Shooting and Conservation (BASC). (2019) '*Woodpigeon shooting in the UK*'. Available at: <https://basc.org.uk/wp-content/uploads/downloads/2019/05/Woodpigeon-shooting-in-the-UK.pdf> (Accessed: 14/10/2022)

⁴ The British Association for Shooting and Conservation (BASC) (2019) '*Woodpigeon shooting in the UK*'. Available at: <https://basc.org.uk/wp-content/uploads/downloads/2019/05/Woodpigeon-shooting-in-the-UK.pdf> (Accessed: 14/10/2022)

⁵ Gov.Wales. (2017) '*Wild deer management: action plan 2017 to 2022*'. Available at <https://gov.wales/wild-deer-management-action-plan-2017-2022> (Accessed: 14/10/2022)

This all feeds into the current discussions around the desirability of rebalancing the public's demand for animal protein because of the environmental costs of production. Greater Welsh Government recognition, promotion and support of wild food sources from farms, such as rabbit, pigeon and deer will help provide more animal protein to market whilst supporting positive environmental outcomes.

The Welsh Government should recognise and support the positive contribution of sustainable shooting on farmland in the context of its Sustainable Land Management objectives and the Sustainable Farming Scheme.

2) Mitigate and adapt to climate change.

The management of habitats to support sustainable shooting on farmland in Wales plays an often overlooked but essential role in mitigating climate change because these habitats can reduce carbon emissions and increase carbon storage and sequestration levels.

Woodlands play an important role in carbon storage and sequestration. The proposed SFS has a proposed universal requirement of 10% increase in woodland or tree cover on farms entering the scheme. Tree planting and natural regeneration are therefore essential to the success of SLM and the SFS.

Young trees are highly vulnerable to damage from deer in the first decade of life and then in the second and third decades from grey squirrel bark stripping. This is recognised in the Wales Deer Management Plan and Welsh Government's Grey Squirrel Management Action Plan.

A review of evidence in Scotland by the University of Edinburgh showed that the impact of deer on woodland regeneration and carbon storage can be mitigated by reducing deer numbers to more sustainable levels.⁶ We understand that the Forestry Commission are intending to investigate the positive role of deer management in increasing the carbon storage potential of woodland regeneration and perhaps there is an opportunity for collaboration to gather better data for Wales.

In 2021, the Royal Forestry Society, in partnership with Natural Resources Wales and others, estimated that timber damage by grey squirrels was resulting in costs running to £1.1 billion over 40 years through reduced carbon revenue and increased tree planting work.⁷

BASC, under a shared outcomes agreement with Natural Resources Wales has recently delivered the first phase of a project to better understand, map and action effective deer and grey squirrel management for state woodlands and adjacent farmland.

⁶ Climate X Change. (March 2021). 'Deer in a changing climate – how do wild deer affect carbon sequestration in Scottish woodlands?' Available at: <https://www.climatexchange.org.uk/media/4848/cxc-wild-deer-and-climate-change-in-scottish-woodlands-final-march-2021.pdf> (Accessed 14.10.2022)

⁷ Nectar W. (2021) 'Grey Squirrels threatening our woodlands to tune of £1.1bn'. Available at: <https://rfs.org.uk/news-list/grey-squirrels-threatening-our-woodlands-to-tune-of-1-1bn/> (Accessed: 14/10/2022)

Management of deer and grey squirrels is done through lethal and non-lethal methods. Shooting is the primary lethal component for deer and grey squirrel management with recreational shooting playing a significant role in delivering Welsh Government objectives in existing and new woodlands.

Moorlands in Wales have the potential to be carbon emitters if the peat soil is not kept wet and this is recognised in NRW's National Peatland Action Programme. Moorland management involves prescribed burns of the vegetation above the peat soil and this does not damage or dry the peat itself, ensuring the carbon remains safely locked up in the ground. Prescribed burning reduces the risk of uncontrolled wildfires and the significant carbon emissions arising from such fires as explained in a NRW presentation during this year's Wales Biodiversity week. Moorland managers are also blocking drains previously encouraged through historic government policies to convert the habitat into productive farmland.

Wetlands provide vast carbon stores. The UK Climate Change Committee has stated that an additional 100,000ha of wetlands are required by 2050. Shooting supports wetland creation, retention and management on farms by giving it a purpose (harvesting quarry species of birds) and investing in the costs of maintaining it in good condition (management costs and labour costs). On our coastlines Welsh wildfowling clubs have been managing saltmarsh and other wetland habitats in good condition for decades and it is only recently that the value for biodiversity and carbon storage from these habitats is being understood.

3) Maintain and enhance the resilience of ecosystems.

Sustainable shooting has a direct and positive impact on ecosystems and for ecosystem services.

Forest Research runs the National Forest Inventory to assess the condition of our woodlands by using 15 indicators of woodland ecological condition.⁸ This is used by home countries to assess the stock and condition of UK woodlands.

Many woodlands in the UK suffer from a lack of open space in the canopy to allow them to have the correct value for wider ecosystem services. Woodland managed for game shooting and effective deer management involves creating rides and glades to improve woodland condition. Therefore, shooting provides an additional value to farmers, encouraging them to manage woodlands that deliver for nature and wider ecosystem services.⁹

The Explanatory Memorandum for the Bill mentions the importance of managing invasive species to improve ecosystem resilience. BASC has worked for decades with NRW and environmental NGOs on shared outcome projects to manage invasive species like mink and grey squirrels to benefit priority species such as water vole and red squirrels.

⁸ Forest Research. (2022) 'NFL Woodland Ecological Condition'. Available at: <https://www.forestresearch.gov.uk/tools-and-resources/national-forest-inventory/what-our-woodlands-and-tree-cover-outside-woodlands-are-like-today-nfi-inventory-reports-and-woodland-map-reports/nfi-woodland-ecological-condition/>. (Accessed: 14/10/2022)

⁹ Madden J.R. & Sage, R.B. 2020. Ecological Consequences of Gamebird Releasing and Management on Lowland Shoots in England: A Review by Rapid Evidence Assessment for Natural England and the British Association of Shooting and Conservation. Natural England Evidence Review NEER016. Peterborough: Natural England. Available at: https://consult.defra.gov.uk/gamebird-review/interim-2021-england-gamebird-release-licence/supporting_documents/Ecological%20Consequences%20of%20Gamebird%20Releasing%20and%20Management%20on%20Lowland%20Shoots%20in%20England.pdf. (Accessed: 14/10/2022)

4) To conserve and enhance the countryside and cultural resources and promote public access to and engagement with them, and to sustain the Welsh language and promote and facilitate its use.

Shooting on Welsh farmland is an important cultural aspect of the Welsh identity. It is equally relevant that both rural people and those living in towns and cities, who travel widely in Wales to undertake shooting activities. We note at 3.55 in the Explanatory Memorandum the importance of the wider services that farming provides to local communities and Wales as a whole.

Often government wishes to be as inclusive as possible in promoting public access to farmland, and correctly managed it can provide local and non-local individual personal benefits and local businesses with trade. However, what can be overlooked are recreational uses that already exist on farmland, such as shooting, which are providing not only those benefits but also ecological and environmental benefits.

The Welsh Government needs to be mindful of the benefits provided by pre-existing recreational activities and ensuring they are supported and developed alongside public access such as multi-functional footpaths on farms. For shooting we provide the following evidence for consideration.

Those partaking in sustainable shooting activities in Wales are playing a key role in ensuring a sustainable future for our natural environment in Wales. Shooting is involved in the management of 380,000ha in Wales, which is 19% of its land mass. The associated management practices play a pivotal role in protecting ecosystems and helping wildlife to thrive. Shooting contributes an annual spend of £7.4m on conservation across Wales, the equivalent of 490 fulltime jobs or 120,000 conservation working days.

All shooting disciplines offer both physical and mental health benefits. Shooting and its associated conservation activities bring communities together and encourage people of all ages and backgrounds to get involved with outdoor activities. Many of these activities take place during the winter months, which can be an isolating time. Shooting provides an opportunity to regularly socialise and enjoy nature. It also provides regular exercise for its participants by offering the chance to walk in the countryside, work dogs and reconnect with nature, resulting in both physical and mental health benefits.¹⁰

Sustainable shooting and its associated conservation activities provide a wide range of environmental and economic benefits in Wales, achieving each of the seven wellbeing goals of the Wellbeing of Future Generations (Wales) Act 2015.

¹⁰ PACEC (2014) 'The Value of Shooting: The economic, environmental and social benefits of shooting sports in the UK. Commissioned report for UK shooting and countryside organisations'. Available at: <http://www.shootingfacts.co.uk/pdf/The-Value-of-Shooting-2014.pdf> (Accessed: 14/10/2022)

Part 5 Wildlife - Unintended consequences of banning humane cable restraints

The Bill proposes to prohibit the use of snares for ‘...*capturing wild animals*’, and the use of *glue traps for capturing (non-human) vertebrates*.’

BASC does not have a view on the use of glue traps to trap mice and rats as this is outside our remit.

However, we have serious concerns that a ban on all snares would remove the latest most modern fox snare designs which should correctly be referred to as ‘humane cable restraints’.

Removing the lawful use of a humane and essential method of catching and holding foxes, at times of the year and in locations where other methods simply do not work, would have serious and unintended consequences for rare and endangered wildlife and risk hastening the extinction of iconic species such as Curlew in Wales.

The Curlew is subject to both a single species action plan under the African Eurasian Waterbird Agreement (AEWA)¹¹ and a Wales Action Plan for the recovery of Curlew,¹² the latter produced at the request of Lesley Griffiths, a member of the Senedd for Gylfinir Cymru.

Both action plans recognise that the decline is driven by low breeding success and both list high levels of nest and chick predation being amongst the factors responsible.

Removing any legal method of fox management when vulnerable species are on the brink of extinction is choosing to push them to oblivion faster still.

Such consequences would be directly contrary to the third stated aim of Sustainable Land management (SLM) to ‘[M]aintain and enhance the resilience of ecosystems’¹³ by hastening the extinction of such iconic species.

Throughout the Explanatory Memorandum that accompanies the Bill evidence and scientific papers are presented advocating a ban on snares.

However all of these papers (referenced) pre-date the development and ‘adoption’ of humane cable restraints and the development of the Welsh Government’s own [best practice code](#) (2015) for the use of these devices.

This shows a clear misunderstanding of the difference between an old-fashioned snare which under existing legislation must not be self-locking, and the latest humane cable restraints with all their substantial design features. As such the inclusion of such information as the basis for a ban on these modern humane cable restraints is erroneous and seriously flawed.

¹¹ Brown, D.J. (2015) International Single Species Action Plan for the Conservation of the Eurasian Curlew *Numenius arquata arquata*, *N. a. orientalis* and *N. a. suschkini*. AEWA Technical Series No. 58. Bonn, Germany. Available at: https://www.unep-aewa.org/sites/default/files/publication/ts58_eurasian_curlew_issap_website_version.pdf. (Accessed 14.10.2022)

¹² Gylfinir Cymru / Curlew Wales (2021). ‘A Wales Action Plan for the Recovery of Curlew’. Available at https://www.curlewwales.org/files/ugd/c301ad_8aa71dc8ad034ae6866404a297f0db80.pdf. (Accessed 14.10.22)

¹³ Welsh Government. (September 2022). Agricultural (Wales) Bill – Explanatory Memorandum Available at: <https://senedd.wales/media/mbcn2e21/pri-ld15330-em-e.pdf> (Accessed: 31/10/2022)

Additionally other information contained in the Explanatory Memorandum appears to be incomplete and is therefore also misleading. For example, there is reference in the Explanatory Memorandum (3.287) to a petition to the UK parliament calling for the sale, use and manufacture of free-running snares to be banned and Defra's response which stated: *'The Government recognises that some people consider snares to be an inhumane and unnecessary means of trapping wild animals and will launch a call for evidence on the use of snares'*.

However, the Defra response also went on to explain that: *'...when practised to a high standard, in accordance with the law, snaring can offer land and wildlife managers a humane and effective means to reduce the impacts of foxes on livestock, game and wildlife'*. The response also went on to reference the *'English'* Code of best practice for such humane cable restraints which mirrors the one produced by Welsh Government.

In relation to this petition BASC also notes that it is specifically relating to 'old style' fox snares and not the modern humane cable restraints and therefore its inclusion as a rationale for not allowing humane cable restraints is once again erroneous.

The results of public opinion surveys are referenced in the Explanatory Memorandum as a reason for a ban. Whilst BASC feel science, research and evidence is a much better basis to develop policy compared to public opinion surveys, BASC would suggest that if the public were aware of the true nature and benefit of modern humane cable restraints the outcome of such surveys would be different.

Humane cable restraints for foxes

Modern humane cable restraints for foxes would exceed requirements for restraining devices under the Agreement on International Humane Trapping Standards (AIHTS) (they are not tested under the agreement because foxes are not listed as a species within it).

Humane cable restraints are also used by wildlife biologists carrying out [research](#) with the foxes caught being released unharmed and a number being recaptured.

Humane cable restraints (as referenced in the Welsh government's own code) for foxes have several design features to improve the welfare of the foxes caught and ensure a substantially reduced risk of 'holding' non-target animals that were initially 'captured'.

Whilst these humane cable restraints look simple, and on first view appear very similar to a 'basic fox snare, they are distinctly different, and their design is the result of significant scientific research. ¹⁴

In addition to being free running (a legal requirement which means they relax rather than continually tighten) these design features include:

¹⁴ The Game and Wildlife Conservation Trust (GWCT). 'A brief history of GWCT research on snares.' Available at: <https://www.gwct.org.uk/game/research/predation-control/fox-snares/history-of-gwct-research-on-snares/> (Accessed: 31/10/2022)

- A stop, which is a small wire crimp positioned on the snare wire at a predetermined length (26cm) which prevents the cable from ever closing beyond a certain point so it cannot overtighten and 'strangle' a fox. In addition, an animal such as a hare can back out and deer can remove their feet.
- The wire the humane cable restraint is made of is of a specific strength, which means it will not break before a breakaway eye or weak link, and this is incorporated into the design. Therefore, should an animal stronger than a fox e.g. badger be caught it can self-release without risk of the restraining wire breaking first.
- Two strong swivels allow the snare to rotate freely, preventing it becoming kinked, unravelled, or overwound, thereby risking breakage.
- A fixed anchor is used to hold the humane cable restraint in place. There are different designs and types, but all have the purpose of holding the device in place so that it cannot be moved.

Best practice in the use of humane cable restraints

It is important that humane cable restraints are used correctly. For instance, if they are set in a way that a caught animal could become entangled or suspended this would mean that the device would not be able to relax and thus become self-locking (which would be illegal under current legislation). Therefore, working with stakeholders, the Welsh Government produced its Code of Practice which outlines how to use these devices effectively and humanely to minimise the risk to other species.

This Code is not intended to be a training manual but is a useful aide-mémoire for those using such devices and others to understand the law and best practice. Using well-designed humane cable restraints and following best practice brings them within international humaneness standards for live-catch traps.

The impact on critically endangered and vulnerable species of banning humane cable restraints

Humane cable restraints are used by conservationists and landowners to prevent foxes preying on ground nesting birds such as Curlew, Lapwing, Golden Plover and other iconic species such as the European Brown Hare.

The UK has the second highest density of foxes in Europe, which “pose a significant threat to wildlife in Wales”¹⁵. Some 66% of ground-nesting bird species are in decline in the UK and are more likely to decline than other species.¹⁶

Research shows that ignoring the role of predators such as foxes leads to further declines.

¹⁵ Roos S, Smart J, Gibbons DW and Wilson JD. (2018) 'A review of predation as a limiting factor for bird populations in mesopredator-rich landscapes: a case study of the UK'. Biological Reviews, Blackwell Publishing Ltd.

¹⁶ Hradsky BA, Kelly LT, Brendan AL, Wintle A, (2019) 'FoxNet: An individual-based model framework to support management of an invasive predator, the red fox'. Journal of Applied Ecology, British Ecological Society.

A curlew recovery project in 2015 in the Welsh Marches advised that out of a total of 12 nests with eggs, 7 were predated with 5 being known or suspected to have been predated by foxes. ¹⁷

The brown hare is a biodiversity priority species. Fox predation (predominantly of leverets in the spring), is a significant determinant of hare populations. Studies carried out by GWCT show that predation control is always accompanied by an increase in hare numbers, and this 'explained' 46% of the variation in hare population. ¹⁸

A downturn in conservation efforts because of a ban on humane cable restraints would risk seriously damaging the struggling attempts to halt the decline in ground nesting birds.

Alternatives to humane cable restraints

The Explanatory Memorandum (7.838) suggests that one reason snares (including humane cable restraints) are considered an essential tool by those who use them is because they '...are not labour-intensive...' and further that '*Their efficiency is based upon a direct threat to animal welfare via a low injection of resources, insomuch as one person may set many dozens, if not hundreds, of snares in one area...*'.

These statements are incorrect. The operation of such devices requires considerable amount of time, effort and commitment. Once they are set, they must be inspected at least once a day and the Welsh Government's Code recommends this is done twice daily.

This Code, which is endorsed by land management and farming organisations, stresses the importance of '*Quality, not quantity: the aim of any snaring programme should be to set fewer snares efficiently rather than large numbers indiscriminately*' and to '*Always consider non-lethal and other lethal methods of solving the problem with foxes, and use snares only if the alternatives are impractical, prohibitively expensive, or would not be effective.*'

BASC agrees with the Explanatory Memorandum that a lot of fox control is indeed carried out using alternative methods, such as shooting with a firearm as a 'first choice' and indeed such an approach is recognised within the Code.

However, there are times and locations when these methods will not be practical, effective, safe, or appropriate to use. For example, in spring, crops will be high, and the presence of a fox known but due to the height of the cover it is not possible to see the fox and thus shoot it. This is also the period of the year when vulnerable bird species (nesting on the ground) are at the greatest risk of predation.

Humane cable restraints are unique in that they only work when the fox is unaware of their presence, and they do not need the operator on hand for them to work.

¹⁷ Curlew Country. (2015) '*Curlew Recovery Project- Nest monitoring Year 1 (2015) Report*'. Available at: <https://curlewcountry.org/wp-content/uploads/2020/01/Curlew-Recovery-Project-Report-2015.pdf> (Accessed: 14/10/2022)

¹⁸ GWCT. (2022) '*Gamekeeping and brown hare numbers*'. Available at: <https://www.gwct.org.uk/research/species/mammals/brown-hare/gamekeeping-and-brown-hare-numbers/> (Accessed: 14/10/2022)

Whilst in some situations (mainly urban/semi urban environments) cage traps can have their use, BASC notes that they have not been listed in the Explanatory Memorandum as a realistic alternative to humane cable restraints, which is correct.

Simply put it remains the case that humane cable restraints are the only method of fox control which will work in certain specific circumstances.

BASC recommendations for an Option 2 approach.

Within the Explanatory Memorandum three options are highlighted in relation to snares (including humane cable restraints):

Option 1: Business as usual – allow the use of snares for controlling foxes and other ‘pest’ species to continue.

Option 2: Introduce a licensing or registration scheme which allows the use of snares, subject to certain conditions, by those who qualify for a licence.

Option 3: Ban the use of snares in all circumstances.

BASC has engaged with the Welsh Government and other stakeholders regarding the issue of snaring, the adoption of humane cable restraints and best practice. We fully support the Welsh Government’s Best Practice Code.

BASC supports the continued use of humane cable restraints, making compliance with the Best Practice Code a legal requirement and banning the use of non-code compliant snares.

BASC feels that **Option 2** is fully in line with the Climate Change, Environment and Rural Affairs Committee (CCERA) report and recommendations on the use of snares (humane cable restraints) in Wales. ¹⁹

We are therefore concerned around the rationale for not only discounting this option but also the reasons that given for a full ban with all the serious unintended consequences which would result.

Within the Explanatory Memorandum (7.780) there is reference to the Welsh Government’s Code and that ‘...evidence on how snare users are complying with this Code has not been forthcoming, meanwhile cases of non-code compliant snares in use; non-target species being caught; and animals suffering, have continued to be reported – indeed the first annual report to the Climate Change, Environment and Rural Affairs Committee could not provide guarantees that the Code had been widely adopted by snare users.’

BASC notes that the CCERA report on snare use in Wales recommended that as part of a ‘step wise’ approach the Welsh Government should undertake an annual review and also; *‘If evidence shows the voluntary approach has not succeeded, we recommend that the Welsh Government should prepare draft legislation. In preparing that legislation, the following options*

¹⁹ Climate Change, Environment and Rural Affairs Committee. (June 2017) ‘Report on the use of snares in Wales’ (June 2017). Available at: <https://senedd.wales/laid%20documents/cr-ld11086/cr-ld11086-e.pdf>. Accessed: 31/10/2022

should be considered: – the introduction of similar requirements to those in Scotland, for training and identification and exploring a licensing system to be funded by users....’

BASC and other stakeholders engaged with this process, and we are aware that a report was published in 2018. ²⁰

BASC also engaged in meetings in 2019 and dialogue with Welsh Government officials and in 2020 advised that we would be willing to consider supporting evidence gathering via surveys if requested.

BASC seeks clarification as to why further reports have not been released, particularly considering the view given in the Explanatory Memorandum (7.781) that in relation to Code compliant snares (humane cable restraints) ‘...no evidence was presented to demonstrate their effectiveness by snare user groups in the six years following the launch of the Code, despite repeated requests.’

Additionally, BASC notes that the ‘2018 Annual Report on the Welsh Government’s Code of Best Practice on the Use of Snares in Fox Control’ advised that; ‘Since the Code was published in 2015, the Welsh Government have been made aware of 20 snaring incidents’ (a three-year period). It was not possible to determine whether Code compliant snares (humane cable restraints) were involved but the single incident where an animal (badger) was known to be caught in a Code compliant snare it ‘...was released unharmed’.

Other reasons given for not adopting Option 2 in the Explanatory Memorandum include (7.783) the need for an appropriate agency or body to administer such a scheme. BASC agrees that if a licensing regime or registration scheme were enacted it would need to be administered, as has happened in Scotland, and such a body already exists in the form of Natural Resources Wales (NRW).

NRW already administer licencing regimes across many areas in Wales. Reasons given in the Explanatory Memorandum (7.830-32) for NRW not being able to administer such a licensing regime or registration scheme for humane cable restraints or to even complete a cost benefit analysis, is that there is not a comparable scheme (administered by NRW).

BASC as a key stakeholder is unaware of any detailed requests in relation to such a licencing or registration scheme.

Based on the number of gamekeepers in Wales, those who have already attended voluntary training in Wales, and figures from Scotland (in relation the existing regime there) BASC believes that the number of people involved would be in the low hundreds. ²¹

Whilst the numbers involved are not high, the impact in specific circumstances, as previously advised, of prohibiting such devices on rare and vulnerable species would be significant and potentially irretrievable.

²⁰ Gov.Wales (2018) ‘Code of best practice on the use of snares in fox control’. Annual report 2018. Available at <https://gov.wales/code-best-practice-use-snares-fox-control-annual-report-2018> (Accessed: 31/10/2022)

²¹ Scottish Government (2022) ‘Review of Snaring for Scottish Government’ (February 2022). Available at: <https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2022/04/review-snaring-scottish-government-february-2022/documents/review-snaring-scottish-government/review-snaring-scottish-government/govscot%3Adocument/review-snaring-scottish-government.pdf> (Accessed: 31/10/2022)

The Explanatory Memorandum (7.784) advises: *‘There are a number of legislative provisions which currently regulate to the use and type of snares legal to use in Wales, including those under the Wildlife and Countryside Act 1981. However, the Wildlife and Countryside Act 1981 does not allow for prohibited methods of snare use to be added, taken away or regulated. Primary legislation would therefore be needed in order to introduce a licensing system.’*

BASC understands the prohibition of snares requires primary legislation so cannot see how appropriate wording to the effect of banning all snares other than humane cable restraints approved and used in accordance with a statutory Welsh Code could not be introduced.

BASC understands the prohibition of snares requires primary legislation so cannot see why the Agricultural (Wales) Bill cannot simply introduce a ban of snares and a licencing system for the use of humane cable restraints by authorised people rather than just a ban.

Considering the estimated amount of people who rely on humane cable restraints, such a licencing system does not seem to be too onerous.

BASC would also like to draw attention to the fact that the Bill itself refers to the licenced use of snares in s42(2)(a), which is a direct contradiction to the notion that such a licencing regime would be impossible to implement.

Reasons given in the Explanatory Memorandum for the Welsh Government adopting Option 3, a complete ban (as previously stated) include:

- Old research which pre-dates the development of humane cable restraints and the development of the Welsh Government’s own Code.
- Opinion polls and petitions organised by those who oppose the use of snares (including humane cable restraints) based on their views.
- Reference to activity (7.792 and 7.844) which is already illegal (BASC cannot see how banning a legal activity is a legitimate route to prevent such unlawful activity).
- The regulatory regime in Scotland and a review into the use of snares there is referenced; and whilst noting a decrease in snaring issues, concerns were raised that the Scottish review did not consider the humanness of snares (7.835-6) ²²

However, BASC would advise that the ‘snaring regime’ in Scotland pre-dates the development of humane cable restraints. Indeed, the recommendations in the review include the adoption of changes to designs e.g. stop placement and number of swivels, which are essential and would bring current snare design requirements in Scotland up to the standard of humane cable restraints in Wales (which would meet international standards for such restraining devices).

Whilst known issues of non-compliance with the Welsh Government’s Code are small, there remains the situation that individuals can still legally purchase and use older types of fox

²² Scottish Natural Heritage (2022) ‘Review of Snaring For Scottish Government’ prepared for the Scottish Government (February 2022). Available at: <https://www.gov.scot/publications/review-snaring-scottish-government-prepared-snh/?msckid=5a7eee84d14511ec9f1ef4155661746e> (Accessed: 31/10/2022)

snare traps which do not have the many design features afforded to the latest humane cable restraints and that it is not possible to categorically show the voluntary approach has worked.

Therefore, BASC supports the prohibition of old snare designs, whilst allowing the use of modern humane cable restraints. Additionally, we would support making compliance with the provisions in the current Code a legal requirement and for every operator to be trained before setting a humane cable restraint.

BASC would also advise that such a stepwise process has been recommended by the Welsh Senedd's own Climate Change, Environment and Rural Affairs Committee.

Costs and benefits

BASC is concerned that some of the costs and benefits have not been adequately considered. For example, it has been decided not to proceed with cost benefit analysis of a licensing/registration regime in the Explanatory Memorandum (7.830-32) on the basis it is too difficult or expensive.

There is recognition in the Explanatory Memorandum (7.848) of disruption to snare users as they acquire or become familiar with alternatives but then goes on to say the best estimate on the impact of land managers, game keepers and farmers is zero cost.

This is not correct and assumes that there is a suitable replacement. As noted previously at certain times of the year and in specific situations the only method of preventing damage by foxes are humane cable restraints because the alternatives are either prohibitively expensive or ineffective.

For example, in most instances, it is not possible to fence an area where vulnerable wild bird species nest to prevent fox predation and, in such locations, where it might be this would likely be prohibitively expensive.

BASC notes that the Welsh Government has provided funding for the recovery of Curlew of £200,000. How is the value of the loss of even a single bird of this species, which has seen an estimated loss of 90% since 1993, measured? ²³

The alternative to using humane cable restraints is given as using a firearm. The Explanatory Memorandum (7.794) advises that '*...the most efficient method of fox control is the use of rifles, with thermal-image scopes, at night.*' In many situations BASC would agree it could be the control method of choice. However, the use of equipment is not without its limitations e.g., you need to be able to see the fox first which is impossible if it is high cover. Additionally, the purchase of a suitable rifle, thermal scope and spotter could easily run to £4000 or more.

²³ Natural Resources Wales. 'Action plan launched to save the Curlew Wales'. Available at: <https://naturalresources.wales/about-us/news/news/action-plan-launched-to-save-the-curlews-in-wales/?lang=en>. (Accessed: 31/10/2022)

The process of applying for the grant or renewal of firearm certificates has become delayed with many people waiting literally months and some police forces currently declining to issue new certificates.

Whilst BASC feels that the extrapolated figure in the Explanatory Memorandum (7.842) of snares in use in Wales '*...at any one time of between 17,200 and 51,600*' is an overestimate there is a financial implication to those who possess these devices which appears to have been missed. A humane cable restraint costs approximately £4.50 so a dozen or so represents a considerable investment.

BASC also suggests that many of the benefits given for a complete ban on snares such as those for statutory agencies or police would also be the same if Option 2 to '*Introduce a licensing or registration scheme which allows the use of snares, subject to certain conditions, by those who qualify for a licence*' was adopted.

Proposed change from '*Calculated*' to '*Likely*' in Wildlife and Countryside Act 1981

It is proposed under Section 44 of the Bill to amend the Wildlife and Countryside Act 1981 '*...so as to modify the prohibitions on setting in position any trap or snare, or any electrical device for killing or stunning, or any poisonous, poisoned or stupefying substance. The effect of the modifications is that the prohibitions will "likely" to cause injury to a wild animal of the type specified in those provisions (rather than where the use is "calculated to cause" injury to a wild animal of that type).*'

BASC is concerned that the introduction of the term 'likely' instead of 'calculated' would unduly lower the threshold for the mental element of a potential offence, which would lead to unnecessary legal uncertainty and therefore BASC recommends that the current term 'calculated' is used.