

Defra sets out review into releasing gamebirds on protected sites

The review will look at areas including the number of gamebirds released and their impact on protected sites, the consenting process, and whether further safeguards could be provided to protect sites. There will be no immediate changes for owners or occupiers of land.

In response to a pre-action protocol letter from Wild Justice in July 2019, [last September Defra accepted that in principle](#) the annual release of non-native gamebirds on, or affecting, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) is capable of constituting a “plan or project” requiring appropriate assessment within the meaning of the Habitats Directive.

Whether they will do so in any given case will depend on whether they may have a significant effect on the specific SPA or SAC in question. This will depend in turn on the nature of the activities, the features and condition of the SPA or SAC, the distance from the SPA or SAC where the activities are carried out and the possible effects of the activities. While not accepting the argument that current laws do not provide for appropriate assessment in such cases, [Defra committed to undertake a review](#) to consider the legislative arrangements around the relevant activities and whether there are ways in which their effectiveness could be improved.

The review is looking at the following areas:

- Consenting process: in conjunction with Natural England, Defra is reviewing the effectiveness of the process around Operations Requiring Natural England’s Consent on European protected sites in relation to gamebird release.
- Special Nature Conservation Orders (SNCOs): exploring the effective use of SNCOs in relation to gamebird release, which have to date been used as a last resort option designed to limit potentially damaging operations on or near protected sites.
- Legislative options: reviewing the current legislative arrangements that are of relevance to the release of non-native gamebirds on or around European protected sites, including considering whether any amendments to current regimes could provide further safeguards to protected sites. Defra is also exploring other possible options for regulating such releases if current arrangements do not provide a solution.
- Number of gamebirds released and their impact on protected sites: examining available data to establish an estimate of the number of

gamebirds that are released on or around protected sites in England. In terms of their impact on protected sites, considering available evidence including the findings from a literature review jointly commissioned by Natural England and the British Association of Shooting and Conservation (BASC), and a scientific forum being organised by Exeter University, which are both expected to conclude in March 2020.

Defra will meet with interested stakeholders to give them the chance to input their views into this review. Once the review has concluded, Defra will consult with stakeholders on any substantive changes that are being recommended.

What to do if you release gamebirds on protected sites

There are currently legislative arrangements in place which provide for appropriate assessment of non-native gamebird releases on or around SPAs and SACs in appropriate circumstances.

The review will not result in any immediate changes for owners or occupiers of land.

The regulation of non-native gamebird releases will remain unchanged in the immediate term. Defra will keep industry informed of progress with the review in due course.

The Gamebird Release Review team can be contacted on GLTeam@defra.gov.uk for further information.

Further Background

Wild Justice recently issued a second pre-action protocol letter (20 January 2020) requesting that the government provides the timetable and terms of reference for the review, as well as seeking confirmation that it will proscribe or regulate gamebird releases within 5km of any SPA or SAC before gamebird introductions commence in Summer 2020.

Defra confirmed in its response to Wild Justice that work on the review is underway, as well as confirming that the review will include, though will not be limited to, consideration of the section 28E Wildlife and Countryside Act 1981 consenting process and the use of Special Nature Conservation Orders (SNCOs) in relation to non-native gamebirds release, specifically common pheasant and red-legged partridge, as well as exploring other possible options that might be used so that such releases can be subject to appropriate assessment where appropriate.

Defra explained that the object of the review is to identify the most suitable approach, and that the government will not take any steps that preempt the outcome. Given the scope of what is involved, Defra stated that it is not in our view reasonable nor realistic to expect measures to be implemented before summer/autumn 2020.