

(12th July)

Paper Title:	Review of the Use of Firearms on Land Managed by NRW
Paper Reference:	Paper NRW B B 28
Paper Sponsored By:	Ceri Davies
Paper Presented By:	Chris Tucker and Michelle van-Velzen

Purpose of Paper:	Decision
Recommendation:	The Board is asked to agree the Position Statement for NRW following completion of the Review.

Impact: To note – all headings might not be applicable to the topic	<p>How do the proposals in this paper help NRW achieve the Well-Being of Future Generations Act principles in terms of:</p> <p>Looking at the <u>long term</u>: The Review has informed NRW’s position on the circumstances in which we will use firearms to achieve positive land management outcomes from the land in our care. Review recommendations are based on evidence assessed against NRW’s purpose and the legislation directing our work</p> <p>Taking an <u>integrated</u> approach: The Review has considered how the use of firearms is consistent with NRW’s purpose and the principles of the Sustainable Management of Natural Resources (SMNR). Activities covered by the review have been assessed for their contribution (positive and negative) to the economy, environment, society and culture of Wales.</p> <p>Involving a <u>diversity</u> of the population: The Review encompassed a public call for evidence and full</p>
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	<p>public consultation on evidence-based propositions to inform our position.</p> <p>Working in a <u>collaborative</u> way: Consistent with NRW's Stakeholder Strategy the review has involved staff, partners and those with an interest to help develop our evidence base and inform our recommendations. The review was based on an inclusive approach to gathering evidence with full public consultation on our proposals.</p> <p><u>Preventing issues from occurring:</u> The review applied the available evidence to the circumstances where firearms are used on the NRW managed estate and considered the effectiveness of the available options to meet our purpose, achieve land management objectives, protect the value of the assets that we manage and in our consideration of proposals from third parties for activities such as pest control, leases for game shooting and recreation.</p>
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Issue

1. The Review of the Use of Firearms on Land Managed by NRW (the Review) has been completed and the Board are asked to consider its recommendations and agree a Position Statement for NRW.

Background

2. In May 2016 the Board directed that a formal review should be undertaken into the use of firearms on land that we manage in response to introduction of new legislation¹ in Wales and following concerns from stakeholders about the welfare of pheasants on our land and the ethics of allowing such activity on land owned by Welsh Ministers.
3. The scope of the Review was limited to the use of firearms and shooting activity related to our land manager role and remit as follows:
 - Our use of firearms for managing wild species which impact on our land management objectives;
 - Other people's use of firearms for managing wild species that impact on our neighbour's land management objectives; and,
 - Our leasing of land for game shooting and other pursuits using firearms.
4. The terms of reference for the Review were set by the Board and required consideration and assessment of the extent to which current and potential alternative approaches were consistent with:
 - NRW's purpose;

¹ The Environment (Wales) Act (2016) and the Well-being of Future Generations (Wales) Act (2015).

- The principles and objectives of Sustainable Management of Natural Resources (SMNR); and if they,
 - Support delivery of the Well-Being of Future Generations' Goals.
5. The Review was undertaken in several stages as detailed in **Annex 1**. This included a public Call for Evidence, independent external assurance of the project approach and evidence analysis, and a formal Public Consultation on a series of proposals. An Executive Summary of the Synthesis of Evidence is provided in **Annex 2** and a summary of public consultation responses in **Annex 3**. The Review has been overseen by a staff-based Steering Group and a Task and Finish Group of the NRW Board, with update papers provided to NRW Executive Directors, NRW Board and Welsh Government at regular intervals (**Annex 1**).
 6. Following analysis of the response to the public consultation, this paper presents the final evidence based recommendations of the Review and asks the Board to agree a Position Statement for NRW. The rationale for each recommendation is very brief as comprehensive information is provided in other reports that discuss the range of evidence available and the advantages and disadvantages of alternative options.

Assessment

7. In February 2017, NRW made a public Call for Evidence to inform the review. This was open for three months and 36 submissions were received. These varied from short statements of opinion to papers referencing peer reviewed journal papers. The Call for Evidence set out the criteria for qualifying evidence and explained that popular publications, anecdotal findings, opinions and ideas would not be accepted. Over 220 pieces of qualifying evidence were received. Together with evidence sourced by NRW and from our own records over 250 pieces of evidence were considered.
8. The project sourced relevant legislation, internal reports, advice and evidence, the position of other land management organisations and independent evidence to inform the Review. In August 2017 an expert panel consisting of 19 NRW specialists reviewed the project's assessment of evidence and draft conclusions. The panel met to consider how to apply the evidence to the use of firearms on land in our care. The available evidence was used to test the current approach and the available alternatives against each of the three circumstances where firearms are used in line with the context of the Review.
9. Following independent external assurance of our Review process and assessment approach a twelve-week public consultation was held between January and April 2018. A total of 4698 online responses and two postal responses were received from a range of interested parties. Thirteen written responses were submitted on behalf of various organisations. The project team used a survey tool to analyse the online responses and all written responses and on-line comments were read, assessed, categorised and summarised. A quarter of respondents said that they were members of, or affiliated to, an organisation with an interest in this consultation. Analysis showed that there were 584 responses that contained free-text identical to that suggested by campaigns from at least two organisations. 98% of respondents completed the place of residence question with residents of 38 countries responding. 31% of respondents were resident in Wales, 60% from another part of the UK and 7% from elsewhere.

10. NRW has met with several interested parties during the Review. During the Call for Evidence meetings with the British Association for Shooting and Conservation and Countryside Alliance took place to explain the purpose of the review and call for evidence. During the public consultation period NRW representatives met with Animal Aid, the League Against Cruel Sports (LACS) and an interested individual to discuss the Synthesis of Evidence, the propositions put forward in the public consultation document and next steps for analysis of the public consultation responses.
11. During the Review period there have been a small number of protests at NRW offices in Cardiff and Aberystwyth and at the Senedd where leaflets from the campaign '[Stop Shooting on Welsh Public Land](#)'² were distributed. These leaflets have also been found on NRW livery vehicles. This campaign has provided a briefing to Assembly Members. In August 2017 NRW received a petition of around 70 signatories calling for NRW to stop leases for gamebird shooting. Animal Aid, LACS and 'Stop Shooting on Welsh Public Land' presented a petition to the National Assembly for Wales in April 2018. They delivered a letter to NRW acknowledging the delivery of the 12700 signatories to the NAW Petitions Committee. LACS undertook a [YouGov poll](#)³ on gamebird shooting in April 2018 that asked 1006 Welsh adult respondents a series of questions about shooting birds for sport.
12. It is estimated that staff effort over the Review period totals 2000 hours. The Review has investigated one formal complaint and received one commendation for its work to date. It has also dealt with several Access to Information Requests and over 200 additional queries by correspondence and telephone.

Recommendations

13. Based on the completed stages of the Review, four evidence based recommendations are put to the Board, followed by a summary of the public consultation responses, the rationale and suggested conditions associated with each recommendation. These recommendations are the same as those contained in the draft Position Statement attached at **Annex 5**.

Recommendation 1: NRW will continue to use firearms in managing the negative impacts of wild species on the land it manages to achieve the sustainable management of natural resources consistent with our land management objectives and our purpose.

14. **Public Consultation response:** Question 1 of the public consultation asked: Do you agree that the use of firearms should continue to be an option available to NRW in managing the negative impacts of wild species on the land it manages to achieve the sustainable management of natural resources?

² 'Stop Shooting on Welsh Public Land' a campaign run by the animal rights organisation Animal Aid. More information is available from their website <https://www.animalaid.org.uk/nrw/> including the briefing to Assembly Members.

³ League Against Cruel Sports commissioned a YouGov poll and the results can be accessed from https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/1qaemiv24u/YG-Archive-230418-League%20AgainstCruelSports.pdf

The results were as follows:

Overall	Yes	27%	No	73%
Welsh residents	Yes	43%	No	57%

Of those respondents that said 'no', the need for humane alternatives was the most commonly cited reason, followed by the ethics of lethal control of wild species. Many commented that all wild species are precious whether invasive or not and that human intervention leads to negative impacts on biodiversity. Many of respondents replying 'no' questioned the need for intervention and queried the evidence of a significant negative impact on land management objectives. Of those who responded 'yes' comments principally related to the lack of viable alternatives for population management to limit damage to economic activity and negative impacts on land management objectives.

- 15. Rationale:** Management of the negative impacts of wild species on land that we manage, including by lethal control, is consistent with and necessary to achieve NRW's purpose, the principles and objectives of SMNR and to support delivery of Well-being Goals. Impacts on newly planted trees, the overall condition and resilience of woodlands and the conservation of species across various habitats need to be managed using a variety of methods including lethal control. There is no combination of satisfactory alternatives to the use of firearms that meet our land management objectives or protect the value of the assets that we manage in the short or long term.
- 16. Conditions:** When considering the use of lethal control, evidence of impacts justifying control, animal welfare and potential alternative or complimentary actions will always be assessed before taking the decision to use firearms and there will be monitoring to assess the ongoing need. The [International Consensus Principles for Ethical Wildlife Control](#)⁴ will be used to determine the need for lethal control as set out in **Annex 4**.

Recommendation 2: NRW will continue to consider applications for permission to carry out control of wild species using firearms on the land we manage.

- 17. Public Consultation response:** Question 2 of the public consultation asked: Do you agree that NRW should continue to consider applications for permission to carry out control of wild species using firearms on the land we manage?

The results were as follows:

Overall	Yes	26%	No	74%
Welsh residents	Yes	41%	No	59%

Of respondents who answered 'no' to this question the economic justification for carrying out control using firearms was the most common comment, questioning the evidence and significance of the negative impact on farming livelihoods. A high number of respondents had concerns about compliance with legislation and permission conditions along with behaviour of those carrying out control and placing restrictions on public access. Responses also directly questioned the effectiveness of controlling foxes on lamb survival with evidence suggesting that other factors have a

⁴ Dubois et al (2017), International consensus principles for ethical wildlife control. Conservation Biology. doi:10.1111/cobi.12896 <https://onlinelibrary.wiley.com/doi/full/10.1111/cobi.12896>

higher impact. In contrast landowners and landowner representatives felt strongly that fox control is important in avoiding serious lamb losses and protecting farming businesses.

18. **Rationale:** Consideration of applications for permission to carry out control of wild species using firearms on the land that we managed is consistent with the Hunting Act 2004 and NRW is committed to consider applications for this activity from its neighbours. Predation has been identified as a major cause of reduced breeding success for many ground-nesting birds and they may benefit from fox control performed in neighbouring forest blocks. Evidence suggests that the use of firearms in this circumstance is consistent with NRW's purpose, the principles and objectives and SMNR and will also support delivery of Well-being Goals from land owned and managed by others.
19. **Conditions:** Applications must provide clear justification that the activity is to prevent or reduce serious damage which the wild mammal would otherwise cause. Non-compliance with legislation or terms of the permission could result in the permission being removed and/or not renewed. The International Consensus Principles for Ethical Wildlife Control⁴ will be used to direct NRW's response to applications in a similar way to **Annex 4**.

Recommendation 3: NRW will continue to consider the leasing of rights for pheasant shooting, wildfowling and other pursuits involving firearms on a case by case basis.

20. **Public Consultation response:** Question 3 of the public consultation asked: Do you agree that NRW should continue to consider the leasing of land for pheasant shooting, wildfowling and other pursuits involving firearms where it does not negatively impact on sustainable management of natural resources?

The results were as follows:

Overall	Yes	24%	No	76%
Welsh residents	Yes	37%	No	63%

Of those who responded 'no' the most commonly cited reasons were the negative impact on native biodiversity such as the number of pheasants released to the wild, competition for food and impact on native habitats and species. Compliance with animal welfare standards were questioned often alongside the ethics of gamebird shooting. Of those who responded 'yes' the benefits for habitat conservation and the protection of rare species through additional activities such as predator control for species of conservation concern and improvement of habitat for native biodiversity were the most often cited.

21. **Rationale:** The activities related to third party shooting, (gamebirds, rough shooting and wildfowling) on land that we manage have the potential to positively contribute to SMNR and well-being, such as rural enterprise, jobs, additional habitat management and community cohesion. Any activity on the Welsh Government Woodland Estate is independently audited to maintain forest certification and as such can be considered consistent with NRW's purpose. From the evidence we conclude that proposals can only be assessed on a site by site basis to allow a thorough assessment of the

proposal, circumstances and issues. The strength of feeling on the ethics of such activities and the strong concerns about the welfare of the animals involved has to be balanced with the deeply held belief from others that this forms an important part of Wales' culture.

22. Conditions:

- **NRW will not promote** this type of activity as a commercial venture but will continue to consider proposals where the costs involved can be recovered.
- **In considering proposals**, the local impacts of the activity on SMNR and the Well-Being Goals should be assessed. The location and scale of activity should take account of the potential for negative impacts on ecosystems and local species of flora and fauna but also the beneficial social aspects of local community cohesion and potential economic benefits. Management plans should be developed and implemented, and leaseholders required to demonstrate adherence to relevant codes of practice⁵. NRW will continue to assess compliance of permitted activities with the UK Woodland Assurance Standard. The approach set out in NRW's Enterprise Plan⁶ will be applied to assessment of proposals.
- **Costs.** NRW should recover the costs associated with assessing proposals and managing leases on a case by case basis. Currently NRW does not recover the cost to consider proposals and monitor compliance within the current charging scheme. This is particularly the case for wildfowling where specialist Habitat Regulations Assessments are required.
- **Animal welfare.** The burden of proof for compliance with animal welfare standards throughout the supply chain lies with the third party. The potential for negative animal welfare issues associated with the breeding and rearing process should be addressed by the applicant and compliance checks with the relevant authorities. NRW will monitor animal welfare on the WGWE through the lease and management plan process.
- **Pheasant shoots on the WGWE.** Currently pheasant shooting only occurs on open ground adjacent to woodland. Current leases permit access for shoots to flush birds from cover with some penning and feeding of birds in woodland and some associated habitat management and predator control activities. For current leases no further rearing pens or release cages will be sited on the WGWE. Future proposals will only be considered for access to woodland in our care adjacent to the principal enterprise activity based on neighbouring land.
- **Other (non-lethal) pursuits** such as clay pigeon shooting or shooting ranges require clear consideration in terms of the potential negative impact on NRW's management objectives and on public access to the land in our care.

Recommendation 4: NRW will continue to use lead ammunition but will keep under review the efficacy of the available alternatives.

⁵ Welsh Government Code of Practice for the Rearing of Gamebirds for Sporting Purposes (2010) available from <http://gov.wales/docs/legislation/inforcenonsi/animalwelfare/110106gamebirden.pdf>
Industry codes of good practice include: BASCs Wildfowling Code of Good Practice available from <https://basc.org.uk/cop/wildfowling> and a collaborative Code of Good Shooting Practice available from <http://www.codeofgoodshootingpractice.org.uk/pdf/cogsp2017.pdf>

⁶ NRW's Enterprise Plan 2017-2022 applying SMNR principles to activities available from <https://naturalresources.wales/media/683212/appendix-1-applying-smnr-principles-to-nrws-enterprise-activities-v1-oct-2017-final.pdf>

23. **Use of lead – common to all recommendations.** This was not a question in the public consultation but was an issue raised by many respondents in the free text comments and four of the organisation responses. The use of lead ammunition has been given balanced consideration as part of the Review with negative environmental, health and welfare issues taken into account. The UK Government and Defra currently determine that the evidence provided by the Lead Advisory Group did not warrant a change in legislation on lead ammunition. Use of lead shot is banned in sensitive habitats and this will continue to be enforced in those circumstances. Welsh Government are not planning to extend or alter current restrictions.
24. Trials of alternatives to lead ammunition by NRW staff have not provided convincing standards of animal welfare in terms of the quick dispatch of animals. In contrast, discussions with Forest Enterprise England indicate that they are not experiencing issues with the use of non-lead ammunition alternatives. Managers of the Public Forest Estate (PFE) in Scotland use both lead and non-lead alternatives in the management of deer on the PFE. Similar concerns to professional firearms users in NRW mean that they are still investigating the best alternatives for all situations.
25. NRW will maintain a watching brief on alternatives to lead ammunition through engagement with PFE operational staff in Scotland and England. Responsibility for a potential change in legislation or policy in this respect would rest with Welsh Government.

Key Risks

26.

Risk	Mitigation
If we do not clearly demonstrate to organisations with an interest in the Review that we have been balanced in our appraisal of the evidence, (including the public consultation response) then there is a risk that the Review and Position Statement will not be widely accepted with negative impacts for our reputation.	<ul style="list-style-type: none"> • We have worked with stakeholders throughout the Review and have been transparent about the scope and remit of the review and our approach and process. • We appointed external independent assessors to review our project approach and evidence analysis and they reported favourably on our work.
If there is no progress on the issue of animal welfare compliance across the gamebird supply chain then there is a risk that the issues raised by the public during our consultation will go unaddressed with consequences for the reputation of pro-shooting organisations, NRW and Welsh Government.	<ul style="list-style-type: none"> • We have kept Welsh Government informed of the progress of our Review and its recommendations. • We have made Welsh Government aware of the results from our public consultation including the deep concerns of some of those responding and the evidence shared by animal welfare organisations.
If there is no progress with the development of satisfactory non-lead alternatives for shot and bullets then there remains a risk of negative impacts	<ul style="list-style-type: none"> • We are continuing to collaborate with managers of the public forest estate in the rest of the UK, to invest in research and operational trials of

<p>on the environment, for human health, operator safety and animal welfare with consequences for society, the environment and the reputation of land managers.</p>	<p>alternatives.</p> <ul style="list-style-type: none"> • Leaseholders and permission holders to be obligated to use non-lead alternatives once animal welfare and health and safety concerns have been addressed.
<p>If we do not continue to control species such as deer then there is a risk that the value of the assets that we manage will decline and become unsustainable with consequences for delivering against our purpose, SMNR and well-being benefits for the people of Wales.</p>	<ul style="list-style-type: none"> • There is compelling evidence, policy and legislation for the continued control of wild species that negatively impact on our land management objectives.
<p>If we do not continue to consider applications from others to control species such as foxes on the land that we manage then there is a risk that we breach our legal obligations and those as a good neighbour with consequences for our reputation and the economy.</p>	<ul style="list-style-type: none"> • We will continue to assess applications for permission to carry out control consistent with the Hunting Act 2004 and consider those where clear impact on farming businesses can be demonstrated.
<p>If we do not continue to offer sporting leases consistent with the conditions for our management of lease-hold land then there is a risk that our management of such sites will cease with consequences for our reputation and the environment.</p>	<ul style="list-style-type: none"> • Principle surveyor to review the conditions of leasehold land relating to wildfowling activities on land that we manage to determine if cessation would breach our legal obligations.
<p>If we cannot recover our costs for the consideration of proposals involving the use of firearms for pursuits such as gamebird shooting then there is a risk that we will cease to offer the opportunity for such activities on the land that we manage with consequences for our reputation.</p>	<ul style="list-style-type: none"> • Principle surveyor to investigate and re-negotiate all current and relevant leases aiming for total cost recovery to facilitate such activities or cessation of activity if cost-recovery cannot be negotiated.

Financial Implications

27. Non-lead ammunition is currently more expensive but not insurmountably so. The costs of compliance checks on permissions and leases by NRW staff should be borne by the permit holders and leaseholders through full cost recovery via the negotiation of a new or renewed permission or lease. Consistent with the evidence from the review and the principles of our Enterprise Plan (2017 -22) we will no longer attempt to derive commercial income from activities using firearms and so there will be an associated reduced potential for an additional income stream for our land management activities.

Equality impact assessment (EqIA)

28. A screening (**Annex 6**) has been completed and found that as our recommendations do not significantly alter a service that we currently provide (and if our recommendations are accepted) then a full EqIA is not required.

Index of Annex

Annex 1: Summary of review timetable and process

Annex 2: Executive Summary of the Synthesis of Evidence

Annex 3: Summary of public consultation responses

Annex 4: Application of the International Consensus Principles for Ethical Wildlife Control to deer management on the land managed by NRW

Annex 5: Draft Position Statement on the use of firearms on the land managed by NRW

Annex 6: EqIA screening

Sustainable Land Management Team
Friday, 22nd June 2018