

# Agenda – Economy, Trade, and Rural Affairs Committee

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Meeting Venue:	For further information contact:
Hybrid – Committee room 1&2 Senedd and video Conference via Zoom	Robert Donovan Committee Clerk
Meeting date: 9 November 2022	0300 200 6565
Meeting time: 09.30	<a href="mailto:SeneddEconomy@senedd.wales">SeneddEconomy@senedd.wales</a>

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## Private pre-meeting (09.15–09.30)

## Public meeting (09.30–12.00)

### 1 Introductions, apologies, substitutions and declarations of interest

(09.30)

### 2 Paper(s) to note

(09.30)

#### 2.1 Letter from the Minister for Rural Affairs and North Wales, and Trefnydd

(Pages 1 – 2)

Attached Documents:

Welsh Government's follow up to questions regarding UK GDPR – Agriculture  
(Wales) Bill: Evidence session 1 – 5 October

#### 2.2 Letter from the Minister for Economy

(Pages 3 – 7)

Attached Documents:

Border Controls



**Senedd Cymru**  
**Welsh Parliament**

### **2.3 Letter from the Minister for Rural Affairs and North Wales, and Trefnydd**

(Pages 8 – 9)

Attached Documents:

Legislative Consent Memorandum (LCM) for the Northern Ireland Protocol Bill

### **2.4 Letter from the Minister for Rural Affairs and North Wales, and Trefnydd**

(Pages 10 – 13)

Attached Documents:

Agriculture (Wales) Bill – Corrections to the Explanatory Memorandum

### **2.5 Letter from the Chair of the Petitions Committee**

(Page 14)

Attached Documents:

Petition P-06-1291 Hold an enquiry into the corporate takeover of the veterinary profession in Wales

### **2.6 Letters to the Minister for Climate Change**

(Pages 15 – 21)

Attached Documents:

Letter from the Chair of the Local Government and Housing Committee –

Legislative Consent Memorandum: Levelling-up and Regeneration Bill

Letter from the Chair of the Legislation, Justice and Constitution Committee –

Legislative Consent Memorandum: Levelling-up and Regeneration Bill

### **3 Agriculture (Wales) Bill: Evidence session 7**

(09.30–10.15)

(Pages 22 – 69)

David Bowles, Head of Public Affairs, RSPCA Cymru

Billie-Jade Thomas, Senior Public Affairs Officer – Wales, League Against Cruel Sports

Simon Wild, Campaigns Director, National Anti-Snaring Campaign

Collin Willson, Welsh Branch President, British Veterinary Association

Attached Documents:

Research brief

RSPCA Cymru – Evidence paper

League Against Cruel Sports – Evidence paper

National Anti Snaring Campaign – Evidence paper

British Veterinary Association – Evidence paper

**Break (10.15–10.25)**

#### **4 Agriculture (Wales) Bill: Evidence session 8**

(10.25–11.10)

(Pages 70 – 103)

Glynn Evans, Head of Game and Gundogs, British Association for Shooting and Conservation

Rachel Evans, Director for Wales, Countryside Alliance

Ian Andrew, Chief Executive, British Pest Control Association

John Hope, Technical Manager, National Pest Technicians Association

Attached Documents:

Countryside Alliance – Evidence paper

British Pest Control Association – Evidence paper

National Pest Technicians Association – Evidence paper

Game and Wildlife Conservation Trust Wales – Evidence paper

#### **Break (11.10–11.15)**

#### **5 Agriculture (Wales) Bill: Evidence session 9**

(11.15–12.00)

Dr Ludivine Petetin, Reader in Law, Cardiff University

Dr Mary Dobbs, Senior Lecturer, School of Law and Criminology, Maynooth University

#### **6 Motion under Standing Order 17.42(ix) to resolve to exclude the public for the remainder of the meeting**

(12.00)

## **7 Private**

(12.00–12.20)

Consideration of evidence following the meeting

Paul Davies MS  
Chair  
Economy, Trade and Rural Affairs Committee

[Paul.Davies@senedd.wales](mailto:Paul.Davies@senedd.wales)

24 October 2022

Dear Paul,

Thank you for the opportunity to discuss the Agriculture (Wales) Bill at the Committee session on 5 October. During the meeting, Sarah Murphy MS asked a number of questions regarding (1) whether the collection of data provisions in the Bill are in line with the UK General Data Protection Regulation ("UK GDPR"), (2) whether data collected under the Bill could be sold to third parties, (3) whether farmers would have to consent to the provision of data, and (4) how the Bill would be affected by the possible abolition of the UK GDPR. I agreed to write to the Committee on the selling of data to third parties and I thought it may be helpful to expand further on these points more generally.

I can confirm the Bill's data collection provisions are compliant with the UK GDPR and overarching data protection legislation.

In relation to the second question, there is no provision within the Bill which specifically prevents the sale of collected information to third parties. However, it is not the policy nor wider intent of the Welsh Government to sell data onto third parties. The Bill's data sharing provisions are very detailed and include several limitations and safeguards relating to the purposes for which data can be collected and how the data is to be processed. For example, data can only be collected in furtherance of one or more of a specific and limited list of purposes which are set out in the Bill, such as helping to increase productivity, promoting transparency or fairness in agri-food supply chains or monitoring supply sources for food.

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In relation to safeguards, the Bill requires the Welsh Ministers to have published their proposed draft requirements for at least four weeks, for comment, prior to information requirements being introduced. These requirements must set out the purposes for which the information will be processed and the processing of the information cannot breach the set requirements. Furthermore, any regulations under the Bill made by the Welsh Ministers introducing obligations to provide information can only be made using the affirmative Senedd procedure, which provides significant scrutiny powers to Senedd members in relation to the information being collected.

There are further safeguards in place. As per our statutory obligation to consult with the Information Commissioners Office (ICO), as the UK Regulator (Article 36(4)) when drafting legislation which impacts upon the processing of personal data, officials have consulted with the ICO on the data provisions within the Bill. This is an ongoing engagement on all aspects of data collection and data protection regarding the Bill. The ICO ensures the provisions are compliant with the data protection principles enshrined in the UK GDPR and the Data Protection Act 2018. Consequently, the Welsh Government cannot put in place legislation which overrides these principles and which does not respect UK GDPR. This statutory consultation process with the ICO provides an additional level of safeguarding.

In relation to consent to the provision of information, where data is collected from farmers on a voluntary basis, for example by the Annual Farm Business Survey, their consent is required to the processing of the data. The Bill also contains statutory mechanisms which can require specific types of data to be provided by farmers for limited and particular purposes, and whilst farmers' consent will not be required where these mechanisms are used, farmers will be able to influence those requirements by making representations either themselves, via stakeholder representatives or Senedd members about the nature, effect and practical impact of the proposed requirements. Finally, farmers will be provided with clear privacy information about how their data will be used by Welsh Government and any partners.

Regarding the point raised by Sarah Murphy MS in relation to the UK GDPR and the possibility this may be removed by the UK Government, I can confirm Welsh Government officials have been working with UK Government officials on the draft Data Protection and Digital Information (DPDI) Bill. I am aware of recent comments made by the Secretary of State for Digital, Culture, Media and Sport, however, at this stage we have no further information from the UK Government on what this may mean for the draft DPDI Bill. Consequently, officials continue to work on the basis the UK GDPR and other existing overarching data protection legislation remains in force until such time as it is amended or replaced by the UK Government. Any changes to the UK GDPR will have wide ranging consequences, and any proposed replacement of the UK GDPR will need to be carefully considered once the detail is known.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

**Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**

Vaughan Gething AS/MS  
Gweinidog yr Economi  
Minister for Economy

Agenda Item 2.2



Llywodraeth Cymru  
Welsh Government

Paul Davies MS  
Chair of the Economy, Trade and Rural Affairs Committee  
Welsh Parliament  
Cardiff Bay  
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27 October 2022

Dear Paul

### **Border Controls**

Further to today's written statement, the Minister for Rural Affairs, North Wales and Trefnydd and I have issued a targeted consultation on our intention to make Wales legislation to extend the transitional phasing period. This will delay the introduction of border controls which will otherwise commence on January 1st. This statutory instrument would also remove the exemption from pre-notification for products travelling to Wales from the Republic of Ireland.

I wrote to Rt Hon Jacob Rees-Mogg MP, Minister for Brexit Opportunities and Government Efficiency about border controls on 13 June 2022, drawing attention to the issues caused by, and my desire to remove, the exemption from pre-notification requirement of products of animal origin entering Wales from the Republic of Ireland. I wrote to Rt Hon Nadhim Zahawi MP, Chancellor of the Duchy of Lancaster about pre-notification on 5 October 2022, confirming my intention to switch on this requirement from January 2023. I have not received replies.

I attach copies of the letters for the attention of the Committee.

Yours sincerely,

**Vaughan Gething AS/MS**  
Gweinidog yr Economi  
Minister for Economy

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Ein cyf/Our ref VG/0712/22

Rt Hon Jacob Rees-Mogg MP  
Minister for Brexit Opportunities  
and Government Efficiency  
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13 June 2022

Dear Jacob,

Thank you for your letter of 24 May.

I am pleased to hear that our officials are working closely on the design of the borders target operating model. Given that Great Britain's biosecurity is only as strong as its weakest link, I regard it as essential that our governments collaborate to determine a coherent and stable regime. I agree the regime needs to be efficient and proportionate, recognising the costs to business and ultimately the consumer. Equally, however, it must protect human, plant and animal health, recognising the appalling cost, both economic and personal, of a major disease outbreak.

It is therefore imperative that ministers responsible for biosecurity across all the countries of Great Britain work together to agree the principles and the details of the future borders regime, informed by joined-up advice from all our technical experts, such as the chief veterinary and plant officers, together with the agencies charged with protecting our health and delivering the regime on the ground.

I would not want to see a repeat of previous borders work where the devolved administrations are presented with a regime once Westminster has determined its preferred outcome. We need proper political engagement to shape the strategic principles and consider the practical issues. I therefore ask you to commit to regular GB(O) meetings where decisions on the future GB regime can be taken collectively.

I would also like to be clear: we do not yet have pre-notification for imports from Ireland, following the UK Government's unilateral decision to exempt Irish Sea trade from the pre-notification requirements introduced at other GB ports from January this year. Therefore, unlike south and east coast ports, Welsh ports do not currently have sight of real time data on trade flows. This lack of reliable data on the nature and volumes of imports across the Irish Sea is a major impediment to our preparedness and our ability to introduce more efficient

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border operations. Although your officials have begun to work with mine to compare the available data, at first glance, this still looks unhelpful. I appreciate the sensitivity of discussions around the Northern Ireland Protocol, I hope that the UK Government will agree to introduce pre-notification for imports from the island of Ireland by 1 January 2023 at the latest.

Finally, I have written to the Chief Secretary of the Treasury to seek confirmation that his commitment to fund the costs of building Border Control Posts in Wales still stands.

I am copying this letter to my colleague, Lesley Griffiths MS, Minister for Rural Affairs, North Wales and Trefnydd, to Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands in the Scottish Government and to Rt. Hon George Eustice MP, Secretary of State for Environment, Food and Rural Affairs, Rt. Hon Michael Ellis QC MP, Minister for the Cabinet Office and the Rt. Hon Simon Hart MP, Secretary of State for Wales.

Yours sincerely

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

**Vaughan Gething AS/MS**  
Gweinidog yr Economi  
Minister for Economy



Ein cyf/Our ref VG/00761/22

Rt Hon Nadhim Zahawi MP  
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5 October 2022

Dear Nadhim,

Congratulations on your appointment. I look forward to working with you and meeting you at forthcoming cross government discussions on the Target Operating Model for our borders.

I wrote to Rt Hon Jacob Rees-Mogg MP, Minister for Brexit Opportunities and Government Efficiency, on 13 June 2022 about border controls and I drew attention to the issues caused by, and my desire to remove, the exemption from pre-notification requirement of products of animal origin entering GB from the island of Ireland. I did not receive a reply.

The UK Government's unilateral decision to exempt imports of products of animal origin from the island of Ireland from the pre-notification requirement has left the Welsh Government and local authorities across GB with a significant data gap which has not been possible to satisfactorily address through other sources. Much of this trade travels beyond Wales' border, so the lack of pre-notification means that a significant proportion of goods entering GB currently does so 'under the radar' so to speak. It is vital that Welsh Ministers, responsible for biosecurity, food safety and sanitary and phytosanitary controls in Wales, understand the quantity, nature and risk profile of products entering Welsh ports. It is also key for our local authority partners who are responsible for port health functions in Wales. This data deficiency has hampered the planning and development of our border controls and associated operations and impedes any meaningful analysis of the impact of emerging Target Operating Model proposals on commodity risk profiling, future infrastructure and staffing needs, making it more difficult to achieve value for money for the taxpayer and consumer. It puts us at a significant disadvantage compared to those making similar arrangements in relation to imports from other EU countries.

This letter is to confirm that as this is a devolved matter I intend to switch on this requirement for imports of non-'Qualifying Northern Ireland Goods' into Wales from January 2023.

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I intend to add high risk food and feed not of animal origin into scope of the pre-notification requirement during transitional staging period in Wales too. This will greatly assist us, and the Food Standards Agency, in understanding flows of these goods into Wales and the associated risks as no such data presently exists.

This change is supported by our Chief Veterinary Officer. I note that the issue has been discussed on more than one occasion by the Chief Veterinary Officers from all UK nations in the various forums of the Common UK Animal Health and Welfare Framework. We believe the need to do this is more pressing given that we are no longer part of the early warning system that EU member states participate in. My officials have also discussed this with Defra officials and your own in the Cabinet Office on several occasions.

I would prefer that all this is done on a GB or England and Wales basis but if this is not possible then I plan to legislate to make this change for imports into Wales. Whichever of these legal routes we go down, the process needs to start as soon as possible in order to give importers as much notice as possible.

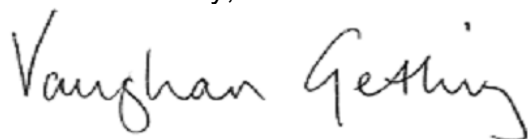
I appreciate there are ongoing negotiations on the Northern Ireland Protocol, however, it is within our collective gift to set the import conditions for goods which are not eligible for unfettered access to the GB market under the Protocol.

Whilst this particular change is about the current imports regime, I am also attached to the importance of pre-notification in the future regime too. It is essential that the competent authorities know sufficiently in advance what is being imported so they can understand and assess the potential biosecurity and food safety implications and have the necessary resources to hand should an identity or physical check be required. This advance notice, which is done digitally and in line with modernised border controls, is even more important for the smaller and more remote ports. It may be that this information can eventually be obtained via a single portal with the need for separate SPS and customs declarations becoming redundant but until that capability exists, we shall need to rely on pre-notification via IPAFFS.

As previously discussed with Defra, my officials will seek *competent authority* level access to IPAFFS for Welsh Government officials and our local authorities who are responsible for port health matters so we can effectively make use of this pre-notification data.

I am copying this letter to my colleagues Lesley Griffiths MS, Minister for Rural Affairs, North Wales and Trefnydd, to Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands in the Scottish Government, to Rt Hon Ranil Jaywardena MP, Secretary of State for Environment, Food and Rural Affairs, Rt Hon Edward Argar MP, Minister for the Cabinet Office and Rt Hon Robert Buckland MP, Secretary of State for Wales.

Yours sincerely,



**Vaughan Gething AS/MS**  
Gweinidog yr Economi  
Minister for Economy



Llywodraeth Cymru  
Welsh Government

Rt Hon Elin Jones MS  
Llywydd and Chair of the Business Committee  
Senedd Cymru  
Cardiff  
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[llywydd@senedd.wales](mailto:llywydd@senedd.wales)

27 October 2022

Dear Elin,

As you will be aware, at Business Committee on 4 October, the legislative consent memorandum (LCM) for the Northern Ireland Protocol Bill ("the Bill") was referred to the Legislation, Justice and Constitution Committee, the Culture, Communications, Welsh Language, Sport, and International Relations Committee and the Economy, Trade, and Rural Affairs Committee, with a reporting deadline of 7 November. This was due to the legislative consent debate being scheduled in the Senedd for 8 November, in response to the pace with which the UK Government is seeking to move the Bill through Parliament.

At Business Committee on 18 October, I committed to providing an update if it became possible to extend the reporting period for the LCM for relevant committees.

In response to timetabling updates in the House of Lords, we now propose to hold the consent debate on 15 November. Therefore, I am able to recommend the reporting period for the LCM be extended to 14 November, the day before the rescheduled debate.

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If Business Committee agrees to this extension, I hope this additional scrutiny time will be welcomed by the relevant committees. The situation with the Bill continues to evolve rapidly, and if I become aware of further material changes, I will update Business Committee at the next meeting of 8 November.

Regards,

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in a dark ink and is positioned above the printed name.

**Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**



Llywodraeth Cymru  
Welsh Government

Paul Davies MS  
Chair of the Economy, Trade and Rural Affairs Committee

[Paul.davies@senedd.wales](mailto:Paul.davies@senedd.wales)

1 November 2022

Dear Paul,

In order to assist the Committee in the ongoing process of Stage 1 scrutiny of the Agriculture (Wales) Bill, I would like to take this opportunity to highlight a small number of corrections which are required to be made to the Explanatory Memorandum following further review by officials.

I have included these in the attached document for the Committee's information.

Regards,

**Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**

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## Annex 1 - Table of changes to the Explanatory Memorandum

Definitions	Page / Paragraph
<p>3.298 <i>The definition of “agriculture” is <del>not</del>-exhaustive (in the sense that it includes a fixed list of activities), but what is included within each subheading of that definition is expanded on within the list below;</i></p> <p><i>a) The management and cultivation of gardens, including ornamental horticulture and market gardens (as forms of horticulture).</i></p> <p><i>b) Farming arable crops for the production of food or agricultural goods, includes the use of crops grown for bioenergy.</i></p> <p><i>c) The keeping and breeding of livestock for the production of food, drink, oils, fibres or leathers or to graze land.</i></p> <p><i>d) The practice of keeping dairy animals for the production of dairy products.</i></p> <p><i>e) Controlled environment agriculture which is the growing of plants in a closed ecosystem in which environmental variables are controlled. This ranges from the use of polytunnels to vertical farming methods.</i></p> <p><i>The definition of “agriculture” can be amended by regulations made by the Welsh Ministers. So, for example, the activities in section 48(1)(a) to (i) could be removed or amended, or a new activity added into section 48(1).</i></p>	Paragraph 3.298
Food Strategy	Page / Paragraph
The Programme for Government and the Co-operation Agreement commit to developing a <b>Community Food Strategy (CSA CFS)</b> to encourage the production and supply of locally sourced food. The <b>CSA CFS</b> may include relevant to targets/objectives to the production of food in an environmentally sustainable manner.	Paragraph 7.561
Forestry	Page / Paragraph
<p><i>Refusal of licences or consent is currently avoided by informal agreement between NRW and licence applicant, but such agreement is not legally enforceable.</i></p> <p><i>Is actually part of the paragraph 3.211, not a heading.</i></p>	Paragraph 3.211
“compensation is made available when a <b>felling licence is amended, suspended or revoked</b> due to environmental harm...”	Paragraph 3.239
Snares & Glue traps	Page / Paragraph



Following indications from Department for Environment, Food and Rural Affairs (Defra) that consideration was being given to legislate to regulate glue traps in England, and during a review of options in Wales, an opportunity to amend the Wildlife and Countryside Act 1981 was identified within the Agriculture (Wales) Bill. Officials engaged with stakeholders between November 2021 and January 2022. Responses were sought from the pest control industry; animal welfare organisations; and local authorities in order to understand the scale of use; the impact of, and for support for, a ban; and any other evidence for or against banning glue traps	Paragraph 4.42
Responses covering <del>seven</del> <b>six</b> of the 22 local authorities in Wales were received to the targeted stakeholder consultation. Of these, <del>five</del> <b>two</b> responded to state they <del>rarely</del> <b>never</b> use glue traps <b>and two only in extremely limited circumstances</b> . One local authority quantified this as being far less than 1 per cent of all pest control incidents and another had not used them in the preceding 12 months.	Paragraph 4.45
Snares: It has not been possible to quantify the impact of banning snares on businesses and individuals who use them. We expect a <del>glue trap</del> <b>ban on snares</b> will have minimal financial impact in the long term.	Page 105
There is substantial public opinion that there is a need to ban the use of snares in Wales.	Paragraph 7.795
'Representations covering <del>seven</del> <b>six</b> local authorities in Wales were received to the targeted stakeholder consultation. Of these, <del>five</del> <b>two</b> responded to state they <del>rarely</del> <b>never</b> use glue traps and <b>two only in extremely limited circumstances</b> . One local authority quantified this as being far less than 1 per cent of all pest control incidents and another had not used them in the preceding 12 months	Paragraph 7.814
It should be noted that where other licensing systems for the use of glue traps exist, <b>such as the system the State of Victoria in Australia had until recently (they now have a total ban)</b> , professional pest controllers are required to have an operating licence and are regulated by the state government. England has yet to release any details on how pest controllers will be defined in the legislation to ban glue traps in England – this is not due to come into force until spring 2024	Page 350, footnote 320
The Scottish Government, having initially indicated regulations might be introduced to restrict the use of glue traps to professional pest controllers, <del>have recently (in January 2022) announced a complete ban,</del> <b>although they await suitable legislation to take this forward</b> . This followed a petition of over 5,000 signatures in Scotland calling for a ban on the use and sale of glue traps.	Paragraph 7.824
Rentokil is one of the largest pest control businesses in the UK and it has adopted a policy of not using glue traps <del>–</del> , <b>this is despite having contracts with premises identified by the trade body BPCA as 'high risk' (such as hospitals).</b>	Paragraph 7.874
'....but it is unlikely to come into force until <del>late summer / early</del> <b>autumn 2023....'</b>	Paragraph 7.875
Local authorities have responsibility for pest control within various public services (the extent varies from local authority to local authority) and during consultation <del>five</del> <b>two</b> of the <del>seven</del> <b>six</b> local authorities represented reported never using glue traps <del>but</del> <b>and two only in a very</b>	Paragraph 7.877

limited number of cases – one local authority was able to quantify this as far less than 1 per cent of all pest control incidents <b>and the other had not used them in the past year. Shared Regulatory Services (minus Cardiff Council which responded separately) estimated using glue traps for rodents about a dozen times a year.</b>	
Following a ban on glue traps those <del>five</del> <b>four</b> <sup>338</sup> local authorities that use glue traps will have to switch to alternative methods <sup>338</sup> There are <del>45</del> <b>16</b> local authorities who did not respond to the consultation, and it is reasonable to assume there will be a mix of those that do and do not use glue traps amongst them.	Paragraph 7.878
Compliance with the new legislation will be predicated, as most legislation is, upon the majority of people adhering to the law. <del>Once the indicated ban on glue traps has been passed into law in Scotland and England's ban comes into force (spring 2024) it</del> may be possible to introduce restrictions on the sale of glue traps, to further aid enforcement, which would require a review of any impact on the police	Paragraph 7.887
Increased standards in animal welfare clearly benefits wider society <sup>341</sup> .	Paragraph 7.899
<b>Agricultural Markets</b>	<b>Page / Paragraph</b>
The section beginning on page 299 is incorrectly titled as intervention in agricultural markets, when it should be marketing standards. This also applies to the title of Option 2 on page 300.	Page 299 and 300

# Agenda Item 2.5

Y Dwyllgor Deisebau

## Petitions Committee

Paul Davies MS  
Chair  
Economy, Trade and Rural Affairs Committee  
Tŷ Hywel  
Cardiff Bay  
CF99 1SN

**Senedd Cymru**  
Bae Caerdydd, Caerdydd, CF99 1SN  
Deisebau@senedd.cymru  
senedd.cymru/SeneddDeisebau  
0300 200 6565

**Welsh Parliament**  
Cardiff Bay, Cardiff, CF99 1SN  
Petitions@senedd.wales  
senedd.wales/SeneddPetitions  
0300 200 6565

1 November 2022

Dear Paul

**Petition P-06-1291 Hold an enquiry into the corporate takeover of the veterinary profession in Wales**

The Petitions Committee considered the above petition at our meeting on 17 October, alongside correspondence from the Minister for Rural Affairs, North Wales and Trefnydd, Cats Matter and the Petitioner.

At the meeting members agreed to write to your Committee in order to bring the petition to your attention and to ask what plans your Committee have in place to look at the issues raised in the petition as part of your forward work programme, particularly in relation to standards of animal care.

Further information about the petition, including related correspondence, is available on our website at: <https://business.senedd.wales/ielssueDetails.aspx?Ild=39835&Opt=3>.

If you have any queries, please contact the Committee clerking team at the e-mail address below, or on 0300 200 6454. I would be grateful if you could send your response by e-mail to the clerking team at [petitions@senedd.wales](mailto:petitions@senedd.wales).

Yours sincerely



Jack Sargeant MS  
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Julie James MS  
Minister for Climate Change  
Welsh Government

1 November 2022

Dear Julie

### Legislative Consent Memorandum (LCM) on the Levelling-up and Regeneration Bill

At our meeting on 27 October we considered the LCM on the Levelling-up and Regeneration Bill. In order to enable us to make an informed decision on whether or not to recommend consent, we would be grateful for more information in two areas in particular.

Firstly, we note that clause 187 (vagrancy and begging) is a placeholder provision therefore it is not yet clear whether or not it is a relevant provision for the purposes of Standing Order 29. The LCM notes that clarity is being sought in relation to clause 187 as the application table in the Annex to the Explanatory Notes states it does not apply to Wales, however, as currently drafted the Secretary of State's powers to make regulations are not limited to England only. As I'm sure you can appreciate, we will not be in a position to make a decision on legislative consent until clause 187 is replaced by a substantive provision and clarity can be given on its application. We would therefore be grateful if you could provide an update as to any discussions that have taken place with the UK Government regarding clause 187.

Secondly, we note that the LCM states:

*The UK Government identify the overall Bill will have financial implications for the public sector, including local government, central government and the Planning Inspectorate. The UK Government identifies these costs will all be balanced by efficiency savings.*

However the LCM makes no reference to the Welsh Government's views on the financial implications of this Bill. We would therefore be grateful if you could outline your views on the financial implications of the Bill for Wales.

We would be grateful for a response by 10 November so that it can be considered when we next discuss the LCM at our meeting on 16 November.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee; the Chair of the Climate Change, Environment and Infrastructure Committee; and the Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely



John Griffiths MS

Chair, Local Government and Housing Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Julie James MS  
Minister for Climate Change

2 November 2022

Dear Julie

### Legislative Consent Memorandum: Levelling Up and Regeneration Bill

I am writing regarding the above Memorandum, which we considered at our meeting on 24 October 2022.

We note the Memorandum refers at paragraph 3 to the letter you wrote to the Llywydd and explains that:

*"...due to the very limited engagement by the UK Government prior to the Bills' introduction and the complexity of the Bill, it has taken time to fully consider the devolution consequences of what is being proposed and consequently it has not been possible to lay this LCM within the normal two-week SO29 deadline."*

We are disappointed with the lack of engagement by the UK Government to explain its proposals and acknowledge the difficult position for the Welsh Government as a result.

Nevertheless, we are concerned that some four months after the Bill's introduction into the UK Parliament, the content of the Memorandum laid before the Senedd is severely lacking in necessary detail that we do not believe it would enable the Senedd to reach an informed view on the matter of whether or not to give consent.

We highlight 20 questions in the Annex to this letter which seek clarification on a range of matters. In our view, the responses to most of these questions need to be addressed in a revised Memorandum.

I would be grateful to receive a response to this letter as soon as possible, together with confirmation that a revised Memorandum has been laid or will be laid before the Senedd as a matter of urgency.

The current deadline for reporting is 8 December 2022 but our ability to meet that deadline is constrained by the situation we and other Committees are now facing. In laying a revised Memorandum we believe therefore that the deadline should be re-visited. .

I am therefore copying this letter to the Llywydd as Chair of the Business Committee, as well as the Chairs of the Climate Change, Environment and Infrastructure Committee, the Local Government and Housing Committee and the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

*Huw Irranca-Davies*

Huw Irranca-Davies  
Chair



## Annex 1 – Questions to the Minister for Climate Change

1. Can the Minister explain fully the divergence of opinion between the Welsh Government and the UK Government as to whether Part 1 of the Bill requires the consent of the Senedd? What discussions has the Minister had with the UK Government in this regard?
2. Is the Minister able to provide more information regarding the Welsh Government's policy regarding the content of clauses 1-6 and the substantive reasons for its recommendation that the Senedd does not consent to these provisions?
3. Can the Minister confirm why the LCM makes reference to clause 96 (street votes) requiring consent in the view of the UK Government, when this view is not reflected in the Explanatory Notes to the Bill?
4. Is the Minister in a position to seek clarity as to why the UK Government included clause 78 as requiring consent in the Explanatory Notes, when clause 78 is entitled "Power to require use of approved planning data software in England". Is clause 78 intended to apply in Wales or has the UK Government erroneously noted that it applies in Wales?
5. Has the Minister raised the inconsistency between the Explanatory Notes, immediately before paragraph 470, and the Bill at clause 77 regarding the title of clause 77, where the Explanatory Notes refers to England but the clause itself does not? Is the Minister confident that this clause applies in Wales?
6. Can the Minister provide further detail as to the new powers that are provided to the Secretary of State by Chapter 1 of Part 3, clause 96 and clause 112 and confirm what effect these powers would have in Wales, including any effect on the legislative competence of the Senedd and the executive competence of the Welsh Ministers?
7. Can the Minister explain the reasoning behind her statement at paragraph 58 of the LCM that "Two areas, on planning data and environmental outcome reports, have potential benefits for Wales, but their current drafting means this benefit cannot be realised." What are the potential benefits that are referred to? Why does their current drafting mean that such benefits cannot be realised?
8. Can the Minister provide further information in relation to the statement at paragraph 59 of the LCM that "the current drafting of powers on digital data does not accord with our desire to legislate for Wales." In what way does the current drafting have this effect? Is the reference to "digital data" a reference to planning data?
9. The LCM does not clearly conclude whether it is appropriate for each of the clauses in Chapter 1 of Part 3, clause 96 or clause 112 to be included in the Bill, nor does it provide a clear recommendation



as to whether or not consent should be given to these provisions. Can the Minister confirm the position in this regard?

10. Can the Minister confirm the specific clauses that are referred to in paragraphs 58 and 59 of the LCM?

11. Can the Minister confirm which clauses are referred to as “the clauses in relation to planning” in paragraph 64 of the LCM? Does this include clause 112?

12. Can the Minister seek confirmation from the UK Government as to how the planning provisions will work in practice, to include providing an analysis of the clauses in relation to planning and explaining how Welsh authorities will be impacted by the provisions of the Bill in real terms? Can the Minister confirm who, in Wales, is considered a ‘relevant planning authority’ for the purposes of this Chapter?

13. Can the Minister confirm which provisions in Part 5 of the Bill relate to reserved matters and which relate to devolved matters, as referred to in paragraph 49 of the LCM?

14. With reference to paragraph 58 of the Bill, can the Minister confirm the detail of the potential benefits that she envisages to an improved system of environmental planning reports and whether discussions have taken place with the UK Government with a view to realising these benefits in the Bill? Can the Minister also confirm what is meant by “planning outcome reports” in paragraph 58?

15. Can the Minister explain how the current provisions mean that the Welsh Ministers have lost their ability to make Welsh regulations in relation to environmental outcome reports?

16. Can the Minister state whether or not support is given to the provisions in Part 5 being included in the Bill, as is required by Standing Order 29.3(iii), and whether or not consent should be given?

17. Can the Minister provide an update as to any discussions that have taken place with the UK Government regarding clauses 96 and 187?

18. Has the Minister discussed clauses 80 and 121 of the Bill with the UK Government and sought to amend the provisions to require that, at the very least, the UK Government has to obtain the consent of the Welsh Ministers before making planning data regulations or environmental outcome report regulations containing provision which is within Welsh devolved competence? What has been the outcome of these discussions?

19. Does the Minister have any views on the inclusion of the Henry VIII powers at clauses 129 and 191 of the Bill? Has the Minister discussed clause 129 and/or clause 191 with the UK Government to seek their amendment or removal? What has been the outcome to date of such discussions?

20. Can the Minister provide any view on the financial implications of this Bill for Wales?



# Agenda Item 3

Document is Restricted



# Consultation Response

FROM THE RSPCA IN WALES

## Evidence to the Economy, Trade and Rural Affairs Committee: Agriculture (Wales) Bill November 2022

### Overview:

RSPCA Cymru strongly welcomes the introduction of the Agriculture (Wales) Bill 2022 to the Senedd, and look forward to contributing evidence to both Members and Committees over the coming months to ensure that animal welfare is at the forefront of agriculture policy in Wales.

### Key Points:

- The Agriculture (Wales) Bill 2022 is the largest opportunity to ensure that animal welfare is at the forefront of agricultural policy in Wales since the introduction of devolution and possibly since the 1947 Agriculture Act
- RSPCA Cymru welcome the proposed ban on the use of glue traps and snares within this legislation, however are aware that there is currently no intention to place a ban on their sale.
- We welcome the potential for financial incentives to be provided to farmers within the agriculture sector in Wales who provide high standards in regards to animal health and welfare, however are aware there is no obligation for Ministers to use their powers.

RSPCA Cymru welcomes the opportunity to respond to the Economy, Trade, and Rural Affairs Committee's consultation on the Welsh Government's Agriculture (Wales) Bill. The scrutinising process of the Agriculture (Wales) Bill comes at a critical time for Agriculture in Wales, and is set to influence the manner in which animals in Wales will be reared in years to come following Wales' exit from the European Union. The RSPCA have been previously concerned with the implications for Agriculture and farming support in Wales when the UK was a member of the EU, as there was little opportunity within the Common Agriculture Policy to promote support towards animal welfare, given that 80% of the financial package available was for direct support which was a blunt instrument to pay farmers to produce food rather than promote public goods such as animal welfare or the environment. Leaving the European Union gives Wales a huge opportunity to use the present farm support budget, which is ring fenced until 2024 for ensuring animal welfare becomes a key objective for the Welsh Government in its agriculture policy.

In Wales, there are almost 9.5 million sheep, alongside over a million cattle and over 10 million poultry<sup>1</sup>. It is evident that the Agriculture (Wales) Bill will impact a significant number of animals in Wales, with positive changes within welfare policy in the farming sector has the potential to change the lives of many animals across Wales. We have consistently pressured the Welsh Government to commit to the improvement of animal welfare across Wales, and it is our utmost belief that an Agriculture (Wales) Bill

<sup>1</sup> Welsh Government - Farming facts and figures: 2022 - 23 August 2022

will commit to the improvement of animal welfare across the farming sector. This is particularly important now, at a time when the sustainability of Welsh farming is under threat from Free Trade Agreements (FTAs) that the UK Government has signed or is negotiating. The Australian and New Zealand FTAs have now both been laid in the House of Commons and will come into effect by 1 January 2023. This will hugely increase tariff free imports of beef and lamb from Australia and New Zealand, without any pre-conditions. Australia in particular has lower animal welfare standards than Wales (eg maximum transport times of 48 hours compared to 24 in Wales, hot branding of cattle permitted, 20% of cattle reared in barren feedlots which are essentially banned in Wales). It is too early to assess the implications of this deal on Welsh hill sheep farmers or lowland cattle farmers but the Wales Agriculture Bill provides a perfect opportunity to reward farmers for producing to a high welfare level to counteract the impacts of cheaper beef and lamb entering the UK under the FTAs.

## Glue-traps and Snares

RSPCA welcomes the publication of the Agriculture (Wales) Bill, and the introduced commitment by the Welsh Government to place a ban on the use of both glue traps and snares across Wales through this legislation. England banned the use but not the sale of glue traps earlier this year though specific guidelines on how it will be implemented still need to be drawn up. The RSPCA has provided evidence previously to the Welsh Government on the dangers of the use of glue traps and snares on animal welfare in Wales.

RSPCA Cymru are opposed to the sale, use and manufacture of all snares, with frontline officers regularly dealing with incidents where animals are found suffering in these contraptions. Between 2014 and 2018, the RSPCA received 106 reports in Wales where the caller specifically referenced a snare<sup>2</sup> - though the precise number of reports is likely to be considerably higher. The extent of the use of snares in Wales is 'hard to determine'<sup>3</sup> given a lack of data. Since 2019, the RSPCA have dealt with 12 cases reported to our emergency line involving a snare - with six cases reported in 2020 and an additional four reported in 2021. These will involve often non target animals including badgers, which are protected, and domestic animals such as cats.

The use of snares in Wales is still widespread. A RSPCA study in 2013 found that snares were used on 6% of all landholdings. Extrapolation suggested that, at any one time and depending on the season, between 17,200 and 51,600 fox snares were in use in Wales at any one time<sup>4</sup>. The use of fox snares in Wales is subject to legal restrictions, principally through the Wildlife and Countryside Act 1981, Animal Welfare Act 2006 and Deer Act 1991. The use of self-locking snares which tighten with a ratchet-like mechanism is illegal as is the use of snares to catch certain protected animals like badgers and otters.

In 2015 the Welsh Government introduced a code of best practice on the use of snares in fox control and users of legal free-running snares must take all reasonable precautions to prevent them catching or causing injury to protected animals like badgers, and to check set snares at least once per day. However, as a voluntary code, there is no legal obligation on any individual setting a snare to follow the guidance. The RSPCA evidence shows that the existing Code of Practice on the use of snares for foxes in particular has failed to deliver improvements to welfare.

Snares are indiscriminate, and any animal that moves through the noose is a potential victim. This can include domestic pets and sadly, RSPCA officers regularly respond to incidents where wildlife and pets have become injured as a consequence of getting trapped in a snare. For instance, in October of 2019, a young fox trapped in a snare near Fishguard was rescued and released by RSPCA Cymru, with the snare found to be set at the base of a tree. This is currently not compliant with the current Welsh Government's voluntary code of practice on their use<sup>5</sup>.

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<sup>2</sup> RSPCA call statistics - incidents logged in Wales via the RSPCA's National Control Centre, between 1 January 2014 and 31 December 2018.

<sup>3</sup> Climate Change, Environment and Rural Affairs Committee - Report on the use of snares in Wales, p5, June 2017

<sup>4</sup> Written Assembly Question - WAQ66377, February 2014. This outlined estimates which state the number of fox snares set in Wales are at a maximum in March at 51,641.

<sup>5</sup> RSPCA News - Distressed fox found in illegally-set snare - 22 October 2019

The RSPCA 2013 survey found very few farmers had any formal training on the use of snares. A large number (84%) of operators made efforts to avoid capture of non-targets, but non-target species were still caught. 60% of operators had caught non-targets in fox snares at some time. In the fox snare field trials, non-target species were captured despite careful adherence to the Code of Practice by a competent and conscientious operator. The survey further found that no fox snarer was fully compliant with Code - in part because, at the time, no commercial snares were available off the shelves that were fully compliant. It was found that manufacturers' claims regarding compliance with the code could not be relied on. Quality of snare components is very important in the context of compliance and functioning of snare. So even with adherence to good practice, estimates suggest the number of non-target species caught by a snare is unlikely to drop below 40 percent<sup>6</sup>. This illustrates a major problem with snares - that it is near impossible to limit the species or type of animal that will become trapped in them. The indiscriminate nature of snares was further highlighted by the National Assembly for Wales' Climate Change, Environment and Rural Affairs Committee, who noted that snares pose "a risk to the welfare of target and non-target species"<sup>7</sup>.

So the RSPCA are pleased to see the intention in the Bill to prohibit the use of snares, alongside other cable restraints, for trapping or killing an animal. This proposed ban is world leading as it will see Wales become the first nation in the UK to introduce a formal legislative ban on the use of these traps.

RSPCA Cymru have also long campaigned for a ban on glue boards, and welcome the ban proposed in the Agriculture (Wales) Bill, and believe that this Bill can drive reform across the UK in regards to the use of both snares and glue traps. Numerous incidents involving animals in glue traps underline the RSPCA's call to ban the sale and use in Wales. Between 2017 and 2022, seven incidents in regards to glue traps have been reported to the RSPCA in Wales, with 73% of incidents reported to the RSPCA concerning glue traps involving non-target species such as pets and other wild animals, many of which were too injured to survive.

However, in its current state, the Bill fails to acknowledge how the Welsh Government intends to enforce the ban on both snares and glue traps, with a ban on the sale of these traps in Wales not introduced within this piece of legislation and only an emphasis on the ban of their use. As a result, there is no indication as to how the sale of snares and glue traps in Wales will be regulated to ensure that the traps are not used.

The RSPCA believe the inclusion of a ban on the use of glue traps and snares within Wales as a first step but further work needs to occur on the enforcement to prevent the use of snares and glue traps. In particular the Bill does not ban the sale of these traps in Wales and this may be a loophole that will be used to circumvent the ban on their use.

## Sustainable Farming Scheme (SFS)

RSPCA Cymru welcomes the plans outlined in the Agriculture (Wales) Bill to introduce the Sustainable Farming Scheme, which provides a strong indication to include a system that will recognise and reward higher welfare standards within the farming sector. RSPCA Cymru have long called for farmers delivering the highest standards of animal welfare to be financially incentivised for their work - believing that this will ultimately encourage farmers within the sector to ensure that animal welfare is at the forefront of their work.

RSPCA Cymru welcomed the powers set to be provided to Welsh Ministers to provide support to farmers delivering on animal welfare following Wales's exit out of the European Union and market. RSPCA Cymru welcome the powers in regards to farming support given to Welsh Ministers, which we believe will allow and enable the continued operation of existing farming support in Wales, whilst ensuring effective operation within the sector and markets. The provided support by Welsh Ministers will also ensure that animal welfare within the industry is not compromised following EU withdrawal.

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<sup>6</sup>Report of the Independent Working Group on Snares, Defra, August 2005

<sup>7</sup>Climate Change, Environment and Rural Affairs Committee - Report on the use of snares in Wales, p5, June 2017

RSPCA Cymru are supportive in the introduction of powers to Welsh Ministers, with the Bill outlining how support from Ministers will be provided to those who achieve and promote high standards of animal health and welfare, however we are aware that there is currently no obligation set within the Agriculture (Wales) Bill to use the powers granted to them within this legislation.

In regards to the Sustainable Farming Scheme, we are also aware how the Agriculture (Wales) Bill in its current form references very little to minimum regulatory standards. The creation of National Minimum Standards allows more accessibility for the existing framework, and ensures that it is more widely understood within the sector, and the current lack of reference runs the risk of no full set of standards being in place for the introduction of the SFS in 2025. RSPCA Cymru currently supports the creation of National Minimum Standards for agriculture on the basis that the ability to amend standards quickly by Welsh Ministers will ultimately provide animal welfare and health benefits within Wales, and it is currently assumed that the introduction of these standards would reference previous statutory requirements within animal welfare legislation. As a result, we recommend that National Minimum Standards are implemented by the time of January 2025 launch of the Sustainable Farming Scheme, in order to ensure that standards are in place for its introduction. This would also produce a baseline for higher welfare payments to be paid to farmers such as capital costs to cover conversion of buildings eg removal of cages for laying hen production or costs to cover differences in production costs in higher welfare chicken farming or pig farming. Wales is rightly proud of its food and animal welfare standards. For instance it has the highest percentage of free range laying hen production in Europe. This Bill provides a good launch pad to further develop Welsh food and exploit agri food export opportunities.



## Consultation response from the League Against Cruel Sports

### Economy, Trade and Rural Affairs Committee: Agriculture (Wales) Bill

The League Against Cruel Sports welcomes the opportunity to submit a written paper to the Economy, Trade and Rural Affairs Committee, ahead of the planned evidence session on the Agriculture (Wales) Bill on 9 November. The League has long called for a full ban on snares in Wales and strongly welcomes the inclusion of a ban on the use of these devices featured within the proposed legislation.

The League particularly supports the approach that has been taken to introduce an outright ban on the use of the devices as opposed to giving Ministers general powers to regulate snares. We feel that this is more proportionate given the suffering snares cause to animals.

We welcome the Government's acknowledgement of the significant animal welfare issues linked to the use of snares, the strong public support for a ban and the high level of public engagement in the consultation process. We also welcome the Welsh Government's decision to ensure that the use of snares cannot be licenced in Wales – making Wales the first UK nation to take such decisive action.

#### 1. Queries in relation to the wording of the snaring ban

##### Section 43

Subsection (ba) makes it an offence to **set in position** '*any snare, or other cable restraint, which is of such a nature and so placed as to be likely to cause bodily injury to any wild animal coming into contact with it*'. Meanwhile, subsection (bb) makes it an offence to **use** a snare '*for the purpose of killing or taking any wild animal any snare, or other cable restraint, whether or not of such a nature or so placed as aforesaid*'.

This mirrors the terminology used in the current provisions of the Wildlife and Countryside Act 1981 (WCA) which outlaw the use of self-locking snares. However, Sections 11(a) and (aa) of the WCA applicable to Scotland and as amended by Schedule 6(10) of the Nature Conservation (Scotland) Act cover anyone who '*sets in position or otherwise uses*' a self-locking snare or any other snare calculated to cause unnecessary suffering.

The League is concerned that the wording '*sets in position*' may not cover all instances of the use of a snare, potentially posing a challenge for enforcement. For example, there have been cases in which defendants have claimed that snares have been left in situ but not set<sup>1</sup>. To avoid ambiguity and unintended loopholes arising, it would be preferable to amend sections 43(ba) and (bb) of the Bill to read '*sets in position or otherwise uses*'.

The League would also welcome clarification as to what, if any, uses of snares the Welsh Government intends to remain legal in Wales. Section 11(1)(a) of the WCA as it applies to Scotland outlaws the use of self-locking snares, with no qualification as to their likelihood to cause suffering or their use for taking or killing an animal. Enforcement of a ban on snaring in Wales may be simpler without the latter qualification in particular, due to potential challenges of proving intent, unless it is required to avoid unintended consequences.

<sup>1</sup> <https://www.thetelegraphandargus.co.uk/news/17462776.amp/>



As well as considering whether the wording used is as clear as possible, we also urge the Welsh Government to continue to ensure that the ban is applicable to all snares, including those branded as 'humane cable restraints' or similar. Welfare issues with the use of code-compliant snares remain, for example as detailed by the recent report *A Review of the Use of Snares in the UK* (Professor Stephen Harris, 2022). To protect animal welfare and ensure the ban functions as intended, the ban should apply to all snares and cable restraints as it does in its current format.

#### *Section 44*

The explanatory memorandum states that Section 44 of the Bill amends section 11(2) of the WCA so that 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' will apply where the use of those devices is "*likely*" – rather than "*calculated*" – to cause injury to a protected wild animal.

The League supports this change from 'calculated' to 'likely' as we believe that it will aid in enforcement of the snaring ban by setting the evidential burden to a more appropriate level.

However, the amended subsection would apply to '*any trap other than a glue trap*' in Wales, rather than the existing formulation of '*any trap or snare*'. In light of the removal of the word '*snare*', we would welcome clarity as to whether snares are encompassed by the term '*any trap*', or whether the wording of the Bill creates ambiguity in this area.

### **2. Suggestions the snaring ban could amended at a later date**

Clarity as to whether the current terms of the Agriculture (Wales) Bill could be modified at a later date is also needed, as section 46 (2) of the Bill states that Ministers could make regulations to '*modify any enactment (whenever enacted or made, and including this Act)*'. Section 51 states that the word '*modify*' is to be interpreted as including amending, revoking and repealing. This raises the question as to whether regulations could be made in future which directly weaken or repeal the snaring ban. The potential for primary legislation to be amended in this way is also implied under Section 47(8) which mentions regulations which '*modify any provision of primary legislation*'.

This general power to make regulations appears to be explained in the explanatory memorandum's 'summary of powers to make subordinate legislation' table as being 'appropriate to ensure, that where amendments to other legislation are found to be necessary, to give full effect to this Bill, further primary legislation is not required'. However, we are concerned that the powers under Section 46 could be much broader than this in allowing regulations which create exceptions and/or permit snares to be used in certain circumstances – something the League would be strongly against. It is therefore important that we achieve clarity on this so that stakeholders such as ourselves can fully assess its potential implications.

### **3. No references to the sale, manufacture and possession of snares**

While a ban on the use of snares is much welcome, we are concerned that these traps will continue to pose a threat to animals if the possession, sale and manufacture of them is not also covered by the Agriculture (Wales) Bill. In December 2020, the Welsh Government launched a consultation on the Agriculture (Wales) White Paper which suggested that legislation could be amended 'to increase the control over their manufacture, sale and use'. The League was strongly supportive of this proposal within its consultation response and is now seeking clarity on why controls on the manufacture and sale of snares are not being considered at this stage.



The White Paper consultation document also noted that the Welsh Government has stated that a ban on both the sale and use of snares would be sought if evidence showed that the voluntary *Code of Best Practice on the use of snares in fox control* was not being adhered to. While it was stated in the consultation that 'regular meetings and communications with snare-user groups have failed to provide sufficient evidence to demonstrate that the Code is being adhered to across Wales', there is no reference to prohibiting the sale of snares within the recently published Agriculture (Wales) Bill.

As it stands, it is unclear as to whether this is due to the introduction of the Internal Market Act 2020 which seeks to prevent internal trade barriers among the four UK nations. While the Internal Market Act may affect the ability of legislation on the sale of snares to be enforced, it is currently unclear as to whether other options have been explored. It is worth noting in this context that the Welsh Government has described the Act as 'an unwarranted attack on devolution and the right of the Senedd to legislate without interference in areas devolved to Wales'.

For example, if including a ban on snares within the proposed legislation would not be feasible due to an inability for it to be implemented, could Ministers instead be granted the power to regulate the sale of snares? This would allow regulations to be brought forward at a later date. Alternatively, a ban on the sale of snares in Wales could be potentially included within the Agriculture (Wales) Bill, with commencement of this provision taking place at a later date if and when issues relevant to the loss of devolved powers are resolved.

We strongly believe that the sale and manufacture of snares should be addressed in order to reduce the immediate availability of these devices in Wales and assist with compliance with the proposed ban on the use of snares.

If the use of snares is banned in Wales due to their cruelty and the suffering they cause, making, selling and potentially exporting tools of such cruelty should not be permitted either. It is our view that there would be no good reason to make snares in Wales when their use is outlawed, nor should it be possible to profit from or trade in these cruel traps. Removing the avenues for the supply of snares, and preventing the potential for their use at an earlier stage, could assist with ensuring that the ban on snares protects animals from the suffering they cause, provide additional enforcement tools and ensure that Wales continues to lead by example. Under Section 11(3) of the WCA as it applies to Scotland, the sale of self-locking snares is an offence.

There is also currently no reference to prohibiting the possession of snares included in the Agriculture (Wales) Bill. The majority of snares are used on private land and are left unaccompanied for hours at a time, which could make proving who has used them a challenge. Addressing the possession of snares without reasonable excuse within the Bill could assist with the enforcement of a ban on their use in such circumstances, by enabling prosecution of those who possess them without legitimate reason, as with prescribed poisons under the WCA. It would also provide additional opportunities to remove snares from circulation which would otherwise be used to commit an offence. Under Section 11(3) of the WCA as it applies to Scotland, the possession of self-locking snares without reasonable excuse is an offence.

**Lara Date**

**Second Clerk,  
Economy, Trade  
and Rural Affairs  
Committee  
Welsh Parliament**



**20/10/2022**

**Simon Wild, National Anti Snaring Campaign**

[www.antisnaring.org.uk](http://www.antisnaring.org.uk)

## **Summary of key points to support oral evidence for 9<sup>th</sup> Nov. 2022 meeting of the Economy, Trade and Rural Affairs Scrutiny Committee**

### **Agricultural (Wales) Bill: Snaring**

The National Anti Snaring Campaign was started in 1992 and we created the first dedicated website when no other organisation was exposing the cruelty of snares. We have 30 years of investigating and receiving snaring reports from around the UK. In 2016 we attended the Senedd in Cardiff to give oral evidence to the Environment Committee on snaring. Since then, we have presented the Senedd members with contemporary examples of snaring abuses (see material at end of summary) and cruelty taking place in Wales where the Code of Practice has failed.

#### **Call for Evidence:**

DEFRA announced last year that they would have a “Call for evidence on snaring” which they would launch this year. In anticipation of this, we commissioned Professor Stephen Harris to write ‘A Review of The Use of Snares In the UK’ and this was published in April 2022. This has analysed all the available data on snaring in the UK.

#### **Breakaway snare laboratory tests:**

The shooting lobby have recognised that snares are harmful and indiscriminate so their fall-back position has been to promote a ‘breakaway snare’ designed to allow a badger to escape from a fox snare. We found such a snare impossible to break even with gloved hands due to the force required and pain involved, so in early 2022 we commissioned TTI Laboratories to test the two current breakaway snares that are marketed. When replicating the circumference of a badger’s neck and doing direct pull there was a force of 74kg to

break the weak link on one type, and just under 70kg on another. That is approximately 11 stone of force when a badger weighs about 2 stone, and all falling on 2mm of wire width around the animal's neck, chest or abdomen. The cheese wire effect naturally causes injury and untold pain. Other dynamic forces and twisting are also at work, often bypassing any stop so the snare can lock whether a fox or badger is struggling.

**Key facts of Professor Harris's snaring review are:**

Fox numbers have declined by 44% since 1996, largely due to decline of rabbits by 64% as a result of viral hemorrhagic disease, but also due to sarcoptic mange

97% of snare use is carried out using fox snares, with the majority done by gamekeepers for preservation of game-birds for shooting sports. Around 70% of animal captures in fox snares are non-target species, mainly badgers but including significant numbers of brown hares, some deer, but also domestic pets and feral cats. The use of breakaway snares to circumvent the issue of non-target badger capture only leads to approximately 30% escaping, and there is no data on what happens to those who have had to use extreme force to escape. However, there is data to show that those not escaping do suffer traumatic injury even when the snares are set and inspected to the letter of the code of practice. The data also shows mortality and injury of non-target hares as well as predation – the latter being a cause of great terror and pain prior to death.

An example in the DEFRA funded report of 2012 using a Game and Wildlife Conservation employee gives an example of what the best snare setters can achieve. Less skilled operators will have a worse outcome:

Page 37 RHC/page 38 LHC of Snare Review

*. 'The Defra-funded study used a technician fully competent in the use of snares because this focuses on the device as operated according to best practice (because it is difficult and unethical to emulate bad practice). In 211 snare nights in familiar areas, this technician caught 18 animals: 3 foxes, 13 hares, and 2 badgers. Five hares, 2 badgers and 1 fox escaped: 1 fox and 1 badger escaped with the snare attached. Three hares were severely injured/dead and 2 hares were predated. Both foxes that were held had haemorrhages on their necks extending into the deeper muscle [1]. Although the snares were placed so as to avoid entanglement with fences or woody shrubs, three of the snares were entangled with non-woody vegetation [1]. Assuming that the animals that escaped with the snare attached suffered significant adverse welfare impacts, 7/18 captures (39%) were severely injured, dead or predated; just 2 target species (11% of captures) were held and killed [1]. Since this operator was highly experienced, and the snares were operated according to best practice, it is reasonable to assume that the general level of operator competence is lower;'*

The most comprehensive assessment to date was by an international panel of 20 experts: they summarised the principles for ethical wildlife control in 7 questions which should be asked in sequence when making decisions about human-wildlife conflict:

- Can the problem be mitigated by changing human behaviour?
- Are the harms serious enough to warrant wildlife control?
- Is the desired outcome clear and achievable, and will it be monitored?
- Does the proposed method carry the least animal welfare cost and to the fewest animals?
- Have community values been considered alongside scientific, technical, and practical information?
- Is the control action part of a systematic, long-term management program?
- Are the decisions warranted by the specifics of the situation rather than negative labels applied to the animals?

**Snaring does not meet any of these ethical principles**

### **Alternatives to snares:**

The decline in fox numbers comes at a time when night vision use by gamekeepers has improved making humane control of foxes much easier. The key risk for game bird preservation is when the poults are in the release pen, and the use of double strand electric fencing correctly installed minimises any risk. The use of fox snares is at very best a minor component of fox 'control' techniques.

### **Rabbits**

Largely due to viral hemorrhagic disease rabbit numbers declined in England by 64% since 1996.

There are significant welfare issues associated with snaring rabbits: a high proportion of captured rabbits are strangled. Studies on rabbits placed in snares by the Central Science laboratory show that, despite a protracted death and a range of behavioural issues indicative of high levels of stress, physical assessment of any injuries are inadequate to assess the welfare issues associated with the use of snares.

Predators prey on rabbits captured in snares; the distress calls made by snared rabbits attract predators.

Professional rabbit snarers when surveyed for the DEFRA study published in 2012 reported expecting to find 30% mortality of rabbits in snares.

Due to setting of rabbit snares in fields adjoining urban areas, a disproportionate number of non-target cats get caught, often leading to death or injury.

In the UK only about 3% of snaring is for rabbits and of those land holding doing rabbit control, only about 3% are using snares. Therefore, shooting or small cage traps form the vast majority of control methods.

**Professor Harris draws a conclusion that:**

*'The use of snares in the UK does not meet acceptable standards of animal welfare or any of the principles for ethical wildlife control established by a committee of international experts. Some methods used to kill wild animals have such extreme effects on their welfare that, regardless of the potential benefits, their use is never justified: snaring is such a method. All the available data show that the only way to stop extremely high levels of non-target capture, illegal use and misuse of snares, address animal welfare concerns, and recognise that wild animals are sentient beings, is to prohibit the use of snares in the UK.'*

The shooting lobby are rebranding snares as 'Cable Restraints', even though they are clearly killing, not restraining devices, so any legislation needs to worded to prevent loopholes, and expressly:

**Ban on the manufacture, sale or use of snares.**

A snare should be defined for the purposes of legislation as:

**'Any wire or other loop designed to catch an animal by its neck, foot or any other part of its body.'**

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## Cat caught in snare in Wales, April 2019



A cat owner whose pet went missing for two days has spoken of her shock at finding the animal trapped in a wire snare normally set to catch badgers or foxes. Kate Lee, of Talsarn, said her pet cat Gem was only spared a lingering death after her distraught children came across her while carrying out a frantic search two fields away from their smallholding. "Gem had last been seen at around 5pm on the Sunday and didn't come home that night," she told the *Cambrian News*. "She then didn't turn up for breakfast the next morning which was very unusual." "When she still hadn't turned up the following day we went walking down the road to check whether she'd been run over and also looked in vehicles and outbuildings in case she'd been locked in." "We have 23 acres here and it was while going round our fields that the kids found her in the snare and we eventually got her out by using a pair of wire cutters." "Poor Gem was very dehydrated and while she let us carry her home she wouldn't let us touch her after that because she was so sore." "She also couldn't walk properly with her hind legs and didn't have anything to eat for 24 hours. Even now, a few days later, she's very tender around the middle." "While I understand why people set these traps I think they should be set more responsibly and checked every 24 hours." "When we went back to the snare four days later it was still the same as when we had released Gem which means it hadn't been checked in all that time." "I dread to think what would have happened if the kids hadn't found her – she would still be out there."



BBC Wales, March 2020 showed David Smede, snaring foxes in Pembrokeshire National Park and selling the pelts to the European fur trade



8 Jan. 2020 Fox snared near Cardiff



(note snare is old AB type)

Vale Wildlife Hospital post: RSPCA rescued a severely injured fox from a snare: *The fox had this snare wrapped around his hind limbs and abdomen – both back legs were very swollen with significant bruising and will need careful monitoring for tissue breakdown, a risk associated with this type of injury.*

# Badger found heavily entangled in snare and barbed wire in Lampeter

Posted on [13/03/2018](#) by [Gillian Hillan](#)

A female badger has died after being found heavily entangled in a snare and barbed wire.

The adult female badger was found in the Lampeter area and was believed to have been trapped for a few days.



RSPCA animal collection officer (ACO) Ellie West said: "The badger was very tangled up at the bottom of some fencing. There was no way the badger could have escaped, but luckily I was able to cut all wire and take the badger immediately to an independent vets.

"The badger was sedated and during the examination the vet found that the snare had become totally embedded into her stomach. There was infection and was very swollen and sore and it is likely that the badger had been there for at least three days.

"Sadly, to prevent further suffering the vet decided that the kindest thing to do was to put the badger to sleep.

"This incident really does highlight the cruel and indiscriminate nature of snares."

The device was not a self-locking snare, which are illegal, but it was not set in accordance with the Welsh Government's Code of Practice regarding snare use."

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4 March 2021

A Silver Fox that must once have been a pet and had been living wild in Barry South Wales has had to have part of its leg removed after snares were set by its earth at church/building site near the Waterfront Medical Center Barry, South Wales. She was caught in the Barry, Wales at the Asda superstore

The RSPCA has removed the snares and police are also investigating. The rescuers and vet believe the injuries are the result of trying to escape from the snare which the RSPCA said was twisted with hair matching the fox



Ruabon Mountains April 21

We can reveal snares litter the mountains in north Wales, with dozens of rotting corpses to lure foxes and other wildlife.



Simon Wild

National Anti Snaring Campaign



## **BVA Welsh Branch written response to the Economy, Trade and Rural Affairs Committee call for evidence on the Agriculture (Wales) Bill**

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 19,000 members, our primary aim is to represent, support and champion the interests of the United Kingdom's veterinary profession. We, therefore, take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues, and employment matters.
2. BVA Welsh Branch represents members in Wales, bringing together representatives of specialist and territorial divisions, government, academic institutions, and research organisations in Wales. The branch advises BVA on the consensus view of members in Wales on Welsh and UK issues.
3. We welcome the opportunity to respond to the Economy, Trade and Rural Affairs Committee call for evidence on the proposed Agriculture (Wales) Bill. We broadly support the proposed bill and welcome the increased emphasis on protecting Animal Health and Welfare from earlier drafts of the Bill.
4. Our key points are:
  - Animal health and welfare must be an integral part of the new regulatory framework, and we are pleased to see the paper specifically states that regulatory reforms will include improvements to animal health and welfare.
  - It is important that any new regulations do not reduce standards and take care to avoid any loopholes which may result in lower standards of animal health and welfare. As animal health and welfare specialists and advocates from farm to fork, veterinary surgeons should be involved in the development of the National Minimum Standards, to ensure they minimise the risk of welfare harms and ensure animal health and welfare is properly protected.
  - To ensure the updated regulations can have an impact on the ground, it will be essential that they are clearly communicated and understood. Our high animal health and animal welfare standards rely on effective communication between farmers, their own vets and government vets, for example to enable effective disease surveillance to be carried out. The veterinary profession is key to ensuring there is good widespread understanding of the minimum standards.
  - We support the Sustainable Land Management approach as a means to incentivise public goods, and the outcomes-based approach that will underpin the SLM scheme. However, there needs to be more clarity on how Animal Health and Welfare will be supported beyond the legal baseline. We accept that the scheme is intended to improve animal health and welfare standards, but the weight given to animal health and welfare within the framework is insufficient given the high proportion of livestock farming in Wales.
  - The role of the veterinary surgeon must be properly recognised. Vets are regarded as the most influential advisors to farmers within the decision-making process. They should be included within the development of the standards and monitoring to reflect this role as experts on animal health and welfare, and as trusted advisors on animal health and welfare planning, husbandry, biosecurity, biocontainment and preventative medicine.
  - We recognise that it may be necessary to control wildlife where there is a negative impact on human and animal health, food, agriculture, property or the environment. If a problem is identified, we support the responsible use of the most humane control methods available, which first requires consideration of whether it is necessary to control pests at all. Before lethal control is considered, prevention methods or deterrents should be implemented, and

finally, if lethal control of pests is considered necessary, methods that minimise suffering, fear and pain should be used. Both glue traps and snares significantly compromise animal welfare for the period during which animals are trapped, and there are welfare concerns associated with methods of killing of trapped animals. They are also indiscriminate and may capture wild and domestic species for which their use is not intended, resulting in death or significant injury to these animals. In our policy positions on the [use and sales of snares](#) and on [glue traps](#) we call for outright bans on the use and sale of these devices. We therefore support the proposal for a power to enable increased controls covering the manufacture, sale and use of snares and glue traps.

5. Achieving the minimum standards should not be considered an aspiration for farmed animals. The ambition should be to encourage the highest standards and raise the bar at every level. Providing incentives and rewards for high achievers is important to continue raising standards and encourage improvements at all levels. This principle has shown to be effective in Farming Connect “champion” demonstration farms. A critical component in the success of this knowledge transfer programme is its role of sharing best practice and cascading information to the wider industry through a programme of high-profile demonstration site events and promotional tools.
6. As agricultural policy in the UK is devolved, administrations have been able to shape agricultural policy to the needs of their respective jurisdictions. At the same time, the EU has ensured a degree of coherence to agricultural policy amongst all four administrations. Brexit presents an opportunity to tailor agricultural policy to suit the countries of the UK, however coordination and oversight on matters of animal health and welfare is crucial. There will therefore need to be consideration where decisions on agricultural policy are taken, and how best to coordinate efforts across the nations of the UK.
7. To facilitate this, we would welcome the establishment of a UK wide body to oversee and coordinate animal health and welfare policy across the four administrations of the UK and facilitate partnership working between industry and government to tackle endemic disease and animal health and welfare challenges.
8. Government should also promote the benefits of properly valuing quality animal-derived products, where quality encompasses good animal health and welfare, food safety, environmental protection and fair returns for producers.
9. We would welcome the opportunity to work closely with the Welsh Government to expand upon these proposals.

# Agenda Item 4



## **Countryside Alliance Wales**

### **Economy, Trade and Rural Affairs Committee evidence session**

The Countryside Alliance are pleased to have the opportunity to give evidence on the use of snares in fox control and oppose an outright ban on the use of snares in fox control as proposed by Welsh Government.

We are deeply concerned that this proposal has been driven by an animal rights agenda and has not taken into consideration the implications that such a ban would have on biodiversity, livelihoods, the rural economy, and endangered species. It is also lacking in evidence, particularly scientific evidence which is available, particularly from the Game and Wildlife Conservation Trust.

We are equally concerned that there has been miss-information distributed on the use of snares for a number of years, which we have robustly challenged. An example would be a petition set out by the League Against Cruel Sports which was disingenuous as proven in the attached documents.

The Welsh Government on more than one occasion, has claimed that there are no alternative options to banning snares. We strongly disagree and feel that these options have been largely ignored and have not been explored by Welsh Government. A number of meetings have been attempted with the agreement of Ministers yet nothing has come to fruition.

The Countryside Alliance along with other stakeholders and interested parties were part of Welsh Governments working group on snares which developed the current code of practice and continued to meet on a regular basis. However, the last meeting that Welsh Government hosted was in 2018 and we have not been invited to meet since. The minutes of that meeting demonstrate a commitment from our sector to explore further options for the training of setting code complaint snares, the distribution of knowledge for best practice and indeed, it was our sector who called on Welsh Government to ban non code compliant snares during that meeting.

We urge the committee and Welsh Government to consider the very real alternative to non code complaint snares and to adopt a humane cable restraint that complies fully with the Agreement on International Humane Trapping Standards (AIHTS), the highest possible standard by which you can measure too. (The Agreement, an international agreement between the EU, Canada and Russia, is designed to establish international standards of humane trapping, improve communication and cooperation between the parties for the implementation and development of those standards.)

We feel strongly that the evidence presented by the Game and Wildlife Conservation Trust should be given consideration and would also suggest that they have the opportunity to give oral evidence and thus be acceptably scrutinised.

Rachel Evans  
Countryside Alliance  
[rachel-evans@countryside-alliance.org](mailto:rachel-evans@countryside-alliance.org)

Minister for Environment and Rural Affairs  
Welsh Government  
5<sup>th</sup> Floor  
Ty Hywel  
Cardiff Bay  
CF991NA

7<sup>th</sup> of September 2016

Dear Cabinet Secretary, Lesley Griffiths

We write collectively with regards to the current petition lodged at the National Assembly for Wales by the League Against Cruel Sports (LACS) calling for a ban on the use of snares in Wales. For reasons as outlined below, we call for the petition to be removed immediately from the Petitioning process of the National Assembly for Wales

The figures put forward within the petition by LACS are completely incorrect and disingenuous. The petition states that *"In Wales, some 370,000 animals are snared every year. That's more than 1,000 a day"*.

In suggesting that 370,000 mammals are caught in fox snares each year in Wales, the League Against Cruel Sports (LACS) are misrepresenting statistics from the 2012 DEFRA report Determining the Extent of Use and Humaneness of Snares in England and Wales. It appears that they have taken the capture rates from the single operator who carried out the humaneness testing work, and multiplied these by the estimated number of snares being used in Wales at any one time from the "extent of use" section of the report.

Multiplying numbers in this way is not scientifically valid. It fails, in particular, to take into account that the one operator was completely atypical, with a catch rate an order of magnitude higher than most snare users, and that it reflects data generated in one location with specific densities of target and non-target species that simply cannot be generalised across the whole of Wales.

As a consequence of these incorrect calculations LACS's petition suggests that every year snares are catching more than the total pre-breeding populations of foxes, badgers and hares in Wales (according to the seminal work on mammal populations in the UK, A Review of British Mammals: Population Estimates and Conservation Status of British Mammals other than Cetaceans, Harris et al., 1995\*. Since the publication of this work a study has indicated that populations of hare and fox have declined from Harris et al.'s estimates). This is clearly an impossible situation, further highlighting the error in the statistics being used to promote this petition.

We are also very concerned that LACS are making quite untrue assertions about the humaneness of the snares themselves. Their suggestion that the new code compliant snares are "more likely to

cause injury or death” is also lacking in any scientific evidence and thus is completely disingenuous. The work for the DEFRA report that they ‘quote’ from showed that code compliant snares when properly operated meet the Agreement on International Humane Trapping Standards (AIHTS). Indeed there was no evidence of significant snare related injury to a single animal in the Home Office regulated humaneness testing work. This applied to the non-target animals which self-released (approximately half of the ‘captures’), those which were released by the operator, and the target animals which were despatched and subject to post-mortem examination by independent vets.

On the basis of the incorrect figures stated in the above mentioned petition we call for the petition to be removed immediately from the Petitioning process of the National Assembly for Wales. The League Against Cruel Sports would then have the opportunity to re-present a petition without these misleading claims.

Yours sincerely,



Rachel Evans  
Director for Wales  
Countryside Alliance



Mike Swann  
Head of Education and Wales Advisor  
Game & Wildlife Conservation Trust



Charles Nodder  
Political Advisor  
National Gamekeepers Organisation

\* [http://jncc.defra.gov.uk/pdf/pub03\\_areviewofbritishmammalsall.pdf](http://jncc.defra.gov.uk/pdf/pub03_areviewofbritishmammalsall.pdf)

Distribution list to date:  
Petitions Committee  
Simon Thomas AM  
Paul Davies AM  
Neil Hamilton AM



Dear Committee Members

RE: Response to the evidence session to the Climate Change, Environment and Rural Affairs Committee on Wednesday the 30<sup>th</sup> of November 2016 from the Countryside Alliance, and the Game and Wildlife Conservation Trust. To include our response to the letter received by the League Against Cruel Sports dated 5<sup>th</sup> of December 2016.

Many thanks for the opportunity to attend the evidence session on the use of snares in Wales on the 30<sup>th</sup> of November 2016.

Firstly, it is important to note that the figure quoted by Vicky Howells AM of 1.7 million mammals snared every year in England and Wales is in fact the League Against Cruel Sports figure and is nowhere to be found in the DEFRA report. Once again, we emphasise that this calculation is wholly inaccurate and is a miss representation of scientific research.

It is pleasing to see that in the letter dated the 5<sup>th</sup> of December 2016 to the committee that the League wholeheartedly admit and even set out the methodology of their miss use of data . The process is exactly as we analysed and is therefore *not* a true account of the number of mammals snared every year in Wales. A further example of how ridiculous their figures are, is that if this were true, then the whole of the mammal population would be wiped out in 18 weeks.

I also note that they claim that their figures are not challenged by DEFRA. This is of course for DEFRA to comment upon, however we are not surprised in the slightest that DEFRA have not commented on such a bizarre manipulation of scientific research.

We would welcome further engagement with the committee on this issue and the door is wide open for any practical or written information we can provide.

Yours sincerely,

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Rachel Evans  
Director for Wales  
Countryside Alliance

**SNARES**

**GENERAL BRIEF**

**DECEMBER 2021**

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**Key points**

- **The use of snares is an important tool in wildlife management, which benefits conservation and a range of economic activities from shooting and agriculture to forestry and eco-tourism.**
- **There is often no practical and effective replacement for snaring at crucial times of the year, particularly during spring and summer.**
- **Well-designed snares, used properly, are a humane and effective form of fox control. They are a restraining, rather than killing, device. We advocate strongly the use of code complaint snares.**
- **It has been illegal to use self-locking snares throughout the UK since 1981 and there is already extensive legislation in place relating to the use of free-running snares.**
- **Defra commissioned research, published in 2012, identified how snaring could be improved through snare design and operating practices.**
- **The Countryside Alliance, with other sector groups including the NFU, FUU, the British Association for Shooting and Conservation, The National Gamekeepers Organisation and the Game & Wildlife Conservation Trust, were part of the Welsh Governments working group which published a thoroughly revised code in 2015. Other organisations opposed to snares were also part of that group signing off the code.**

**Importance of Snaring**

The use of snares is an important tool in wildlife management, deployed by gamekeepers, farmers and land managers as an effective way of catching foxes. Modern snares are a restraining, rather than killing, device and research has shown that well-designed snares are humane and effective.

Without snares, foxes would be an increased threat to vulnerable populations of wildlife, biodiversity and habitat conservation. They would also cause significantly greater damage to a diverse range of economic activities including shooting, agriculture, forestry and eco-tourism, which all rely on a managed countryside. **It is necessary** for land owners/occupiers to control pest species such as foxes which, if uncontrolled, would cause significant damage. The Game and Wildlife Conservation Trust (GWCT) has highlighted that:

*“Foxes kill young lambs, piglets reared outdoors, and free range and domestic poultry. Foxes also prey on vulnerable wild ground-nesting birds like black grouse, partridge, lapwing, curlew and stone curlew, and brown hare. Several of these are species of conservation concern, others are game species; some are both...”*

*“There are several methods to control foxes but none of them are effective in all circumstances. One method widely used for foxes is snaring. Snares are particularly effective for foxes in places and at times of the year when rifle shooting is not possible because of dense cover but when fox control may be critical for wild prey.”* ([GWCT, Recommendations on Fox Snares](#)).

To protect species that are particularly vulnerable to fox predation, such as lambs and ground-nesting birds, fox control is essential during the spring and summer breeding season. However, in spring and summer shooting often becomes impractical because of the growth of vegetation cover and arable crops. Flushing-out foxes from underground with the use of a dog is only permitted to protect gamebirds or wild birds kept or preserved for the purpose of being shot, and not livestock or other wild birds including many rare or endangered species. Shooting is also not always safe in certain places such as near livestock, in the vicinity of urban areas, or close to public footpaths and other rights of way.

Many important conservation projects use them to help control foxes. These include the ten-year study to recover Langholm Moor, which was funded by Buccleuch Estates, Scottish Natural Heritage, the Game & Wildlife Conservation Trust, the RSPB and Natural England.

The importance of legal snaring has been recognised by successive governments. The following statement was made by Barry Gardiner MP, then Parliamentary Under Secretary of State for Defra, on 28 November 2006:

*“The Government consider that, where there is a need for wildlife management, the proper use of snares is one of a range of control methods. Used according to best practice, snares can be an effective and practical means of wildlife management and are needed where other forms of pest control are ineffective or impractical. In these circumstances, snares restrain rather than kill and may prove to be more humane than other methods. If snares were to be banned entirely it may encourage the use of more dangerous and illegal alternatives such as poisons”* (28 Nov 2006: Column 495W, PQ 104525).

Subsequently the then Secretary of State for Defra, Thérèse Coffey, wrote in her ministerial foreword to the 2016 Code of Practice:

*“At crucial times of the year – particularly spring and summer – vegetative cover renders other measures very impractical, making the unique effectiveness of modern snares invaluable. When practised to a high standard, and with adherence to the law, snaring can provide land and wildlife managers with an effective means to restrain target animals before they can be humanely managed.”*

Snares can occasionally trap non-target species, which makes compliance with legislation and use of best practice essential. The vast majority of operators do comply with best practice and unintended captures are limited, but extensive research has been undertaken to improve the design of snares to prevent injury and capture of non-target species.

## Humaneness of Snaring

Self-locking snares, which are designed to kill an animal caught in them, have been illegal in the UK since 1981. Free-running snares, which are a cable restraint designed only to hold an animal until it can be humanely despatched, can be used legally on account of their effectiveness and humaneness. Animals held in these snares are protected from unnecessary suffering under the [Animal Welfare Act 2006](#), and the [Wildlife and Countryside Act 1981](#) also imposes a legal obligation to check a set snare at least once a day at intervals of no more than 24 hours.

Snares are a unique method of control as they catch only when the animal is completely unaware of their presence. According to research from the Game and Wildlife Conservation Trust (GWCT):

*“Foxes are highly ‘neophobic’ - they have a tendency to avoid anything new. A fox which detects a snare will avoid it. It may not be unduly alarmed, but it is unlikely ever to be caught in that particular snare set... Foxes that have ‘spotted’ a snare can still be caught in another snare which has not been detected. Indeed it’s possible to catch foxes in snares several times over, as we have found when catching foxes for radio-tagging...*

*“The action of a snare is not as alien to a fox as one might imagine: being snagged by brambles is probably an everyday experience. The fox just backs off, then carries on. We have watched a fox do exactly this when a snare drew up round its nose. It was clearly not alarmed, and was properly caught the next day after the snare was re-set a metre further along the run” ([GWCT, Fox Snares, 2012](#)).*

This evidence formed part of the Defra commissioned research which reported in 2012. It identified how snaring can be improved through operating practices and snare design and this should now be used as the basis for a revised Code of Practice in England as has been done in Wales.

Many new snares already take account of the research that was carried out by the GWCT which identified how the use of snares can be improved through snare design and operating practices. GWCT research led to the development of the new [DBsnare](#), which is compliant with the national codes of practice. One of its main features is the use of a break away clip that has been designed to release badgers, hares and deer but still hold foxes. There are also two swivels, one at the anchor and one half way along which allow the fox to twist and spin without kinking the wire. The sophisticated loop closure, known as a Relax-a-lock, moves along the wire smoothly when the fox runs through and results in an instant catch. Once the fox is caught, the Relax-a-lock grips tightly enough to hold snug around the neck but will give once the fox relaxes, ensuring it remains unharmed until humanely despatched.

The DBsnare has been trialled by professional gamekeepers to a total of 120,000 hours of snares being set, more than any other fox trap in the world. Code-compliant snares are also available from other suppliers including [Collins Nets](#) and [Fourteenacre](#).

## Existing Legislation

There is already extensive legislation relating to the use of snares which is designed to balance genuine welfare concerns with the need for wildlife management.

It has been illegal to use self-locking snares in all parts of the UK since the introduction of the [Wildlife and Countryside Act 1981](#) and the [Wildlife Order \(Northern Ireland\) 1985](#). Land

managers are permitted to use free-running snares on account of their effectiveness and humaneness, providing that the relevant legislation, and best practice, is followed.

In England and Wales the following legislation applies to the use of snares:

- The [Wildlife and Countryside Act 1981](#) prohibits the use of any trap or snare calculated to cause bodily injury to any wild animal and places an obligation on those who use snares to check them daily, allowing any non-target species to be released unharmed. Defra's 2012 research found that 84% of snare users were already making every effort to avoid the capture of non-target species, and with increasing awareness amongst snare users, that is a figure that one can realistically expect to have improved since the research was carried out.
- The [Deer Act 1991](#) prohibits the use of snares to capture any species of deer.
- The [Animal Welfare Act 2006](#) contains protection for animals subject to human control to help prevent unnecessary suffering and would apply to any animal held in a snare.
- [The Humane Trapping Standards Regulations 2019](#) prohibit the use of snares to trap badgers, beavers, pine marten, otters and stoats; these provisions also apply in Scotland.

In Scotland the following legislation applies:

- The [Wildlife and Countryside Act 1981](#) replicated the provisions that apply in England and Wales, and was subsequently amended by the [Nature Conservation \(Scotland\) Act 2004, Schedule 6](#) in an attempt to tighten the original language (for instance adding 'or otherwise uses' to the prohibition on setting a self-locking snare), and also empowers Scottish Ministers to prohibit the use of further types of snare.
- The [Deer \(Scotland\) Act 1996](#) prohibits the use of snares to capture deer.
- [The Snares \(Scotland\) Order 2010](#) requires snares to be free-running, checked at least once every 24 hours, include an effective safety stop and be effectively anchored to prevent dragging; they must also not be placed where captured animals are likely to be suspended or drown.
- The [Wildlife and Natural Environment \(Scotland\) Act 2011](#) introduces new requirements relating to training and registration for those setting snares, tagging snares with identification numbers and keeping records of snares set. To obtain a tag number from Police Scotland, operators must also pass a one-day course run by an approved body. The Act also replicates the provisions of The Snares (Scotland) Order 2010 as noted above, and requires the Scottish Government to undertake a review of snaring by 31 December 2016 and every five years thereafter. The most recent review concluded in December 2021.

The Code of best practice on the use of snares for fox control in Wales (2015) is widely promulgated by sporting associations and by those institutions, such as land-based training colleges, which are involved in the education and training of land managers. It was updated to take account of the 2012 Defra funded research from the initial 2005 England edition.

Following the UK's withdrawal from the European Union in 2019, the Government re-implemented in UK regulations the Agreement on International Humane Trapping Standards (AIHTS), an international agreement between the EU, Canada and Russia, through [The Humane Trapping Standards Regulations 2019](#). The Agreement is designed to establish international standards of humane trapping, improve communication and cooperation between the parties for the implementation and development of those standards. Although fox trapping is not subject to AIHTS, both the Game and Wildlife Conservation Trust (GWCT) and Defra research has indicated that a Code of Practice compliant snare, operated according to best practice, passed AIHTS requirements for humanness and GWCT research indicated such a snare would surpass the requirements in relation to non-target species.

A complete ban on the use of snares, requiring new legislation, is unnecessary and would not be in the interests of land managers, wildlife, or sustainable biodiversity.

## Codes of Practice

In 2005 Defra published an initial [Code of Practice on the use of snares in fox and rabbit control \(2005\)](#) which was based on the Report from the Independent Working Group on Snares (IWGS). The Code made those using snares aware of their responsibilities under the law and provided advice on good practice.

In 2008 Defra commissioned the Food and Environment Research Agency (FERA) and the Game and Wildlife Conservation Trust (GWCT) to undertake a study into [Determining the Extent of Use and Humaneness of Snares in England and Wales](#) which was published in March 2012. The Final Report made recommendations for amendments to the Code to help improve target specificity and improve animal welfare standards. The Coalition Government did not implement the recommendations of the 2012 Final Report, despite calls from a wide range of stakeholders, including the Countryside Alliance, to include them in a revised Code of Practice.

Scotland's code of practice, [Snaring in Scotland: A practitioners' guide](#), is in its fourth edition and dates from December 2012. Endorsed by the Scottish Government and a range of sector bodies including the Scottish Countryside Alliance and the GWCT, it details the legislative requirements and provides guidance for the setting of fox and rabbit snares, including a diagram of a code-compliant fox snare.

In September 2015, the Welsh Government published a new [Code of Best Practice on the Use of Snares in Fox Control](#) based on the recommendations provided in the 2012 Final Report, which the Countryside Alliance welcomed. The new Code helped improved animal welfare standards in Wales and reduce the inadvertent capture of non-target species and domestic animals, whilst allowing snaring to continue as an essential method for controlling foxes to protect livestock and wildlife. In announcing the Code, Rebecca Evans AM (Labour), the Deputy Minister for Farming and Food at Welsh Assembly, said:

*"I hope this action will help improve snare operator practice by providing clear and practicable advice and how to comply with the law. This will in turn ensure improved standards in animal welfare and reduce the impact on non-target species"* (Welsh Government, Animal Welfare at the Heart of new Snares Code, 25 Sept 2015).

The problems foxes can cause to wildlife and endangered species as well as gamekeepers, farmers and land managers, and the means available to control them, do not differ between England and Wales. As such, sector bodies including the Countryside Alliance encouraged Defra to publish or endorse a revised Code for England as soon as possible, using the example of the Code produced in Wales. This was achieved in 2016.

The resulting [Code of best practice on the use of snares for fox control in England \(2016\)](#) was founded on a more solid research base, and its publication provided an opportunity to publicise it among farmers, who since 2005 had been found to set almost as many snares for fox control as gamekeepers but had not been targeted in previous promotion. The GWCT [said of the updated Code](#),

*"We know that by following it, practitioners can largely eliminate the dismal outcomes that have made the use of snares so controversial."*

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# Glue boards: a briefing note

## British Pest Control Association

BPCA is the professional association for the UK public health pest management industry. We're a not-for-profit organisation representing over 700 companies in the UK and highlight the risks of inadequate pest control.

BPCA is here to support Members of the Senedd in any way we can. Please contact us for more information.

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## Glue boards are essential for public health

A complete ban on rodent glue boards in Wales will have a devastating impact on human health and safety. Everything from hospital wards to school lunchrooms will be liable to close while extended pest management programmes occur.

The British Retail Consortium (BRC) and UK Hospitality believe a ban on glue boards will profoundly impact SMEs, particularly in the food and hospitality sector.

Rodents carry and transmit pathogenic microorganisms (and therefore disease). Failure to act quickly in a high-risk environment can result in sickness, distress and death.

Rodent management programmes will take longer in crucial areas, meaning temporary closures (minimum of 2 weeks) of sensitive sites, such as:

- Small food and hospitality businesses
- Hospitals and care homes wards
- Food factories and preparation areas
- Critical infrastructure and government buildings.

In domestic cases, private homeowners could spend weeks living with rodents, risking their health.

A total ban on glue boards would remove a tool that helps protect some of the most vulnerable people and high-risk environments. This would have a detrimental effect on public health.

**No other tool works quicker than rodent glue boards. We have no viable alternatives to glue boards when speed is crucial. Without access to glue boards, people may die.**

**“Everything from hospital wards to school lunchrooms will be liable to close while extended pest management programmes take place”.**

## Our recommendations

### 1 Ban glue boards for untrained users

BPCA supports a ban on glue boards for the general public.

A typical consumer should never be able to purchase glue boards. They do not have the training to deploy glue boards safely without accidentally capturing non-target animals.

Even if they do everything right, they're unlikely to be able to humanely dispatch any rodents caught.

Glue boards should be banned for anyone who is not a qualified pest professional.

### 2 Create a licensing scheme for pest professionals

Politicians in Westminster acknowledged the profound impact a complete ban of glue boards would have on public health and the economy.

They added a licensing provision for pest professionals to maintain access to glue boards.

We urge the Senedd to add a provision for licensing glue boards for professional use so our members can continue to protect your citizens.

### 3 Ensure licences are available rapidly

For professionals, glue traps are already a last resort and are only used as an urgent or emergency control measure. Any licence process should be rapid to avoid potential harm to public health.

Hospitals, care homes, food businesses and other critical infrastructure relies on glue boards to protect vulnerable people.





# There is no viable alternative to glue boards

Pest professionals have several tools we can use to protect people from rodents and the harm they cause.

Once an infestation has occurred, it's a professional's responsibility to choose the right tool, balancing:

- The risk to non-target species
- Animal welfare and suffering
- The risk to public health
- The practical limitations of the environment.

The following table details all the tools pest professionals use to control rodents in conflict with human health alongside their strengths and weaknesses in different use cases.

	Tools available for rodent control					
	Proofing	Denial of food and water	Removal of harbourage	Trapping	Biocides (rat poisons)	Glue (sticky) boards
Can be used after an infestation has occurred.	✗	✗	✗	✓	✓	✓
No chance of secondary poisoning.	✓	✓	✓	✓	✗	✓
Instantly dispatches rodents.	✗	✗	✗	✓	✗ Takes ~2 weeks	— Boards are not designed to kill rodents. Boards are checked no less than every 12 hours, and caught rodents are then humanely dispatched by the pest professional.
Quick to combat infestation occurred.	✗	✗	✗	— Rats are naturally suspicious of new things and often avoid newly set traps for some time	✗ Takes ~2 weeks	✓ Boards can be placed where rodents must travel for food, water and harbourage

Clearly when speed is critical, in areas such as hospitals, food premises and around vulnerable people, sometimes glue boards are the only viable option.

## **Agriculture (Wales) Bill Submission**

As a Trade Association we don't actively use glue boards, however, we do represent a large number of pest control organisations and individual pest control technicians who use them periodically in accordance with the Pest Management Alliance Glue Board Code of Practice (COP).

For reference, it is a mandatory requirement for members of the NPTA to adhere to the COP.

In line with the COP, we believe that glue boards should only be used where there is either (a) an imminent risk to public health, or (b) where all other methods have proved to be ineffective.

There is growing evidence that house mice in particular, are either avoiding rodent bait stations (behavioural resistance). Note, (Behavioural resistance in mice) – Simmons, ICUP 2017 or have an intolerance to cereal-based baits, which make up the vast majority of rodenticides available to professional pest controllers. We refer you to the study carried out by R.E. Humphries (Cereal aversion in behaviourally resistant house mice in Birmingham, UK)

There are a range of alternative methods available, including rodenticides, dogs, shooting etc, but not all are applicable to every situation and are all subject to risk assessment. Rodenticides are themselves under considerable scrutiny at present, due to contamination of the wider environment.

Physical trapping methods can sometimes prove effective; However, these devices also have their own advantages/disadvantages. For example, if a rodent 'trips' a trap but fails to become trapped, they will likely never return to that device, having a knock-on effect on public health. As a consequence, we strongly believe that for any pest control programme to be effective, a range of tools should be available to professionals to ensure that total control can be achieved.

We believe that public health would suffer should a complete ban on glue traps be introduced. Rodents would, in some situations, become extremely difficult to control and treatment programmes prolonged unnecessarily.

Genetic resistance is also becoming more apparent. Surveillance in 2019 by University of Reading's Vertebrate Pests Unit identified that

- House mice (93%) carry a resistant gene
- Rats (61%) carrying at least one rodenticide-resistance gene.
- Among rats, nearly half have inherited the gene from both parents.

For this reason alone, we believe that the removal of an effective physical control method would be inadvisable.

Rodents are well known for being vectors for a wide range of bacteria and viruses (e.g., Salmonella and Hantavirus). Therefore, any additional restrictions placed on methods of control could limit the efficacy of any pest control programme. This could have social implications by potentially causing people to succumb to rodent borne diseases and economic implications for a number of reasons.

(1) the inability through illness of people to work if they contract a rodent borne disease

(2) closure of food (or other) businesses due to health concerns associated with rodent infestations.

We acknowledge that glue boards have the ability to cause suffering. However, there is, in our view, no method of killing that can be considered humane and the elimination of rodents has to be considered critical to protect to public health.

All members of the NPTA are advised that a swift method of dispatch is required and whilst the current COP states a twelve-hour interval between checking boards, this is maximum time allowance. It is therefore highly recommended/encouraged that glue boards are checked more frequently. We have evidence (although anecdotal) that glue boards are frequently used to trap rodents where immediate dispatch occurs. Situations can and will occur where rodents can be found for example, on a food pallet. In these situations, the rodents will disperse when the pallet is disturbed prolonging the treatment programme and having a potential negative effect on public health. Glue boards therefore remain the only effective method to prevent this.

We would not support a total ban on glue boards due to the need to protect public health. However, we would fully support a ban on use by the amateur and non-professional market. These groups have received little or no training on the use of these products and the subsequent dispatch techniques required to ensure that any 'kill' is a swift and humane as possible.



# **GWCT Wales Written Evidence for the Senedd's Economy, Trade and Rural Affairs Committee regarding the Agriculture (Wales) Bill**

## **Who we are**

This paper has been produced by the Game & Wildlife Conservation Trust Wales (GWCT Wales), a research and education charity that has published over 100 scientific papers in peer-reviewed journals on issues relating to predation control and the conservation of farmland and moorland birds over the past 50 years. On the basis of our scientific expertise and credibility, we regularly provide advice to such statutory bodies as Defra, Nature Scot, Natural Resources Wales and Natural England. We also provide practical advice to farmers, land managers and other conservation organisations on how to manage their land with a view to improving biodiversity. Our Advisory team have, for many years, run industry-leading best practice predation management training courses. These courses are based on practical experience backed up by GWCT science.

## The case for Licencing Humane Cable Restraints

This paper is submitted in conjunction with additional papers which should also be considered as evidence. However, this paper is designed to make the key points concisely for the committee, whilst the additional papers provide further detail as necessary.

The GWCT argue that the Humane Cable Restraint (hereafter 'HCR'), previously known as a code-compliant snare, is a live-capture restraining device which is both humane and selective when operated according to the Code of Practice<sup>1</sup> (hereafter 'CoP'). The Trust can confidently argue this case having carried out over 200 person-years' worth of research in to making fox restraints more effective, target specific and humane. The Trust has undertaken fox radio tracking since the 1980s, building fundamental knowledge regards the welfare of caught foxes which are fitted with radio collars and released unharmed.

Where the Minister states, "these devices catch animals indiscriminately, causing great deal of suffering, and they are not compatible with the high animal welfare standards we strive for here in Wales" the Trust argues that, for HCRs operated according to the CoP, the evidence contradicts this claim.

The scientific research demonstrates that the carefully selected components of a HCR improve selectivity<sup>2</sup> and, when operated according to the CoP, the HCR meets the requirements of the Agreement on International Humane Trapping Standards (hereafter 'AIHTS') for restraining devices<sup>3</sup>. The AIHTS<sup>4</sup> are the highest standards available internationally, and ensure the highest animal welfare standards, therefore the Trust assumes the Minister was not referring to HCRs when giving the above statement?

**NB** - It is important to note that the Trust does not argue the above case for other types of cable restraint i.e., non-code compliant snares, and we have advocated banning the sale and use of these other types of snares for numerous years, based on our concerns regarding poor practice and poor animal welfare.

**NB** – The Humane Cable Restraint is referred to as snare type D within the Defra 2012 report<sup>3</sup>. It is this design which became the Code-compliant snare and is now known as the HCR.

## **The Conservation of Section 7 Priority species**

Furthermore, whilst the evidence above demonstrates that HCRs operated according to the CoP are both selective and humane, the Trust is deeply concerned that, based on the available evidence, banning this method of fox control will directly critically endanger several Section 7 Priority species under the Environment (Wales) Act 2016.

Section 7 Priority species are species which the Ministers consider are of key significance to sustain and improve biodiversity in relation to Wales. Under the Environment (Wales) Act 2016 the Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms listed in Section 7 and encourage others to take such steps. The GWCT therefore argues that banning the sale and use of HCRs, rather than licencing them, will be in breach of the Environment (Wales) Act 2016.

## **The role of Humane Cable Restraints in Conservation – eight case studies**

It is worth highlighting the scientific justification for lethal predation management in conservation. Lethal predation management, for example fox control, is widely evidenced and accepted as essential to conserve certain species such as the Eurasian curlew (hereafter 'curlew').

**NB** - Curlew is a Section 7 Priority species under the Environment (Wales) Act 2016. It is classified by the IUCN as 'Globally Near Threatened' and is on its Red List of Threatened Species. In Wales there has been an estimated 90% loss of curlew since 1993, with the population declining at 6% a year it is estimated that this iconic species will be functionally extinct (cease to breed) in Wales by 2033 – eleven years from now. Natural Resources Wales (hereafter 'NRW') rightly consider curlew as one of the highest bird conservation priorities in Wales.

Research indicates that high levels of predation are a likely cause of curlew declines<sup>5,6</sup>. Predation is one of the main factors limiting curlew recovery in the UK<sup>7,8</sup>. Foxes, corvids and mustelids have been regularly identified as predators of eggs and chicks of a range of

waders<sup>9, 10, 11, 12</sup>. Lethal predator management can be used to dramatically reduce the number of generalist predators, namely foxes and carrion crows<sup>6, 7, 13, 14</sup>. When implemented at the landscape level, lethal control can result in local and regional predator suppression<sup>15, 16, 17, 18</sup>. Lethal control has been shown to be effective at increasing breeding productivity of several wader species above the level required for stable populations in different countries and situations<sup>6, 13, 14, 19, 20</sup>.

It is incredibly important to note that the only proven cases of population recoveries of threatened Section 7 Priority species on privately owned land (i.e., not nature reserves) have come from conservation projects where predation management included cable restraints. Please note that the term HCR is not universally used in this section as some data refers to pre-HCR design. It is also important to recognise that the above refers to privately owned land as some nature reserves can erect predator proof fences to protect and recover colonial nesting species such as lapwing. However, there are no examples, on-reserve or otherwise, of any population recoveries of curlew without cable restraints being used.

The below case studies demonstrate the role of cable restraints in conservation of Section 7 Priority species:

### **GWCT's Upland Predation Experiment at Otterburn<sup>6</sup>**

This experiment, known as a replicated, randomised removal experiment was designed to determine the impact of predation management on ground nesting birds on and around moorland in the North of England.

Key findings were:

- The percentage of lapwing fledging young went from 19% when no predators were controlled to 57% when predators were controlled
- The percentage of golden plover fledging young went from 18% when no predators were controlled to 75% when predators were controlled
- The percentage of curlew fledging young went from 15% when no predators were controlled to 51% when predators were controlled
- Red grouse increased two-fold when predators were controlled

- Grey partridge increased two-fold when predators were controlled
- Black grouse increased six-fold when predators were controlled

**NB** - In this study **26%** of the foxes controlled were first caught in cable restraints before being humanely dispatched. (K. Fletcher, Game & Wildlife Conservation Trust, unpublished data).

**NB** - Please note lapwing, golden plover, curlew, red grouse, grey partridge and black grouse are all Section 7 Priority species

### **Joint Raptor Study<sup>20</sup> & Langholm Moor Demonstration Project<sup>22</sup>**

After the Joint Raptor Study at Langholm (1992 -97) ceased and predation management ceased it was noted that Red Grouse and Hen Harrier numbers decreased. The Langholm Moor Demonstration Project (2008 – 18) was set up to reinstate moorland management and predation management to measure the impact and was a partnership between Buccleuch Estates, Scottish Natural Heritage, Game & Wildlife Conservation Trust, the Royal Society for the Protection of Birds and Natural England

Key findings were:

- The percentage of hen harrier fledging young went from 39% when no predators were controlled to 79% when predators were controlled
- Curlew increased on average by 10% per annum
- Red grouse increased by 8% per annum
- Golden Plover increased on average by 16% per annum

**NB** - In this study **21%** of the foxes controlled were first caught in cable restraints before being humanely dispatched <sup>23</sup>.

**NB** - Please note hen harrier are a Section 7 Priority species.



## **Nature Fund Berwyn, Migneint, Black Mountains & Radnor Upland Recovery Project<sup>24</sup>**

A collaborative Nature Fund Project between Farming and Wildlife Advisory Group, Game and Wildlife Conservation Trust and Country Land and Business Association was created to explore the feasibility of setting up and operating an upland owner-led, landscape-scale conservation project which aimed to reverse upland bird declines. The initial five-year project plan was decreased to a seven-month operational period due to funding constraints and took place between November 2014 and June 2015.

Key findings:

- Breeding bird survey data is unavailable for this project, in part due to difficulties with site access permission required from regional NRW staff, despite the project surveyors obtaining licences from NRW's licencing team at the time.
- Due to the short nature of the project no trend data was established

**NB** – This project is included as the report detailed that **69%** of foxes culled were first caught in cable restraints<sup>24</sup>. This statistic highlights the chosen method of control when the vegetation and terrain make night shooting particularly difficult.

## **Powys Moorland Partnership, Three Parishes for the Common Good Sustainable Management Schemes**

These two Sustainable Management Schemes were set up to restore biodiversity and have included predation management and the use of HCRs.

Whilst the data is unpublished, the projects are useful as they give percentages of foxes caught in HCRs and estimated associated curlew productivity.

Key findings:

- Powys Moorland Partnership & Three Parishes for the Common Good report regarding the local curlew population - taken from the 'Fifth Year Report' (2022), Nick Myhill
  - "The figures within these 'constant search' surveys suggest that numbers have been maintained, and more extensive observations outside these surveys indicate the same, with the last year (2022) even suggesting a possible slight upturn. Given the general indication that Curlew are nearing extinction as a breeding bird in Wales, this may be a small ray of hope, but the situation remains precarious"

**NB** - The predation management reports from the Powys Moorland Partnership detail that **30%** of the foxes controlled were first caught in HCRs before being humanely dispatched (W. Duff Gordon, Ireland Moor, unpublished data).

**NB** – Please note that Ireland Moor, part of the Powys Moorland Partnership, is included as an Important Curlew Area (ICA) within the Wales Action Plan for the Recovery of Curlew<sup>28</sup>.

## **The Camlad Valley Sustainable Management Scheme**

This Sustainable Management Scheme was set up to restore biodiversity and has included predation management and the use of HCRs.

Whilst the data is unpublished, the project is useful as it gives percentages of foxes caught in HCRs and estimated associated curlew productivity.

Key findings:

- The Camlad Valley Sustainable Management Scheme estimates productivity for curlew to be in the range of 0.66 – 1.66 (J. Banks, Camlad Valley CIC, 2022 unpublished data). It is therefore likely that, if this success continues a conservative estimate would see the population achieving maintenance. Whereas before the project began productivity for the area was estimated at 0.1.

**NB** – It is widely accepted that 0.48 - 0.62 (chicks per pair) is the level of breeding productivity required to sustain curlew populations<sup>25</sup>.

**NB** - In this project **24%** of the foxes controlled were first caught in HCRs before being humanely dispatched (J. Banks, Camlad Valley CIC, 2022 unpublished data).

**NB** – Please note that the Camlad Valley, is part of the Montgomeryshire Important Curlew Area (ICA) within the Wales Action Plan for the Recovery of Curlew<sup>28</sup>.

### **Life Waders for Real Project<sup>26</sup>**

Waders for Real seeks to reverse the decline of breeding waders in the Avon Valley, a river floodplain of high biodiversity interest, part of which is designated as a Special Protection Area (SPA). Where numbers of northern lapwing pairs have fallen from 208 in 1990 to 71 in 2010. The below data is taken from a case study of Bisterne Estate from the project area.

Key findings:

- Before the project (2007 – 15) lapwing productivity averaged 0.49
- During the project (2016 – 19) lapwing productivity averaged 0.82
- During the final year of the project (2019) lapwing productivity was 1.17

**NB** – It is widely accepted that 0.7 (chicks per pair) is the level of breeding productivity required to sustain lapwing populations<sup>27</sup>.

**NB** - In this case study **10%** of the foxes controlled were first caught in HCRs before being humanely dispatched (R. Brewer, Bisterne Estate, unpublished data).

### **Ruabon Moor, Important Curlew Area as listed in 'A Wales Action Plan for the Recovery of Curlew'**

Ruabon Moor is part of the Berwyn and South Clwyd Mountains SAC and included in the Ruabon, Llantysilio Mountains & Minera SSSI which sits within the Clwydian Range and Dee Valley AONB. It is estimated to have one of the largest remaining populations, and highest

density of curlew in Wales, hence being classed as an Important Curlew Area (ICA) within the Wales Action Plan for the Recovery of Curlew<sup>28</sup>. It also holds approximately 85 – 90% of the Welsh black grouse population.

Key findings:

- A conservative estimate of 1.8 productivity for curlew in the 2022 breeding season

**NB** – At this ICA **80%** of the foxes controlled were first caught in HCRs before being humanely dispatched (S. Hart, Ruabon Moor, unpublished data).

### **Brown Hare Conservation at Loddington and Royston<sup>29</sup>**

The above case studies have focused on ground nesting, avian Section 7 Priority species of conservation concern. It is worth noting that the brown hare, another Section 7 Priority species which has declined by approximately 75% in Wales.

The fox is a significant predator of brown hares, and effective control of fox density leads to substantially higher hare densities, given suitable habitat<sup>29</sup>.

Key Findings:

- In both studies the predation management had a significant positive effect, amounting to an approximate doubling of brown hare annual population growth rate.

**NB** – In the Loddington study **33%** of the foxes controlled were first caught in cable restraints before being humanely dispatched. In the Royston study **44%** of the foxes controlled were first caught in cable restraints before being humanely dispatched<sup>2</sup>.

## **Summary of the role of Humane Cable Restraints in Conservation**

The GWCT argues that HCRs are too valuable a conservation tool to lose and that the evidence provided above cements this argument. The Trust maintains that HCRs must be made available for those needing to control foxes for conservation purposes. The above

eight case studies demonstrate key conservation successes, where eight Section 7 Priority species are the beneficiaries of predation management which included cable restraints operated to the CoP.

The Trust highlights that these conservation success stories, turning the tide and recovering species which are elsewhere disappearing at an alarming rate, are not easily come by and require huge conservation efforts underpinned by the ability to use all the 'tools' in the toolbox. Without the ability to use HCRs it is entirely feasible and incredibly likely that such conservation successes would not have been achievable. The case studies above provide nine examples where fox control depended up on fox restraints to varying degrees, from 10% - 80% and averaging at **37%** of foxes controlled being first caught in a cable restraint.

Whilst night vision and thermal imaging have improved the efficiency of night shooting of foxes, barriers remain to its efficacy. Vegetation height such as heather, rushes and silage crop during the nesting season easily hide a fox and make both night vision and thermal imaging useless in key locations.

The Trust maintains that there is no other method of fox control that is as efficient or as effective as a HCR in all scenarios at all times of the year.

## **Conservation without HCRs – three case studies**

The below conservation project case studies outline the importance of why HCR licencing is too valuable to dismiss. Whilst millions of pounds are spent in such projects and hundreds of foxes are killed through methods not involving HCRs, the conservation outcomes are limited and unsuccessful.

### **Lake Vyrnwy RSPB reserve<sup>30</sup>**

The Royal Society for the Protection of Birds (hereafter 'RSPB') have managed their Lake Vyrnwy reserve for several decades and counts estimated there were 24 pairs of curlew between 1978 – 1986. Further counts then estimated six pairs in the 1990s and one attempted nesting attempt in 2011<sup>30</sup>. The 2022 report was one pair attempting to breed off the

reserve, with the nest predated within 2 weeks. **The curlew productivity at Vyrnwy is therefore 0.** This is despite predation management being put in place and the RSPB shooting foxes at night on the reserve. It is important to highlight that the RSPB has a policy of no cable restraints.

The current situation, taken from the RSPB recent Heritage Lottery Fund appeal where the RSPB states “Without the serious interventions RSPB is proposing in this bid, in the next few years curlew, black grouse and merlin will cease to appear as a breeding species in this area of Wales. It is likely that the same fate would fall red grouse and hen harrier within the next decade”.

### **RSPB Trial Management Project as part of the Curlew Recovery Programme Conservation Project**

The RSPB Trial Management Project ran between 2015 -20 and was designed to test habitat management and predator control interventions across six sites in the UK. Whilst results from this project are yet to be published, an RSPB presentation given to Gylifinir Cymru members in November 2020 detailed **there were no differences in productivity between the control sites and the trial sites** (D. Douglas & I. Tomankova, RSPB, unpublished data).

Again, it is worth highlighting the RSPB has a policy not to use HCRs. This project cost in excess of one million pounds over five years and killed 97 foxes as reported by M. Harper, RSPB in 2019 in his blog titled ‘The conservationist's dilemma: an update on the science, policy and practice of the impact of predators on wild birds (6)’<sup>31</sup>.

### **RSPB Life Project - Ysbyty Ifan and Hiraethog**

This RSPB project began in 2021 and is currently ongoing. It consists of five sites across the UK, one of which is at Ysbyty Ifan and Hiraethog in North Wales. The project aims to have enhanced habitat conditions leading to stable curlew populations within the project sites by December 2024. Predation management is undertaken for the project however, as discussed above the RSPB have a policy not to use HCRs.

This year a conservative estimate is that ten curlew chicks fledged from the area which holds an estimated 38 pairs of curlew (S. Shakespear, RSPB, unpublished data). This gives a **0.26 productivity** rate which although conservative, is still unfortunately below the required productivity to maintain the population i.e. productivity below 0.48 - 0.62 (chicks per pair) leads to a declining population<sup>25</sup>.

## Summary

It is now widely, unequivocally accepted that the conservation of some Section 7 Priority Species in Wales require lethal predation management to conserve them and avoid their functional extinction in Wales. The GWCT argues that if predation management is to be justified it should be legal, effective, targeted and humane. Without including HCRs as a 'tool' in the toolbox of predation managers then, as argued above, it is highly questionable that the predation management is effective. It is worth noting again that there are no examples of successful curlew conservation without the use of HCRs, and that this is very likely to be the case 'off-reserve' for the rest of the eight Section 7 Priority species listed too.

## Proposal for a future HCR licence

The GWCT proposes that HCRs become licenced.

- To receive a licence individuals would complete mandatory training and accreditation allowing them to purchase and use HCRs.
- Manufacturers should only produce HCRs that conform to the design specified in the CoP (including a built-in breakaway link at the eye and stop set to allow a minimum noose of circumference 26cm).

**NB** – this is an area which the Scottish legislation has failed to incorporate and which has created associated problems. The GWCT can only vouch for the humaneness of a HCR with all the listed components and when it is operated in accordance of the CoP.



- The GWCT proposes that each practitioner has an identifying number that their HCRs are tagged with.
- Best Practice use in Wales has already moved forward with certain practitioners using electronic data loggers to evidence that their HCRs have been checked to the legal requirement. This could be adopted within a licencing system, as could informing local Wildlife Crime Officers of their tagged HCR locations.
- The CoP requirement to check HCRs twice daily should also adhered to within a HCR licence.
- Practitioners not following the requirements of a HCR would see their licence revoked.

## **Reasoning**

The HCR is too valuable a conservation tool to lose outright, as has been demonstrated above. Section 7 Priority species are those which the Ministers must take all reasonable steps to maintain and enhance and encourage others to take such steps. The GWCT argues it is reasonable to licence a device which is scientifically proven to be humane and selective when used according to the CoP.

There are no viable, effective alternative solutions available which could fill the void left if HCRs are not licenced. With afforestation increasing in Wales, it is likely ground nesting Section 7 Priority species will face enhanced predation pressure in the future – making it even harder to effectively reduce that pressure enough to fledge young. The evidence supplied within this paper highlights the role of HCRs in this conservation struggle. Live-capture cage traps have been demonstrated to be ineffective for fox capture in the UK, with severely lower catch success compared to HCRs. Additionally, the other alternative option, WCS collarum live capture fox traps are less successful and less selective. In both cases it is completely unknown whether either option would pass standards set within the AIHTS for restraining traps, and due to their nature it is highly dubious whether they would pass.

Licencing HCRs would better enable the Welsh authorities to enforce the law, as illegal practice would be much more obvious. For instance, any untagged non-HCR would be

illegal. Additionally, under the Animal Welfare Act 2006 failure to comply with the Code is not an offence in itself, however, failure to comply with a relevant provision in the Code may be relied upon by a court as tending to establish liability. The Trust argues that making it an offence to not comply with the CoP would give authorities a much stronger position and would help avoid poor practice.

Unfortunately, illegal snare activity such as targeting domestic pets in and around human settlements, or illegally targeting protected species such as badger sadly occurs. This illegal activity is undertaken by criminals who are not interested in fox control for conservation purposes, and it is severely unfortunate that an outright ban has been proposed which would stop law abiding conservationists (who want to do the right thing and abide by the law) from undertaking their profession. The Ministers must realise that the illegal activity they are trying to stop is already illegal. Better resourced Wildlife Crime Officers and a licencing system which makes it easier to prosecute illegal activity are more likely to successfully end criminal activity.

### **Additional comments**

- In the Agriculture (Wales) White paper published in December 2020, which proposed to regulate the sale and use of snares in Wales there was no mention of any intention to ban the use of snares. This was inline with the last stakeholder meeting held in 2019 where stakeholders were told that the Minister was not looking to ban snares but could make the voluntary code a statutory code with a legal basis if inclined.
- The Welsh Government document titled 'Our Response and Forward Plan for the Agriculture (Wales) White Paper' in September 2021 then stated 'We will bring forward legislation to amend the Wildlife and Countryside Act 1981 to ban the use of snares and glue traps', however, there had never been a consultation on banning the use of snares. This was highly concerning
- Also highly concerning, was the mention of an additional 887 responses submitted through a campaign organised by the League Against Cruel Sports which seemed to unfairly weight the argument towards banning the use of snares (which was not

something being consulted on). If a campaign such as this was to be weighted equally then other organisations should have had their membership tallied and recorded to add weight to their own response. This was not the case.

- Regarding evidence of best practice and code compliance, 69 practitioners were trained up to the last stakeholder meeting in 2019, and 34 practitioners have since received training. Within the minutes of that meeting GWCT outlined plans to address a lack of training uptake and had set in place funding for courses with Young Farmers in 2020 before the Covid Pandemic forced cancellation. It was argued that participation was low as there was no legal requirement to participate and most courses in Wales were funded by Farming Connect, meaning the farming community were less inclined to pay full cost for a course. The Defra contract research<sup>3</sup> found that more farmers used snares than gamekeepers, but more snares were used by each gamekeeper. It also demonstrated that the farmers were less aware of the CoP, less farmers had read the CoP and less had received any training in snare use, therefore identifying the need for increased farmer training.
- Additionally, with the minutes of the 2019 stakeholder meeting M. Williams, Welsh Government chair of the meeting stated that ‘nothing’s been agreed yet’ and that ‘officials will be looking at progress year on year’ when asked by the RSPCA for a timeframe on the Welsh Government’s conclusions as to whether the Code has been a success. The last stakeholder group meeting was in 2019 and GWCT have received no further correspondence on the matter.
- This paper has not addressed the economic impact that banning cable restraints could have on the game management sector, worth £75 million annually to the Welsh economy, or the sheep sector, worth an estimated £270 million to the Welsh Economy, or the poultry sector worth an estimated £95 million to the Welsh economy.
- Finally, it is worth noting that if the economic driver and incentive for undertaking conservation work becomes unviable, then many individuals could lose their livelihoods and their family homes, and much conservation work would also be lost. The Value of Shooting PACEC report<sup>32</sup> estimates that £7.4 million is spent annually on

conservation in Wales by the game management community and that the game management community supports the equivalent of 2,400 full-time jobs.

- Taking Ruabon Moor as a 'real life' example, if the gamekeepers there cannot effectively control foxes their jobs will become unviable. Not only would they become unemployed, they and their families would lose their homes. Along with the human cost, Wales would lose its population of black grouse within years, and the decline and demise of a large percentage of other Section 7 Priority species such as curlew (for which Ruabon is a stronghold) would be accelerated.

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