

# Agenda – Climate Change, Environment and Rural Affairs Committee

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Meeting Venue:

**Committee Room 3 – Senedd**

Meeting date: Wednesday, 30  
November 2016

Meeting time: 09.30

For further information contact:

**Martha Howells**

Committee Clerk  
0300 200 6565

[SeneddCCERA@assembly.wales](mailto:SeneddCCERA@assembly.wales)

## Private Pre-meeting

(09.30–09.40)

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

### 2 Animal Welfare: use of snares in Wales

(09.40 –10.30)

(Pages 1 – 10)

Rhiannon Evans, Senior Public Affairs officer for Wales, League Against Cruel Sports

Jordi Casamitjana, Head of Policy, League Against Cruel Sports

Simon Wild, National Anti Snaring Campaign

## Break

(10.30–10.40)

### 3 Animal Welfare: use of snares in Wales

(10.40–11.30)

Rachel Evans, Countryside Alliance

Glynn Evans, British Association for Shooting and Conservation

Mike Swann, Game and Wildlife Conservation Trust



#### **4 Paper(s) to note**

**Letter from the Cabinet Secretary for Environment and Rural Affairs regarding the use of snares**

(Pages 11 – 12)

**Letter from Natural Resources Wales with additional information following the scrutiny session 2 November**

(Pages 13 – 15)

**5 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the remainder of the meeting**

**6 Animal Welfare: use of snares in Wales consideration of evidence**

**7 Draft Letter to Natural Resources Wales**

(Pages 16 – 18)

**Please note that the Committee is meeting informally with the Indonesian Delegation in Conference Room 23, Tŷ Hywel**

(12.00–13.00)

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Ein cyf/Our ref P/LG/7303/16

Mark Reckless AM  
Chair - Climate Change, Environment  
and Rural Affairs Committee  
National Assembly for Wales

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10

November 2016

Dear Mark,

Thank you for your letter of 26 October regarding the consideration of the use of snares by the Climate Change, Environment and Rural Affairs Committee.

My officials are meeting with stakeholders on 16 November to discuss the 'Code of best practice on the use of snares in fox control'. The aim of the meeting will be to gather evidence on snare operational standards since the code was published and identify any further steps which can be undertaken to increase compliance with the Code improving animal welfare standards. I will be happy to provide an update to the Committee on any outcomes arising from these discussions.

The Welsh Government has no legislation in place on the manufacture and sale of snares. However, the following legislation governs the use of snares in Wales.

### **Wildlife and Countryside Act 1981**

The use of snares in Wales is regulated by section 11 of the Wildlife and Countryside Act 1981. It is illegal to set in position any self-locking snare which is intended to cause bodily injury to or kill any wild animal, set in position any trap or snare calculated to cause bodily injury to or kill any wild animal included in Schedule 6 of this Act and to set in position any snare and fail to check it at least once every 24 hours.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## **Animal Welfare Act 2006**

The Animal Welfare Act 2006 makes it an offence for a person to cause unnecessary suffering to an animal under their control. This applies to an animal in a snare. The 2006 Act makes provision for the issuing of codes of practice for the welfare needs of animals. Failure to comply with such a code is not an offence in itself. However, failure to comply with a relevant provision of a code of practice may be relied upon by a court as tending to establish liability. The 'Welsh Government Code of Best Practice on the use of snares in fox control' is a statutory code issued under Section 14 of the Animal Welfare Act 2006.

## **Deer Act 1991**

The Deer Act 1991 prohibits the use of snares and traps to capture, kill or cause bodily harm to deer.

## **Wild Mammals Protection Act 1996**

Section 1 of the Wild Mammals Protection Act 1996 prohibits violent acts with intent to inflict unnecessary suffering on wild mammals.

Wildlife legislation has been considered as part of the analysis in the Law Commission report on wildlife law reform. The Law Commission has recommended the operation and inspection of snares may benefit in the future from additional regulations.

It is my view the published Code of Practice provides clear guidance on the operation and inspection of snares. I would be prepared to consider taking further steps once there has been a formal review of the code which I will consider together with the Law Commission findings on snares.

*Regards*

*Lesley*

**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig  
Cabinet Secretary for Environment and Rural Affairs

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11 November 2016

Annwyl/Dear Mark,

### **ADDITIONAL INFORMATION FOLLOWING NATURAL RESOURCES WALES (NRW) ANNUAL SCRUTINY 2016**

Following NRW's annual scrutiny session on 2 November, I agreed to provide more information and clarification on certain points.

#### **Scallop Fishery Regulation: roles and responsibilities**

The Welsh Government is responsible for regulating the current Welsh scallop fishery, including the issuing of permits to fish.

The Welsh Government has recently decided, after consultation in 2016, to introduce a new flexible management regime for the regulation of the scallop fishery within the Cardigan Bay Special Area of Conservation (SAC) only. This new regime will also be regulated by Welsh Government and it intends to:

- Hold an annual consultation, prior to the fishery opening, seeking views on conditions to be applied and keeping stakeholders involved in developments in the fishery.
- Establish a management advisory board comprising science, industry and relevant environmental groups with the purpose of making recommendations to Welsh Government on the setting of appropriate permit conditions. NRW will have a representative on the committee.

NRW is not involved in the regulation of the scallop fishery.

NRW, as the Welsh Government's statutory nature conservation advisor under The Conservation of Habitats and Species Regulations 2010, advises Welsh Government on the conclusion of its Habitats Regulation Assessment for the annual opening of the scallop fishery.

When Welsh Government introduces a new regime for the management of the Cardigan Bay scallop fishery, NRW will advise them on the conclusions of that assessment.

## **Geo-tagging**

Currently all vessels prosecuting the Welsh scallop fishery must comply with The Scallop Dredging Operations (Tracking Devices) (Wales) Order 2012 wherever they are in Wales. This requires all vessels to have a functioning inshore vessel monitoring system on-board, tracking the position of the vessel in real time. This legislation will equally apply to any vessels permitted under the new management regime to fish for scallops in the Cardigan Bay SAC. It is understood that the Welsh Government is also considering introducing further technology to enhance the inshore vessel monitoring system by recording whether fishing gear is in or out of the water.

## **Welsh National Marine Plan (WNMP)**

The UK Marine and Coastal Access Act (2009) established powers for Welsh Ministers to plan for Welsh seas, with the purpose of contributing to the sustainable development of the marine area. Marine Plans take effect through the requirement on Public Authorities to take authorisation and enforcement decisions in accordance with relevant marine plans. Marine Planning was established in Welsh waters in 2011, when the UK administrations jointly published the UK Marine Policy Statement, which sets a policy context for the development of marine planning across UK waters.

The provision of marine planning powers under the Act was a significant step forward for the integrated management of the marine environment is an important opportunity to ensure the sustainable management of marine natural resources in Wales.

The Welsh Government is responsible for the development of the WNMP. NRW has been working closely to support Government work to produce the first plan. Once in place, NRW will have a key role in supporting the implementation of the marine plan, both through our marine licensing and wider regulatory role, and through our advisory function.

## **The relationship between the WNMP and the development of Area Statements**

Under the Environment (Wales) Act, NRW is required to produce Area Statements for the whole of Wales, which includes the marine environment out to 12nm. The WNMP covers both Welsh inshore waters (from mean high water springs to 12 nautical miles) and offshore waters (beyond 12 nautical miles to the territorial limit). The purpose of Area Statements is to facilitate the implementation of the National Natural Resources Policy (NNRP), but NRW may use Area Statements for any other purpose in the exercise of its functions. It is anticipated that the NNRP will reflect and signpost the WNMP and thus support alignment here.

NRW is currently engaging with stakeholders to develop our thinking on establishing a process for producing Area Statements. This includes considering the most appropriate spatial scale to develop Area Statements right across Wales, including the marine environment. We await the publication of the NNRP in March 2017 before we finalise our approach, in collaboration with key stakeholders, and initiate work to produce the first iteration of Area Statements.

## **NRW Corporate Plan**

There was a slight error Annex 1 of the Briefing paper that we submitted to the Committee. In response to recommendation 1b of the Wales Audit Office report, it should have read 'New deadline agreed with Welsh Government as corporate plan is now scheduled for summer 2017' (as opposed to 'late 2017').

I hope that these additional comments are helpful; we would be happy to answer any further questions.

Yn gywir/Yours sincerely,

A handwritten signature in black ink that reads "Emyr Roberts". The signature is written in a cursive style with a large, stylized 'R'.

**Emyr Roberts**

**Prif Weithredwr, Cyfoeth Naturiol Cymru  
Chief Executive, Natural Resources Wales**



# Agenda Item 7

By virtue of paragraph(s) vi of Standing Order 17.42

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