



# **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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