

Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JJ/06245/19

Janet Finch-Saunders AM
Chair - Petitions Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

13 August 2019

Dear Janet,

Thank you for the opportunity to comment on the petition request “*to make the netting of trees and hedgerows to prevent birds from nesting a criminal offence*”

We have a strong legislative and policy framework to maintain and enhance biodiversity. Planning Policy Wales (PPW) 10 encourages the maintenance and enhancement of biodiversity in line with the Section 6 Duty of the Environment (Wales) Act 2016 and it advocates a proactive approach towards facilitating the delivery of biodiversity and ecosystem resilience outcomes by all those participating in the planning process. The step-wise policy set out in PPW (para 6.4.21) discourages the removal of trees and hedgerows in the first instance, it states, “*the first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning*”.

The use of netting is a highly emotive issue; the presence of netting is visible and jarring with the natural world. It is often perceived as a cynical behaviour by developers to avoid construction delays. I have recently written to all local planning authorities, development industry representative bodies and house builders to state that I do not support the use of netting as routine practice (letter attached, for info). My letter states that, “*the practice of using netting during construction phases of a scheme is a very public demonstration of an imbalance in society’s relationship with nature. It should not be used as routine practice*”.

Whilst we are aware of instances in Wales where netting has been used, we do not have hard evidence on the extent of the practice. Officials have initiated data gathering on the number of instances of netting with colleagues in Natural Resources Wales and the response rate from local authorities is very low, suggesting that the practice is not widespread.

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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.

Existing legislative controls concerning the practice of netting are driven by animal welfare considerations and the use of netting itself falls outside of the definition of 'development' for planning purposes. If a developer is aware that wildlife is being caught in netting and has not done anything about it the Police Wildlife Crime Officer should be informed. .

The introduction of a new legislative framework at this time to control the practice is not recommended but will be kept under review. The supporting mechanisms required to implement the legislation would be excessive and resource intensive and indeed there will be limited circumstances where the use of netting will be necessary (for example, control of Gull nuisance in certain locations or there could be instances where it is genuinely needed to prevent birds from nesting during development, so they do not come to harm). Through policy and engagement with the industry and stakeholders, I am confident that we can avoid the use of netting.

Yours sincerely,



Julie James AC/AM

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Attached: Ministerial Letter 06 June 2019



CFO Letter on
Netting - Engyr...