Permitting the release and management of non-native game birds within and adjacent to Protected Sites in England

Operational Guidance for Natural England staff

For internal use only

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Contents

Internal Guidance: permitting the release and management of non-native game birds within and adjacent to Protected Sites

1. Introduction and purpose

1.1 The release of non-native gamebirds and their associated management has the potential to have ecological effects on habitats and wildlife. This note specifically covers the release of common pheasant *Phasianus colchicus* and red-legged partridge *Alectoris rufa* (hereafter referred to as 'gamebirds') where this might affect Protected Sites. Both are considered to be non-native species.

1.2 This note meets a requirement for further operational principles and guidance following a recent evidence review (see below) to provide a refreshed and nationally consistent basis on which assessments of the potential effects of proposed gamebird releases on or adjacent to Protected Sites can be made.

1.3 This guidance applies to both individual SSSI consent and individual wildlife licence decision-making that affect the following Protected Sites:

- SSSIs
- SACs and SPAs ('European Sites')
- Wetlands of International Importance ('Ramsar sites')

This approach should also be adopted on Natural England's own estate of National Nature Reserves (NNRs) (including where they are not, either wholly or in part, covered by one of the designations listed above) where Natural England may be asked to permit gamebird releases onto NNR land that it owns or occupies.

1.4 This guidance is based on an approach that considers releasing only so far as it is necessary to address those negative effects identified in the Natural England Evidence Review[1] (referred to as 'the Evidence Review' or Madden & Sage, 2020) for which there is moderate or strong evidence, and which could affect Protected Sites. The approach does not seek to address potential effects for which evidence is currently lacking (e.g., the effects of releasing on populations of predatory mammalian species at a local and landscape scale).

1.5 This note should always be read in conjunction with core operational guidance, such as the SSSI consents guidance and HRA guidance.

1.6 **Please note that this guidance is unlikely to anticipate all casework situations that may arise so will be kept under review and may be amended from time to time to reflect new evidence and operational feedback/experience**. **An annual review of this guidance will take place in any case.**

[1] Madden J.R. & Sage, R.B. 2020. *Ecological Consequences of Gamebird Releasing and Management on Lowland Shoots in England: A Review by Rapid Evidence Assessment for Natural England and the British Association for Shooting and Conservation.* Natural England Evidence Review NEER016. Peterborough: Natural England.

2. Who is this guidance for?

2.1 Colleagues in Natural England's National and Area Teams who are:

- evaluating applications for SSSI consent ('notices') to release gamebirds within a SSSI, and in relation to European Sites only, undertaking HRAs of those notices

- evaluating applications for an individual gamebird licence to release gamebirds either within European Sites and/or into an area immediately around them within a 500m radius, and undertaking HRAs of those applications

3. Background to gamebird releasing

3.1 The recreational shooting of gamebirds is widespread and long established across England. The practice of releasing gamebirds took off in the 1960s when wild bird populations could no longer support shooting demand. It has been increasing ever since and it is currently estimated that between 39 and 57 million pheasants and between 8.1 and 13 million partridges are released in the UK, with 85% of these in England (Madden & Sage, 2020).

3.2 The red-legged partridge shooting season starts on 1 September each year and the pheasant season on 1 October, with the season finishing on 1 February for both species. Shooting of these birds typically takes one of two forms: 'rough' (or walked-up) shooting or, more commonly, 'driven' shooting. The former involves individuals simply walking and flushing their intended quarry as they go, whilst the latter consists of an organised group of 'guns' being strategically positioned as gamekeepers or a line of human 'beaters' actively flush birds towards and over the stationary guns.

3.3 The majority of released pheasants and partridges derive from eggs first hatched in mechanical incubators and then reared in pens, often on grass and with night huts, without the presence of adult birds. After 6-8 weeks, the young poults are then transferred from these rearing pens to release pens. This usually occurs between late June and early August.

Releasing pheasants

3.4 Pheasant poults are transferred from the rearing pens to large open-topped release pens which are usually situated in woodland and the woodland edge, but sometimes on other habitats such as grassland or on cover crops. Release pens can range from as little as 0.1 hectares to several hectares in size and can be stocked with birds at densities typically ranging from several hundred to several thousand individual birds (Madden & Sage, 2020). The pens are often semi-permanent structures that provide a secure environment within which the young birds can acclimatise to their new habitat and adapt to roosting in the lower branches of trees away from ground predators, such as foxes. The timing of the

release is aimed at ensuring that birds are mature and fully adapted to their environment by the time shooting commences. Following their release, a keeper typically supplies them with food, water, and performs a level of predator control, to retain released birds close to the release site and to minimise their dispersal into the wider countryside away from shooting grounds. Habitat management, such as the planting of cover crops, may also take place. Pheasants are omnivorous and will take seeds, seedlings, bulbs, grains, leaves, berries and also insects, particularly when they are chicks. They search for their food by scratching and pecking at the ground and at fallen decaying wood.

Releasing red-legged partridges

3.5 Red-legged partridges are usually released into much smaller discrete units compared to pheasants. According to the GCWT, a medium to large shoot may use in excess of 20 closed-top release pens that each contain 50 - 300+ birds. On larger shoots, typically 250 birds will go into a pen of about 10x10 metres, giving a much higher stocking density than for pheasants. These smaller pens can be temporary and be removed immediately following the release. As with pheasants, the timing of the release is aimed at ensuring that birds are mature and fully adapted to their environment by the time shooting commences.

3.6 Each release pen is usually associated with a strip or block of dedicated game cover (usually consisting of sown cereal and brassica crops) in otherwise open country, usually arable farmland but also grassland and occasionally moorland, where pens can be located on the allotment or on the edge of the moorland (on either acid grassland or dense bracken stands).

3.7 Birds are typically placed in pens at around 8 weeks of age where they are held for 2 to 4 weeks before release. Birds are then progressively released whereby a small quantity of birds are released at any one time while retaining a successively smaller number of birds in the pen. The birds remaining in the pen call to the released birds which helps prevent the released birds from dispersing away. Food and water are also provided close to the pen to hold released birds in the vicinity. The alternative approach is to release all the birds from a pen at the same time. Although it is not considered to be good practice, red-legged partridge can also be subject to immediate or ‘hard’ releases i.e., birds are released directly into the wild (often into game crop cover) without first being placed into a release pen.

Best practice guidelines

3.8 Previous industry-led guidance on sustainable gamebird releasing has included the Game Conservancy Trust’s practical guide to ‘*Woodland Conservation and Pheasants’* published in 2003 (supported by English Nature and the Forestry Commission at the time) and more recently, the Game & Wildlife Conservation Trust’s *guidelines for sustainable gamebird releasing* (2007, revised and re-published during 2021).

3.9 This latter guidance includes the following general advice to those releasing and managing gamebirds wherever this takes place:

- *Release no more than 1000 pheasants per ha of pen - this is the point at which undesirable plants become prevalent in pens and where effects on woodland plants that are exposed in late summer and early winter become more marked.*
- *Within sensitive sites, such as ancient woodland, release no more than 700 pheasants per ha of pen.*
- *Pheasant release pens should not take up more than about one-third of the total woodland area on an estate or shoot.*
- *Avoid placing release pens directly onto or close to particularly sensitive locations, for example, reptile breeding or hibernation sites, and patches of woodland that have a notable ground flora or insect fauna.*
- *Delaying the time of release can avoid some potential conflicts. For example, some reptile and butterfly colonies may be vulnerable in mid-to-late summer but less so if the gamebirds are released later.*
- *Where red-legged partridges are released, release pens should not be situated on semi-natural habitats.*

3.10 In addition, the voluntary Code of Good Shooting Practice, advocated by GCWT and endorsed by a number of national stakeholder organisations as industry good practice, recommends that '*shoot managers should be aware of SSSIs and other sensitive habitats on their ground, and should liaise with the landowner and the relevant statutory authorities to ensure they avoid potentially damaging activities*'.

3.11 The recent Evidence Review commissioned and published by Natural England and BASC (Madden and Sage, 2020) has prompted Natural England to review its own approach to evaluating proposals to release gamebirds within or near to Protected Sites and to consider how far this approach may be compatible with these existing industry guidelines.

4. The evidence about the ecological effects of gamebird release and management: a brief summary

4.1 The release of pheasants and red-legged partridges is largely practised in woodland, farmland, grassland and moorland to support driven game shooting. Their release and management for recreational shooting can have negative impacts upon biodiversity where it is unsustainably managed and/or where sensitive habitats and species are involved. Birds congregating in release pens and around feeding stations/feeders may, depending upon their number and location, impact upon a variety of semi-natural habitats, including woodlands, grasslands, mires and heathlands and their associated species.

4.2 There is also evidence of associated beneficial effects on biodiversity more generally from the habitat management that can be associated with gamebird releases. For example, woodland management carried out to benefit gamebirds, such as coppicing of trees and shrubs and management of rides to provide open space within a woodland, can diversify habitat structure to the benefit of some breeding woodland birds and butterflies (see Sage *et al*. 2020).

4.3 The effects of gamebird release and management can vary dependent on factors such as the density of releases, the management of released birds including where and how they are fed and watered and site-specific conditions such as location, topography and the sensitivity of the habitats or species present.

4.4 The recent review of evidence about the ecological effects of releasing non-native gamebirds (Madden & Sage, 2020) concluded that there is moderate to strong evidence of a number of negative ecological effects within or close to gamebird release sites, primarily in association with intensive or high-density gamebird rearing. The majority of studies are however focussed on pheasants. The studies reviewed in this report cited the following impacts:

- Physical disturbance of soil and decaying wood –foraging birds scratch at the ground and peck apart vegetation and fallen decaying material which can lead to surface disturbance and an increase in bare ground (e.g. Sage *et al* 2005; Alsop *et al*, 2018).

- Nutrient enrichment of soil - the droppings from congregations of birds and the supplementary feeding of birds with grain/pellets within and outside pens can have long-lasting fertilising effects on naturally low-nutrient soils and vegetation (e.g. Ludolf *et al*., 1989; Capstick *et al.* 2019).

- Reductions in non-woody plants – soil disturbance and/or soil enrichment leads to changes in the type of plant species present, including a loss of more typical winter-green perennials (e.g. wood avens *Geum urbanum* and common dog-violet *Viola riviniana*) and an increase in those annual weedy species and perennials preferring fertile or disturbed soil (e.g. annual meadow-grass *Poa annua* and common chickweed *Stellaria media*). (e.g. Sage *et al* 2005).

- Impacts on woody plants - reducing the natural regeneration of tree seedling/saplings (e.g. Alsop *et al*., 2018)

- Reductions in the abundance and/or diversity of at least some invertebrate species, for example, beetles, spiders, ants, caterpillars, slugs, snails, earthworms and flies, with species of lower mobility being particularly vulnerable (e.g. Clarke and Robertson, 1993, Callegari, 2006; Neumann *et al.* 2015).

4.5 These conclusions have been broadly supported by a further review of evidence carried out independently by the RSPB (Mason, *et al*., 2020).

4.6 The majority of identified effects from pheasant releasing have been found to be limited to the area within the release pens themselves, the immediate area around pens and to areas within which released birds are artificially fed and watered. Effects have been found to be density-dependent, with smaller releases having a reduced effect within pens and releases in excess of 1000 birds per hectare of pen shown to have a number of significant deleterious effects.

4.7 Studies also indicate a decline of impacts with increased distance from the release pen as bird density decreases; the majority of pheasant and red-legged partridges disperse no further than 500 metres from a release site.

4.8 Where feeding takes place outside pens at feeding stations or through spreading of feed directly on the ground this may draw birds away from, or towards sensitive habitats and/or species. Where large numbers of birds do congregate at feeders this can lead to other negative effects such as disturbance of the ground through scratching, and an increase in bare ground.

4.9 Indirect effects on habitats may also occur through the management of the released birds, such as the off-road use of vehicles (when bringing water to release pens and depending on routes taken), the undertaking of predator control and the installation of infrastructure such as hides, fencing, watering points and car parks. The planting of game cover crop may also have impacts where these are sited next to sensitive sites through the drawing of gamebirds to the area.

4.10 The evidence review suggests that whilst it is possible that significant negative effects may be minimised through changes to the stocking density, location and size of release pens, the complete avoidance of eutrophication and impacts upon vegetation within and immediately adjacent to pens and feeding stations may be unlikely. The effects from intensive releasing can be long lasting, with either slow natural recovery or permanent damage to habitats and may have direct and indirect impacts on other wildlife such as invertebrates, bryophytes, lichens and reptiles.

4.11 The available evidence indicates that these negative ecological impacts may be moderated or eliminated by consideration of the scale and location of gamebird releases and associated management activities, particularly on sensitive sites.

4.12 This evidence review also highlighted significant knowledge gaps and uncertainties. Of relevance to the designated features of Protected Sites is a more limited evidence base on the effects of diseases and parasites introduced or harboured by released gamebirds; predation and disturbance effects on reptiles or amphibians from gamebirds; localised air quality effects on lichens and bryophytes, and the effects of gamebird releases on localised predator populations and their productivity, movement and foraging behaviour. For example, whilst peer-reviewed evidence about impacts on reptiles is weak, there is anecdotal evidence suggesting that adults and juveniles of the six native reptile species could be vulnerable to predation by released pheasants in late summer and autumn. In addition, it has been suggested that reptiles basking in the open in late summer might be vulnerable to disturbance or attacks from recently released, foraging gamebirds. Similarly, there was more limited evidence of reduced moss, lichen and liverwort diversity on tree trunks in woods with release pens (e.g. Sage 2018a, 2018b; Bosanquet, 2018)

4.13 There remains a lack of more precise ecological evidence to inform what is considered to be a sustainable red-legged partridge release density, both within and close to potentially sensitive habitats. In terms of total numbers, Madden & Sage (2020) noted that whilst those shoots releasing in excess of 10,000 gamebirds could

be generally classed as large shoots (including a handful of shoots releasing >100,000 red-legged partridges), the median release size of red-legged partridges was 500 birds/shoot. In their guidance, GCWT also describe a medium to large shoot as being 20+ pens with between 50 – 300+ birds per pen. This would give a total number of between 1000 – 6000 birds across 20 pens as part of a single release operation. However, very few studies have applied release numbers to the ecological impacts of red-legged partridges on the habitats into which they are released or may disperse. One exception is a study by Callegari (2006) who investigated the impact of both red-legged partridges and pheasants on vegetation in chalk grasslands and detected no significant differences in the percentage cover of bare ground or litter, or the number of positive and negative indicator plant species when comparing areas of high and low densities of gamebirds across three sites. Control sites were considered as those with fewer than 1,000 birds released per site per year.

4.14 In the absence of stronger evidence, a suitably precautionary approach should be adopted (as recognised in industry best practice guidelines). Further advice from the appropriate habitats and species specialists may be required where these evidence gaps may be relevant to a particular case.

Further context

4.15 Given the recognised sensitivity of semi-natural habitat types to nutrient enrichment, it is worth noting that many Protected Sites are already experiencing elevated levels of atmospheric nitrogen deposition that exceed recognised thresholds ('critical loads and levels') below which harmful effects on sensitive UK habitats will not occur to a significant level (Air Pollution Information System at www.apis.ac.uk). This includes those sites designated for their ancient semi-natural woodland types, sites which may be particularly attractive to gamebird releasing.

4.16 It is estimated that the critical loads for nitrogen are already being exceeded on more than 90% of all UK woodland (Dragosits,2006). which can result in changes to the natural chemistry of its substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of sensitive typical species associated with it. For ammonia concentrations in air, the current critical level for sites where communities of lichens and bryophytes are a pollution-sensitive and integral component of the habitat, such as some types of ancient woodland, has been set at 1.0µg NH3/m³ (micrograms of ammonia per cubic metre of air) as an annual mean. It is estimated that 52% of SPAs, 61% of SACs and 70% of SSSIs in the UK currently exceed this level (Lydia Knight, *pers.comm*).

4.17 Ancient semi-natural woodland is defined as an irreplaceable habitat type and the National Planning Policy Framework (NPPF) in England requires that development should avoid the loss or deterioration of such habitats unless there are wholly exceptional reasons (see also Natural England's standing advice on ancient woodland, ancient trees and veteran trees).

Interaction between SSSI consents and Defra's Gamebird General Licence

4.18 On 31 May 2021, following its gamebird review during 2020, Defra added the common pheasant and the red-legged partridge to Part I, Schedule 9 of the Wildlife and Countryside Act (1981) in respect of European Sites and a 500m buffer zone around them. This makes it an offence for anyone to release these birds within a European Site and its buffer zone, except under Licence.

4.19 At the same time, Defra's General Gamebird Licence (GGL) was launched to permit releasing to take place to a generalised standard and within specified limits (as informed by the best available evidence) without any prior application. Operations exceeding these limits would not be covered by the General Licence and would instead require an Individual Licence to release from Natural England issued under section 16 of the 1981 Wildlife and Countryside Act.

4.20 Releasing operations either undertaken or permitted by owners or occupiers of SSSIs will need to be authorised by Natural England, usually in the form of a SSSI consent, where these are Operations Requiring Natural England's Consent (ORNEC) as specified in a SSSI notification. A release proposal may include associated gamebird management operations that would correspond to other ORNECs (e.g. track upgrades, use of vehicles, cutting of woodland vegetation etc.). These would also require SSSI consent if a consent was not already in place. On European Sites where the section 16 licensing requirements as outlined above currently apply, a SSSI 'authorisation' to release or permit the release of game birds is still required to comply with section 28 of the same Act. This can take the form of either a consent or a licence depending on the circumstances (see 4.21 below). From 31 May 2021, the holder of an existing SSSI consent to release or permit the release of gamebirds onto a European Site will also need to operate under the terms of either Defra's General Gamebird Licence or an Individual Licence granted by Natural England to avoid committing a section 16 offence.

4.21 The table below attempts to summarise the potential interactions between consents and licences.

Scenario	SSSI Consent	General Licence	Individual Licence
Proposed release within SAC/SPA - existing SSSI consent and within GGL limits	n/a	Yes	No
Proposed release within SAC/SPA - existing SSSI consent and exceeds the GGL limits	n/a	No	Yes
Proposed release within SAC/SPA - no SSSI consent in place, release is an ORNEC	Yes	Yes	No

Scenario	SSSI Consent	General Licence	Individual Licence
and proposal is within GGL limits			
Proposed release within SAC/SPA - no SSSI consent in place, release is an ORNEC and proposal exceeds GGL limits	Yes*	No	Yes
Proposed release within a SAC/SPA – release is not listed as an ORNEC and proposal is within GGL limits	No	Yes	No
Proposed release within a SAC/SPA – release is not listed as an ORNEC and proposal exceeds GGL limits	No	No	Yes
Proposed release within a SSSI which is not SAC/SPA	Yes	No	No
Proposed release outside a SAC/SPA but within its 500m buffer zone – proposal is under GGL limits	No	Yes	No
Proposed release outside a SAC/SPA but within its 500m buffer zone – proposal is above GGL limits	No	No	Yes
Proposed release is outside a SAC/SPA and outside its 500m buffer zone	No	No	No

* A SSSI consent may not be required for the release if an Individual Licence from Natural England is sought first. If granted by Natural England in a manner consistent with section 28I of the Wildlife and Countryside Act 1981, the Licence could, pursuant to section 28P(4)(a) of that Act, provide a reasonable excuse for a person to carry out the operations specified in the licence on a Site of Special Scientific Interest without further consent from Natural England, and provided that any conditions in that licence are adhered to.

5. Gamebird releasing and management on Protected Sites

5.1 Operational Principles

5.1.1 The recent Evidence Review confirms that intensive gamebird releases and management on or near to Protected Sites has the potential to have damaging effects on their notified or designated features. The potential effects range from a loss or deterioration of native ground flora, with transitions away from species-rich vegetation communities, soil nutrient enrichment and changes in soil chemistry to direct and indirect impacts on notified species, such as invertebrates and reptiles. These may also have a cumulative effect with other threats and pressures on those features.

5.1.2 Natural England will therefore adopt a precautionary approach to its decision-making and will apply the following principles when making decisions on whether to permit gamebird releases affecting Protected Sites:

Natural England will only permit non-native gamebird releases within or close to Protected Sites which will not undermine the achievement of a site's conservation objectives and the favourable condition of its designated features.

Releases proposed in inappropriate locations and/or in excess of sustainable densities within a Protected Site supporting sensitive features will usually be considered inconsistent with furthering the conservation and enhancement of SSSIs and will not normally be permitted.

Natural England recognises that there may be certain circumstances where low-intensity releasing of non-native gamebirds in appropriate locations within Protected Sites may be compatible with the aim above. We generally define a low intensity release as one comprising;

- no more than 700 pheasants per hectare of release pen
- no more than 3 red-legged partridges per square metre of release pen and/or no more than 700 red-legged partridges in total per release location[2].

These densities will normally be the maximum permissible on a sensitive Protected Site (unless the whole site is considered not to be sensitive to the impacts of gamebirds).

Any consents and/or licences given for gamebird releasing should be limited in duration as a further safeguard against the risk of negative effects occurring from this activity and in light of the remaining gaps in evidence

Due to their typically high densities in closed release pens and the more limited evidence about their sustainable level of releasing, releases of red-legged

[2] Due to the limited number of studies undertaken in relation to red-legged partridges, this is to be kept under review pending further evidence/feedback.

partridge should not normally be located on any sensitive semi-natural or unimproved habitat type for which a Protected Site has been designated, including heathland, moorland and unimproved species-rich grassland (irrespective of its current condition).

Every case must however be determined on its merits following an individual evaluation and assessment of the submitted proposal (including an HRA for European Sites). An individual site-based decision should be made, given that the nature and the circumstances of individual sites and individual proposals will differ.

Where the releasing and management of non-native gamebirds is found to be damaging, we will aim to stop and reverse the damage as soon as practicable, not simply slowing the rate of damage or decline. Depending on the circumstances of a case, this may require a complete cessation of releasing for some time, with no further permissions granted, to allow the recovery of the designated feature.

5.2 Determining SSSI consent applications to release gamebirds

5.2.1 The legal obligation placed on a SSSI owner/occupier to give prior written notice[3] (i.e. to apply for consent) to Natural England about proposed release operations will be triggered where the release of gamebirds, or an activity directly associated with gamebird releasing, is listed as an Operation Requiring Natural England's Consent (ORNEC) in the SSSI notification. Natural England has up to 4 months to make its consent decision.

5.2.2 The most relevant standard ORNECs covering gamebird release and management will typically be:

- *No.9. Release into the site of any wild, feral, captive-bred or domestic animal, plant, seed or micro-organism (including genetically modified organisms).*
- *No.28a. Game and waterfowl management and hunting practices (where already damaging), introduction of game or waterfowl management (where applicable) and alterations to game and waterfowl management and hunting practice.*

5.2.3 Other ORNECs may also be relevant to a gamebird release proposal, such as use of vehicles (no.26), erection of permanent or temporary structures (no. 23) and tree and/or woodland management (no.12).

5.2.4 Where gamebird releases within a site are being proposed but no relevant ORNECs are triggered because they are absent from the SSSI's list of operations, contact your Area Team regulation lead or a national site regulation adviser in the Protected Sites team for further advice.

[3] Provided in section 28E of the Wildlife and Countryside Act 1981 (as amended)

5.3 Pre-application advice and understanding the proposal

5.3.1 Where we might have early contact about a proposed gamebird release project, staff may wish to enter into dialogue with project proposers before their proposals are formally submitted. In any case, Natural England's pre-application discretionary advice service is also potentially available to applicants and could be offered subject to available team capacity. Natural England can also raise any landscape or historic environment issues if the SSSI lies within the boundary of a protected landscape or other designation.

5.3.2 An early check should be carried out to make sure that a SSSI consent is not already in place for the same proposed activity. If so, a new consent may not be required, and the applicant can be advised accordingly.

5.3.3 At the pre-application stage, we should always advise and encourage that the location of releases should avoid Protected Sites as far as practicable (and be at least 500metres away from their boundaries). This reflects existing best industry practice encouraging shoot managers to generally avoid sensitive habitats. If this is accepted, no SSSI consent application will be necessary, and the release operation can proceed (subject to any additional licensing requirements). Applicants should be encouraged to make an early assessment of the suitability of a proposed release site considering its proximity to any protected site and the potential for negative effects to designated habitats and species.

5.3.5 If avoiding a Protected Site is not possible, or the applicant still wishes to release birds within a site despite advice and encouragement to the contrary, we should advise (as we cannot compel) the applicant to include the following information within their notice [or individual licence application if appropriate]. This list is not necessarily exhaustive**:**

- The proposed number of release pens, their size and precise location and whether these are new, existing or historic pen locations (photographs of proposed locations ideal)
- The proposed density of birds to be kept in pens (as number of birds per hectare of pen), and/or,
- The proposed number of birds proposed to be released, both within and adjacent to the SSSI.
- The timing of releases i.e., when birds are introduced into pens and when they would be released
- Proposed locations of feeders and water points and whether they are to remain in one place or be moved regularly.
- Details of any other infrastructure required.
- The type and frequency of any regular vehicle use and the location of proposed access routes
- Evidence of the current nutrient status of soil within and adjacent to proposed release pen location (using soil phosphate index).
- How any surplus un-shot birds remaining at the end of the shooting season would be managed

- The proximity and location of any cover crops to be grown to hold released gamebirds

If, after we have advised on the inclusion of this information, it is not provided, it will be necessary to determine the notice [or individual licence application] based on the details as submitted.

5.3.6 In understanding any likely impacts of a proposed release it can also be useful to obtain information and take into account how a shoot is generally managed in relation to the protected site and its features, including the number and frequency of shooting days and the location of the drives.

5.3.7 It will be up to the applicant to consider any pre-application advice we provide and to decide whether to submit a notice or not.

5.3.8 Once a notice of a proposal to release gamebirds is received, we should determine any notice or application we receive in accordance with our SSSI consenting guidance. The decision-making team must assess what has been asked for by the applicant, its implications for that site (taking into account the likely impact-pathways, the local characteristics of the site, the distribution and sensitivity of its designated features, their current condition and other threats or pressures) and make their decision. This process should consider whether the risk of any likely adverse effects could be successfully and reliably mitigated through the use of restrictions or modifications that could be enforced as conditions attached to a permission. For SSSI notices, it is recommended that teams use the (Annex 8) SSSI consent decision framework to record their technical assessment of the notice as part of the decision audit trail.

5.3.9 For proposals affecting European Sites (whether within a site's designated boundary or not), consent and licence decisions must always be supported with and informed by an accompanying Habitats Regulations assessment ('HRA') to comply with the Habitats Regulations 2017 (as amended). As the purpose of releasing these species is for recreational or commercial shooting, the release of game birds (and related management activities) should not be considered directly connected with or form a necessary part of the management of a Protected Site(s), so the assessed activity does not satisfy the first screening step of HRA and cannot be excluded from further steps of the assessment. Whilst there is some evidence of associated beneficial effects on biodiversity from woodland management associated with gamebird releasing and management (see Madden & Sage, 2020), these benefits, where they apply, are a consequence of the management required to benefit the released gamebirds and shooting activities. Whilst such management might in theory benefit some of the designated features of some sites and may in some cases be broadly compatible with a site's conservation objectives, it would fail to meet this test. In terms of HRA, the further stages of screening for likely significant effects and, as necessary, appropriate assessment, should be undertaken to inform the consent/licence decision.

5.3.10 During the statutory determination period following the formal submission of a notice, there is no scope for negotiating changes to the proposal with the applicant beyond requesting further information.

5.4 Evaluating new proposals, renewing or reviewing existing consents within Protected Sites

5.4.1 The significance and acceptability, or otherwise, of a proposal will be strongly influenced by the exact location of the release site, the specific nature of the releasing proposal, the prevailing condition and characteristics of the site, and the sensitivity of the features present within and around the release area. It is therefore recommended that where a notice to release and keep gamebirds within a Protected Site has been received, the following factors are considered when assessing the proposal. This list is not intended to be exhaustive.

It is important to stress that for European Sites Natural England must be able to ascertain either no likely significant effect or an absence of adverse effects on site integrity (taking into account the use of conditions to ensure any necessary mitigation is provided) before a proposal can be authorised. Similarly, for SSSIs, an assessment must be able to show that a proposal would not damage a site and be consistent with the conservation and enhancement of SSSIs, taking into account the effect of attaching conditions.

Consideration of potentially sensitive designated features

5.4.2 Proposals that might affect the following notified or designated features of a European Site or SSSI will require particular scrutiny during the determination of an application. These features may either be designated in their own right or form part of, or support, another designated feature:

- semi-natural habitat types and their component vegetation communities
- populations or assemblages of vascular plants
- population or assemblages of lichens and bryophytes*
- populations or assemblages of native reptiles*
- populations or assemblages of ground invertebrates*.

(*as the evidence base about negative effects on these features is generally weaker, further advice from the relevant specialist might be required)

5.4.3 Sites only notified for their open or running waters or their geological/geomorphological features are generally considered to be at low risk from the direct effects of gamebirds held within release pens. There is also unlikely to be any direct spatial overlap of proposed releasing (and related activities) with, and therefore any risk to, certain designated habitat features, and the sites designated solely for them for example intertidal habitats, freshwaters, rocky habitats and caves and high-montane habitat types. Releases and the placement of release pens are highly unlikely to take place within these habitats. Nor is it likely that released pheasants and red-legged partridges will freely feed on or roost in

these habitats in any great number, if at all. There may be exceptions, however, for example where even carefully located release locations may indirectly give rise to nutrient or sediment run-off and the risk of indirect effects should still be considered in each case. Consult a national specialist for further advice if in doubt.

Location of release pens/areas

5.4.4 Open-topped release pens for pheasants are typically placed in woodland habitats. Within protected sites, woodland habitats can occur either as distinct stands forming the dominant designated feature of the site or as component stands of more open designated habitats such as heathlands, grasslands and wetlands. Red-legged partridges tend to be released into smaller, more temporary pens within more open habitats such as grassland and in some cases moorland, often in close proximity to cultivated land sown with cover crops. Although they may be considered aesthetically intrusive, the limited but direct footprint of a release pen structure itself may not be of concern. However, consideration should be given to the manner in which it would be constructed and its overall size. In addition to the pen structure itself, it is worth noting that a closely managed, vegetation-free perimeter of up to 4m wide around pheasant enclosures might be proposed, together with electric fencing to deter predators.

5.4.5 The proposed location of a release pen(s) and the area immediately around them (up to 20 metres but potentially up to 500m away) is a primary factor to first consider, as these will be the areas most likely to be at risk of negative effects from the direct presence of birds themselves. Noting the area that could be affected around an average-sized pen can potentially be nearly the same area as the pen enclosure itself. This will require an early understanding of the spatial distribution of designated features within a site (see also para 5.4.14).

5.4.6 Red legged partridge pens are more likely to be located on arable and improved land and because of that are less likely to be placed within Protected Sites. However, releases may be proposed within open semi-natural habitat types such as lowland grassland and heathland which will be present within Protected Sites as designated or supporting habitat. Wild or hard releasing, without the use of pens, can also occur. The general industry recommendation is to limit releases of red-legged partridge to locations adjacent to game cover placed in arable or improved grassland and to generally avoid sensitive semi-natural habitats (GCWT, 2021). Natural England supports this recommendation and advises that this advice is applicable to all such releasing proposals.

5.4.7 Where applications to release gamebirds are submitted, it is recommended that potentially acceptable locations within a site will usually be limited to:

(a) locations within a site that do not contribute to its special interest (i.e. ‘site fabric’), or, if this is not present,

(b) locations within designated but less sensitive habitat types that are more resilient to or tolerant of the effects of released gamebirds

5.4.8 In the context of where pheasants and red-legged partridges are most likely to be released, less-sensitive designated habitat types are likely to be restricted to naturally species-poor stands of dry woodland, dense scrub, grassland, dense bracken or other tall herb vegetation (as long as these habitats do not support any other more sensitive designated features e.g. ground-nesting or roosting birds, ground-dwelling invertebrates, rare individual species of plant). Other non-sensitive areas within a site may include those which only support geological or geomorphological features. As these more resilient habitat types remain notified features of a SSSI and therefore must also achieve a favourable condition, this is however further subject to the considerations below.

5.4.9 Areas of 'site fabric' are generally defined as being any areas of land, water and/or permanent structures lying within a designated site boundary which are not, and never have been, part of the special interest of a site, nor do they contribute to supporting the special interest in any way. These areas may have been unavoidably included within a SSSI boundary for convenience or for practical reasons. They will normally be excluded from the condition assessment process as they will not normally be expected to make any current or future contribution to the achievement of conservation objectives. Within a site's boundary, such 'fabric' might include (for example) clearly distinguishable stands of conifer or mixed plantation woodland, dense closed-canopy scrub, amenity or improved grassland, ruderal 'weedy' vegetation, permanently bare ground, hard-standing, buildings, spoil, gardens, surfaced tracks, paths and their associated verges, and/or patches of long-disturbed, nutrient-enriched vegetation. Examples of site fabric on upland sites may include areas of improved or semi-improved acid grassland and dense bracken where there is no objective to restore these areas to vegetation communities of greater nature conservation value.

5.4.10 It is important to note that areas of site-fabric must be clearly distinguished from designated features in a degraded or unfavourable condition. The latter will still contribute to a site's conservation objectives and in doing so the expectation will be that improved habitat management or other remedial measures will, over time, result in their recovery to a more favourable condition. The location of releases should therefore not compromise the recovery of such features in the longer-term. If there is doubt, seek advice from the appropriate national habitat specialist.

5.4.11 Where a site boundary has been drawn tightly around its designated features, such site-fabric is unlikely to be present. Where this is the case, an alternative will be to consider whether any of the designated habitat types present within a site boundary are unlikely to be sensitive to the impacts of gamebirds within and around a release pen (subject to the further considerations and for a limited duration – see below).

5.4.12 It is important to consider that, unless that part of the site constitutes ‘site-fabric’, the area of a designated habitat type enclosed by a release pen should still be expected to make an appreciable contribution to the conservation objectives of the site, and to the favourable condition of that feature. In other words, the area confined within a pen (and the unenclosed area around it) should still be included within the condition assessment of that feature and should be expected to make a positive contribution to the structure and function of the habitat despite the presence of gamebirds. For example, a stand of designated woodland included within a release pen should be able to retain its characteristic ground flora and/or signs of natural tree and shrub regeneration. To ensure this occurs, any consented release activity must be at a low density and subject to specific time-limits that can enable the anticipated low risk of negative effects to be validated (see below). Such areas within release pens should not simply be ‘written off’ as acceptable damage without further detailed evaluation of the proposal and additional peer review from colleagues and specialists as appropriate.

5.4.13 There may be situations whereby gamebird releases are proposed into existing pens which are so long-established fixtures of a site that the areas of habitat they enclose have already been irretrievably modified (often prior to the site’s notification as SSSI) and so have never contributed to the special interest of the site, and nor do we expect them to contribute to this in the future. These areas may also be considered as part of a site’s fabric and the risks of continued releasing into them may therefore be low. However, the on-going effects of birds dispersing from those pens into adjoining areas of designated habitat, and any other nearby features, will remain a key consideration and so the permitted density of released birds even within long-established pens should also align with this guidance.

5.4.14 When assessing whether a proposed release location within a site is acceptable or not, consideration should also be given to any likely effects of the released gamebirds dispersing and congregating within sensitive, designated habitat types further away. Gamebirds will leave and disperse away from their release pen and where they congregate in sufficient numbers their impacts, such as the enrichment of soil through droppings and disturbance to ground vegetation, may still occur on habitats outside but close to the release area. There is moderate but consistent evidence from a series of tracking studies to indicate that the majority of released gamebirds do not, on average, disperse further than 500m from their point of release, with their numbers declining with distance (Madden & Sage, 2020). Bird densities will be higher closer to release pens and feeding stations where they are encouraged to remain. There may be circumstances, therefore, where a proposed release location may itself be acceptable (e.g., be within site fabric) but the close proximity of more sensitive features, such as ancient semi-natural woodland, heath or mire features, would mean that dispersing birds may pose a significant risk to those features if they congregate on them in large numbers. It is reasonable to assume this risk decreases as the number or density of birds released is reduced and the distance to sensitive features increases. Consideration should be given as to whether there is sufficient distance between release pens/feeding stations and

adjoining sensitive designated habitats to ensure that to ensure that these habitats will not be at significant risk from the impacts of released birds.

5.4.15 Irrespective of habitat, any prospective release pen location (and the immediate area around them) should also;

- avoid locations of any rare or distinctive species or important functional features (such as high volumes of decaying wood, springs, flushes, anthills etc.) associated with the site's designated features
- be cited well away from watercourses and away from steep slopes (i.e.1 in 2 or steeper) to avoid risk of any run-off / erosion/ nutrient enrichment from release pens
- have a baseline soil phosphate index of the release area (i.e. within the pen and the area immediately around it) of 0 or 1 (based on information provided either by the applicant or which is already available to NE). Locations with index readings >1 will indicate higher levels of soil fertility which, should negative effects begin to materialise, may make recovery slower and harder to achieve.
- not cover more than 10% of the total area of woodland and scrub habitat within a site subject to pheasant releasing.

Where releases are being proposed in unacceptable locations within a site, consent should not be given.

Density of birds to be kept within a release pen or released without use of a pen

5.4.16 Where a proposed location for releasing is considered to be ecologically acceptable, irrespective of this location the density of birds to be released into a given area or kept within a pen should be generally low.

5.4.17 As the body of evidence suggests, the degree of risk of significant adverse effects is strongly influenced by the density of gamebirds released into an area (i.e. the number of individual birds per unit area). The evidence strongly indicates that significant negative effects are associated with releases in excess of 1000 pheasants per hectare of release pen. This aligns with existing industry good practice, which adds that a density of less than 700 pheasants per hectare of pen is recommended where there are sensitive habitats. Lower densities will also benefit the welfare of the birds themselves.

5.4.18 Whilst the standard for low density releasing of pheasants is generally recommended and informed by evidence, it is less clear for red-legged partridge. These birds can be released in smaller and more numerous pens at high densities (albeit for a short period) and given the greater number of birds, their greater biomass (and thus greater faecal deposition) their impacts on habitats covered by a pen may be greater and more concentrated than the impact of pheasants at typical densities for both species. They can also be subject to wild or hard releases whereby birds are not kept in pens as part of their release, and they can go on to form large groups or coveys in the post-breeding season.

5.4.19 Natural England would regard the vast majority of the habitats for which sites have been designated to be inherently sensitive. Natural England would therefore support the application of this maximum density benchmark of 700 pheasants per hectare of pen and no more than 3 red-legged partridges per square metre of release pen (and less than 700 red-legged partridges in total) as a more appropriate starting point for assessing the releasing of birds into Protected Sites (subject to acceptable locations being available).

5.4.20 Unless the whole site is considered to be at little or no risk because its features are not sensitive, these densities should be the maximum permissible (and subject to any further conditions and time limits – see below). This allows for a degree of precaution to account for the special protection afforded to a site, its prevailing environmental condition and gaps in evidence more generally. It is also consistent with current industry guidelines on sustainable gamebird releasing affecting sensitive habitats.

5.4.21 Ideally any releases into a pen, with potentially negative effects being density-dependent, should be much lower than these maxima. It may be reasonable to assume that the lower the density of birds that are released into or close to protected sites, the more confidence there can be about the absence of significant adverse effects. Lower densities of birds released, for example less than 500 pheasants per hectare of pen, might therefore be expected to further reduce the risk of any significant effects occurring. However, it should be noted that there is currently no available evidence relating to the effects of substantially smaller shoots and there was no threshold stocking density reported by Madden & Sage (2020) at which effects began to occur and below which little or no effect at all would be felt (Natural England, 2020).

5.4.22 It should be generally noted that the assessment of SSSI notices involving European Sites is concerned with identifying the risk of likely *significant* effects (either alone or in combination with similar effects from other proposed plans and projects) and ascertaining that these would not result in an adverse effect on site integrity, rather than seeking to prevent any effects from occurring. Where it is being proposed to release a very low density or small number of birds into a sensitive habitat, you should first seek advice from the relevant national habitats or species specialist as to whether this is likely to be appropriate.

5.4.23 Where a notice requests consent for a release under these limits and within an appropriate location and we are minded to grant consent, then only the requested density should be permitted, with no uplift allowed to the maximum permissible densities listed here.

Prevailing condition of the designated features of the site (or component unit of the site)

5.4.24 Where proposed locations and densities may seem compatible in principle, the prevailing environmental condition of each site and its ecological capacity to absorb

any effects from projects and activities, including gamebird releasing, is also an important contextual factor when assessing a proposal. It may be that applying these guidelines might not be compatible with every site where releases are proposed or are occurring due to the specific circumstances of a site.

5.4.25 This recognises that the site in question may not be in a favourable condition and that there is a risk of cumulative impacts with other threats and pressures on many Protected Sites. For example, many woodland SSSIs and SACs (which arguably will be the most attractive to pheasant releasing in particular) are already at risk of habitat deterioration as a result of atmospheric nitrogen deposition, poor tree health (e.g. due to pests and disease) and/or high levels of wild deer browsing. These ongoing issues should be taken into account when determining any new gamebird releasing proposal that might be at a scale that could exacerbate their unfavourable condition and might further hamper the achievement of their conservation objectives in the longer-term.

5.4.26 For example, where a designated feature of a site, or the same component part or unit of the site, is unfavourable due to past damage from inappropriate gamebird releasing, or is still recovering from such damage, any further releasing will not be compatible with the recovery of the affected features. This is because the recovery from such damage can take a long time and ongoing releasing, even at a smaller scale, is highly likely to undermine this recovery (see below).

5.4.27 There should therefore be a high degree of confidence that a designated feature that could be affected by a gamebird release is currently in either a favourable or a genuinely recovering condition as detected and recorded by an up to date CSM-compliant condition assessment (preferably undertaken within the last 3 years as far as practicable). Features in good ecological condition and under less environmental pressure may be more resilient to the effects of any new activity and, subject to the controls recommended in this guidance, be able to tolerate and absorb their environmental impacts. A fresh assessment may therefore need to be undertaken as part of the notice determination where up to date data is lacking, and this should be planned for at an early stage of the determination of the application. Further specialist advice should be sought where there is doubt.

5.4.28 In some cases, a designated feature will be in an unfavourable condition (with a declining or no change trend) for reasons unrelated to gamebird releasing management. These other reasons for adverse condition should be addressed and remedied in any case irrespective and independent of new gamebird proposals. Where we can be confident that gamebird releasing would be carried out in an appropriate location, at a sufficiently low intensity and will not undermine the necessary remedies needed to achieve conservation objectives, then it may be permitted (subject to the consideration of the other factors listed below).

5.4.29 We will encourage and welcome offers of positive conservation management that will improve site condition as part of an ecologically acceptable low-intensity release proposal. However, in coming to a consent or licence decision, we should not accept positive conservation management as ‘mitigation’ or ‘compensation’ for the

adverse effects of a more intensive proposal, even where there may be a net general biodiversity gain. For example, where it is proposed to release in excess of 700 pheasants per hectare of pen in return for improved woodland management, such as deer control, coppicing or woodland ride maintenance.

Provision of supplementary feeding/watering stations

5.4.30 The supplementary feeding of hand-reared released gamebirds with cereal grain or concentrates, either loose or in hoppers, is common gamebird management practice. This can potentially damage the habitats in which the birds are being fed through a net nutrient increase to the site, which is realised through the birds' faecal deposition. Undesirable and potentially invasive species that could outcompete and replace native plant species can be introduced through this feed. The spillage of feed, along with the spreading of straw provided for shelter and scratching, can also result in localised enrichment of soil which might affect the characteristic vegetation of the habitat. Studies have shown that such species-poor enriched areas can be slow to recover from the effects of such enrichment.

5.4.31 Once released into pens, gamebirds are checked regularly, supplied with food and water and protected through predator control. This activity will require a degree of regular human access on foot and/or in vehicles which could directly affect the vegetation of habitat types through repeated trampling and crushing of ground vegetation. For example, the regular movement of people and vehicles could lead to the introduction of fast-growing and competitive non-woodland plants, such as ruderals and grasses, and heavy vehicular traffic during all weathers could also cause extensive damage to fragile soils and lead to an increase in disturbance-tolerant species.

5.4.32 Should release pen location and stocking density be considered ecologically acceptable, a consent should limit supplementary feeding or scattering of feed to a limited number of hoppers only in pre-defined locations with no or little conservation value. Mobile, rather than static, feeders should be used. If the feeding stations are regularly moved before any bare areas occur, the risk of damage can be avoided. All feeding and watering structures should also be removed from a site at the end of the shooting season. No disposal of straw (either loose or in bales) should be permitted.

Other considerations

5.4.33 If not voluntarily proposed as part of the application, standard consent or licence conditions could usually include, as appropriate to the case:

- restricting any regular vehicle use to existing hard-surfaced routes or routes of low nature conservation value to avoid damage from off-road use (especially on unsurfaced and damp routes); if using routes off hard surfaces is unavoidable then the selected routes must be varied and not cause any signs of rutting or exposure of bare substrate. Access routes must not cross sensitive areas of the site.

- stipulating there must be no herbicide use where release pens are to be cited within any designated habitat where alternative methods are available – vegetation within the wider perimeter of a release pen must only be mechanically strimmed.
- stipulating that the releasing of additional birds to replenish or replace those already released and shot during the season is not permitted
- that release pens and associated infrastructure must be carefully dismantled and removed if the consent expires and is not subsequently renewed.
- time-limiting the release of gamebirds so that no consent is issued for more than 3 years of releases (see below).

5.4.34 Whilst not appropriate as a SSSI condition, it is also strongly advised that we informally remind consent holders of their existing statutory obligation to officially register all releases of >50 birds with APHA. The APHA Register can provide useful landscape-scale data that can potentially help to assess any significant risks to sites from releasing occurring around them in the wider countryside.

5.4.35 Whilst the factors outlined above are likely to form important considerations during decision-making, the individual circumstances of a site must always be considered when evaluating proposals and there is no general 'one size fits all' rule. If, when making an assessment, any one of these standards above is not appropriate to a site or cannot be reasonably met (either because they are not included in the notice or application, or because we cannot reasonably attach additional conditions without fundamentally re-designing the proposal), consent/licence should be refused. We should always be able to give a clear and evidence-led statement of our reasons for doing so (as required by law and our SSSI consenting guidance). Fresh applications based on a proposal re-designed by the applicant can always be submitted.

Importance of time limits

5.4.36 The evidence indicates that recovery of a habitat's ground flora community and soil chemistry from adverse gamebird effects (caused either through non-compliance with a consent, or unforeseen impacts of previously consented activity) can take a long time. This could be up to 20 years in the case of large-scale releases or in severe cases damage may even be irreversible and permanent. There are also still recognised gaps in the available evidence relating to the full ecological impact of gamebird releasing (see Madden and Sage, 2020) that can further undermine certainty over impacts.

5.4.37 Because of this, and that Natural England cannot be sufficiently certain of the effects of a gamebird release beyond a short time frame, the duration of a gamebird-related consent issued in accordance with the guidance above should be limited to no more than 3 years. Ideally an applicant will voluntarily submit a proposal requesting consent for that duration (if encouraged to do so at pre-application stage). Proposals for activity greater than 3 years will not usually be acceptable and these must be restricted using Natural England's statutory time-limiting powers by way of a consent condition.

5.4.38 In the case of any individual wildlife licences, these can also be time-limited to any reasonable length that we choose. Normally, individual licences are only issued for 1 year (for policy and operational oversight reasons) but could be issued them for 3 years to match the duration of a new consent.

5.4.39 Where such consents are time-limited, on their expiry any continuation of releasing will require a new notice or application to be submitted by the owner/occupier and should be subject to a fresh assessment of the proposal.

5.4.40 Consenting this activity for only a short period will allow a review of the situation prior to any renewal and ensure that the risk of adverse effects can be periodically re-evaluated before they materialise. Where there are early signs that habitat deterioration may or has occurred, an amended consent could be granted to prevent these risks. Alternatively, no further consent or licence is issued to allow recovery.

Existing SSSI consents or ongoing releases that do not meet these standards

5.4.41 Where there is evidence to indicate that the designated features of a site are currently being adversely affected by gamebird releases permitted by a past SSSI consent, the damage should be halted as soon as possible. This may involve the serving of a Stop Notice or a Prevention Notice served under the Environmental Damage Regulations (for European Sites). Contact the Enforcement and Appeals Team at enforcement@naturalengland.org.uk for further advice if you are considering this option.

5.4.42 Where damage has been caused by gamebird releasing as a result of a past consent and/or there is a credible threat to a site's condition occurring in the future as a result of a past SSSI consent that remains live, that consent should be prioritised for review as soon as reasonably practicable. It should be re-assessed with a view to formally modifying or withdrawing it in accordance with the guidelines above. This should formally be reported as a condition threat on CMSi. In the first instance, we should work proactively with the consent holder to seek their support and co-operation to voluntarily modify their operations and comply with these current guidelines. We should openly and sensitively engage with them over any formal modification/withdrawal we or they might propose, especially so that the accompanying right to appeal and option of claiming compensation is still clearly understood. Consult the Protected Sites Team at protectedareas@naturalengland.org.uk for further advice if you are considering this option.

5.4.43 Similarly, there may be situations where releases have been occurring without significant effects but without any formal consent. The SSSI owner/occupier must be reminded to stop any further releasing until they have submitted a written notice and received a consent.

Unauthorised releases or non-compliance with an existing SSSI consent

5.4.44 For dealing with unauthorised releases or breaches of existing SSSI consents, consult the enforcement operating manual in the usual way and contact enforcement@naturalengland.org.uk for further advice.

5.5 Evaluating licence applications to release gamebirds within 500m of a European Site

5.5.1 The findings of the Evidence Review have highlighted that it can be just as important to regulate the large-scale releasing of gamebirds adjacent to a Protected Site as within it. To date there have been no statutory restriction on the number of birds that can be released close to a Protected Site and there have been cases where high intensity releases of gamebirds around a site (some in excess of 10,000 birds) has triggered enforcement action. This has now been recognised by the new interim licensing regime established by Defra in 2021 which covers areas immediately adjacent to European Sites (SACs and SPAs). Note that this interim licensing regime does not apply to areas around SSSI – only sites.

5.5.2 There is no requirement to seek a Natural England SSSI consent for proposals taking place outside of a European Site or SSSI boundary. However, Defra's General Gamebird Licence includes a zone 500m wide around each European Site. Where its terms and conditions cannot be complied with, a person wishing to release pheasants and red-legged partridge within the 500m buffer area may apply to Natural England for an Individual Licence. Natural England must assess that application in the usual way and, because the proposal might pose a credible risk to adjacent European Sites, a Habitats Regulations assessment (HRA) must be undertaken of what is being proposed to inform the decision on that application.

5.5.3 Within the proposed 500 metre buffer zone around each site, there is likely to be less risk of direct damage to the habitats within adjacent European Sites but still some risk of adverse effects arising from either the potential dispersal and congregation of high numbers of birds released close to the site, or indirectly as a result of the management of release pens and birds within this zone. The protective controls and supporting recommendations that Defra's General Licence puts in place within this buffer zone are intended to generally manage this risk.

5.5.4 The assessment of a gamebird licence application will be similar to any consideration of any other licence or SSSI notice. The determination process must consider the likely ecological effects of the proposal on the designated features of adjacent sites. Depending on what is proposed to take place within this zone, factors informing the decision may include the following;

- the location of release pens, game cover and feeding stations and their proximity relative to the site and its features
- the orientation of entrance/exit points in the pens
- the numbers of birds to be released and pen densities,

- the specific actions that shoots propose to take to draw their birds away from site boundaries
- the local topography and presence of any natural barriers that might prevent birds reaching nearby sites
- the distances involved in relation to the designated features of the adjacent European Site
- the prevailing condition of the designated features of the adjacent European site
- the risk of a cumulative effect with other gamebird release operations affecting the same site

Again, the individual and local circumstances of an application must always be considered when evaluating proposals and there is no general 'one size fits all' rule. However, the following are recommended considerations when assessing such a licence application:

5.5.5 The combination of a reduced number and density of released birds and the management of gamebirds away from a designated site boundary should further mitigate the risk that high numbers of birds will disperse towards and congregate within adjacent sites causing significant effects. This takes account of the evidence relating to the mitigating effects of low release density and the likely dispersal distances of the birds themselves.

5.5.6. Individual Licence applications for releases within 500m of a European Site are likely to be triggered where the applicant wishes to exceed Defra's General Licence upper limit of 1000 pheasants or red-legged partridges. This protective limit aims to keep the numbers of birds released adjacent to a European Site at a low level, (although as outlined earlier there is currently little precise evidence around this figure for red-legged partridges). It is fair to assume that the greater the scale of a proposed release within the buffer zone, the greater the potential risk to the features of an adjacent European Site. Whilst proposed releases marginally above the 1000 gamebird limit might be considered to be acceptable (depending on the circumstances of the case and subject to conditions below), an individual licence application which proposes the release of birds significantly in excess of 1000 gamebirds in total is unlikely to be compatible with the European Site's conservation objectives, even with further safeguarding conditions.

5.5.7 Where an assessment of a licence application considers that there are significant risks to an adjacent European Site or sufficient uncertainty about those risks, Natural England is able to attach conditions to a licence to mitigate those risks and to ascertain no adverse effect on site integrity. Depending on the case and the circumstances, conditions might include the following;

(a) Stipulating that the practical management measures to discourage gamebirds from sites (as recommended by the GGL) must be undertaken within the buffer zone e.g.

- Only release gamebirds, with or without pens (including temporary pens), as far away as possible from the boundary of the adjacent European site.

- Only release gamebirds into existing habitats such as hedgerows, linear plantations and game cover, where this will encourage them to move away from the boundary of a European site.
- Provide new suitable habitat for gamebirds beyond their release areas in locations that encourage the dispersal of released birds away from the boundary of a European site.
- Undertake any habitat management around release areas to create rides, clearings and for siting feeders and drinkers as far away as possible from the boundary of the adjacent European site.
- Position supplementary feed hoppers, strawed feed rides and drinkers to encourage gamebirds away from the boundary of the adjacent European site.
- Position artificial shelters, dust baths and grit stations as far away as possible from the boundary of the adjacent European site
- Take action to disperse any congregating gamebirds away from the boundary of a European site.

(b) Stipulating that no releasing should take place up immediately adjacent to a European Site boundary; whilst there is no specific underpinning evidence, a precautionary 'common sense' distance of 250metres is recommended between pens/ feeders and the boundary of a neighbouring protected site to provide a sufficiently wide separation so that a much smaller and much less significant number of the released birds are likely to reach the protected site. This reflects the random dispersal of the majority of gamebirds up to about 500 m (on average) from a pen, although in practice the majority will not disperse widely as they will be encouraged to stay close to the immediate vicinity of the release area itself. Restricting release pens and feeders to the outer 250m of a European Site buffer zone will also reduce any risk of a combined adverse effect from gamebirds released within the site itself.

5.5.8 Where there are designated river, wetland or intertidal sites in the vicinity, limiting the location of release pens/areas to level ground (<12-degree slope) and 50 metres away from watercourses that flow into or towards these wetland sites will also mitigate the risk of any nutrient-rich water or sediment finding a path into those sites and detrimentally affecting its water's quality. Such a measure, set at a precautionary distance of 50 metres, is consistent with the statutory rules already contained in the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 ('farming rules for water') to reduce the risk of diffuse agricultural pollution arising from the management of livestock.

5.5.9 Similarly, all proposed releases >50 birds within the buffer area should be registered with APHA (existing statutory requirement).

6. Further research priorities

6.1 As stated earlier, the evidence review also highlights significant knowledge gaps and uncertainties. There is currently no or only weak evidence about:

- the effects of diseases and parasites introduced or harboured by released gamebirds
- predation and disturbance effects on reptiles or amphibians from gamebirds
- localised air quality effects on lichens and bryophytes, and
- the effects of gamebird release on localised predator populations (e.g. foxes) and their productivity, movement and foraging behaviour.

6.2 These key areas are identified as having some information but limited evidence and requiring further studies. Where these factors are relevant, we advocate seeking further specialist advice and taking a precautionary approach when there are credible risks of significant harmful effects until the evidence base is developed further.

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