Wildlife & Natural Environment Bill

Purpose of Report

The purpose of this report is to:

i) advise Committee that the Scottish Government has embarked on a consultation in respect of wildlife and the natural environment;

ii) examine the potential implications for Glasgow City; and

iii) provide a Council response to the consultation.

Recommendations

I recommend that Committee:

(i) notes the content of the report;

(ii) approves Appendix 1 as the Council’s formal response to the consultation; and

(iii) instructs the Executive Directors of DRS and LES to work with the Sustainability and the Environment Policy Development Committee to draft policies in respect of deer, game species, invasive non-native plant species, gulls, foxes and other species as considered appropriate.
1.0 Introduction

1.1 The Council has been invited to comment on a Scottish Government consultation in respect of wildlife and the natural environment. Comments have to be submitted by 4 September 2009.

1.2 The consultation seeks views on the potential reform of a number of areas of existing wildlife and natural environment legislation. The broad purpose of the consultation is to develop proposals which will modernise outdated statute, address anomalies and weaknesses in current provision to make it more efficient and effective, and enhance the sustainable management of the natural environment for the public interest. It is intended that the consultation will inform development of a Wildlife and Natural Environment Bill.

2.0 Consultation

2.1 The consultation can be found at: http://www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/WildNatEnvBill

2.2 It consists of a 110 page document and invites a response to 84 specific questions in respect of the following eight sections:

1. General
This provides information on the consultation process and provides answers to some general questions. There is no requirement to comment on this section from a Council point of view.

2. Deer
This extensive section explains why it is thought wild deer need to be managed. The main issues on which views are sought are:
- a duty to manage deer in the public interest
- voluntary and statutory deer management structures
- the skills and competence of those involved in shooting deer
- close seasons
- authorisations in relation to night shooting, driving deer with vehicles and owner-occupier exemptions
- the collection of data about deer management.

Roe Deer are now a familiar sight in some Council parks and local nature reserves. It is therefore appropriate to comment.

3. Game Law
This aims to modernise the game laws which deal with game birds and ground game which are now very old. The main issues on which views are sought are:
- the future of the licensing system which requires those who wish to take/kill game to obtain a licence to do so.
- the future of the licensing system which requires those who wish to deal in game to obtain a licence to do so.
- modernisation of the description, enforcement mechanisms and penalties which relate to game bird and ground game poaching offences.

A number of game species can be found in the city, including brown hare and grey partridge. It is therefore appropriate to comment.

4. Invasive Non-Native Species (INNS)
This argues why the mechanisms for the prevention and control of invasive non-native species need strengthened and improved. The main issues on which views are sought are:
- Strengthening the current legislation aiming to prevent release of invasive non-native species and providing powers to control non-native species.
- Additional powers relating to causing and permitting an offence.
• Overlap with other legislation or where legislation could be extended.
• Changes via secondary legislation.

5. Species Licensing
This seeks to ensure that species licences are managed by the appropriate authority in an efficient and effective manner. The main issues on which views are sought are:
• which organisation or organisations are best placed to administer applications for species licences.
• introducing consistency in the criteria against which licences can be sought to disturb European Protected Species and other species.
• proposals to tidy-up references to species on different schedules of legislation. It is appropriate to comment as licences may be sought for species found within the City.

6. Other areas of wildlife and natural environment legislation
The main issues on which views are sought are:
• implementation of an accreditation scheme for snare operators.
• a new offence of tampering with a lawfully set snare.
• knowingly causing or permitting acts which constitute an offence against badgers.
• the level of penalties which apply to specific offences against badgers.
• increasing flexibility in the use of muirburn.
• SNH powers on entry to land in relation to SSSI offences.
• mechanisms for merging and streamlining SSSIs.
• operations on SSSIs permitted by public bodies.
It is appropriate to comment as, for example, badgers occur in the City and there are 5 SSSIs located within the City.

7. Strategic Environmental Assessment Determination
It has been concluded that a SEA is not required.

8. Partial Regulatory Impact Assessment
This sets out partial Regulatory Impact Assessments for policy issues associated with the Wildlife and Natural Environment Bill Consultation.

3.0 Council Policy and Way Forward

3.1 The Council has a number of documents which detail the Council’s existing policies, plans and strategies in respect of wildlife and the natural environment, for example, the Glasgow City Plan (1 & 2) and Glasgow’s Local Biodiversity Action Plan.

3.2 This consultation, however, has identified a ‘policy gap’ as the Council does not have any specific policies relating to deer, game animals or invasive non-native species. In recent years these issues have become more relevant to the City and it is appropriate for the Council to respond. As indicated above, roe deer have become regular visitors to Council parks and Local Nature Reserves; game animals such as brown hare and grey partridge can be found in the City; and invasive non-native species such a Japanese knotweed and giant hogweed are present.

3.3 The consultation document asks that respondees answer, if practical, numerous questions. As indicated above the Council has to respond by 4 September 2009. I have therefore consulted with the Executive Director of Development & Regeneration Services and have jointly produced a response to the consultation which is presented in Appendix 1.

3.4 This response does not, in itself, constitute a new policy but reflects the professional advice of qualified Council officers.

3.5 It is likely that there will further consultation on these and similar potentially emotive issues. It is therefore important that we develop policies for such species in order to make the Council’s position clear and as a means of providing our citizens with information and advice.
3.6 In these circumstances, it would be appropriate for both Services to work with, and report to, the Sustainability and the Environment Policy Development Committee with a view to drafting policies in respect of the issues covered in the consultation - deer, game species and invasive non-native species - and other perceived emotive species, including gulls and foxes.

4.0 Conclusions

4.1 In the absence of existing Council policy, the consultation response detailed in Appendix 1 should be forwarded to the Scottish Government as being the Council’s views on the Wildlife & Natural Environment Bill.

4.2 The Executive Directors of Development & Regeneration Services and Land & Environmental services should work together with the Sustainability and the Environment Policy Development Committee with a view to drafting policies in respect of deer, game species, invasive non-native species, gulls, foxes and any other species considered appropriate.

5. SERVICE IMPLICATIONS

Financial: None.

Legal: None at present; this is dependent on the outcome of the Government’s Bill.

Personnel: None.

Environmental: The Bill as it stands could have an adverse impact on the environmental quality and attractiveness of the City.

Service Plan: The Service Plan and Performance Monitoring Reports emphasise the importance of Parks, Biodiversity and public engagement in delivering a quality environment.

Robert Booth
Executive Director
Land and Environmental Services
30 July 2009
APPENDIX 1

Glasgow City Council

Wildlife and Natural Environment Bill – Consultation Response

The following represents the views of Glasgow City Council, particularly in response to the 84 questions posed in the consultation. Where there is 'no response' this means that the Council does not have a remit or interest in that specific issue or feels there is no need to comment.

1. Comments on Section 1 General

1.1 As this section is concerned with explaining the background to the consultation, there is no need to comment.

2. Comments on Section 2 Deer legislation

General points

2.1 Prior to responding to the specific question, the Council would like to make clear its concerns and outline the context for its response to the specific questions posed in the consultation.

2.2 Deer are wild animals and landowners are not responsible for their welfare. Wild deer are free to move from site to site and access their own food, water and shelter. Animal welfare issues such as cruelty are already covered by existing legislation.

2.3 Wild animals do not require management per se, unless a particular issue has been identified and proved through scientific research – e.g. the impact of Red Deer numbers in the Highlands. However, collaborative deer management is not necessary for Roe deer in urban environments as there is no scientific justification for this.

2.4 There is no mention of the positive role of wild deer on natural habitats. Large herbivores help to create and retain glades and rides within woodlands, which provide habitat for a range of other species.

2.5 This section of the Bill has the potential to perpetuate and reinforce the perception of deer as pest species. Whilst this will promote the interests of a minority who have a vested interest in deer management principally through culling, it goes against the reason for the inclusion of native wild deer on the Scottish Biodiversity List, i.e. the appreciation of these animals by the general public who wish to see them left unharmed.

2.6 Glasgow City Council believes that this section in its present form promotes an unbalanced view of the rationale behind deer management, whilst acknowledging that there is scientific justification for the management of red deer in parts of the Highlands.

Deer in Scotland - General comments

2.7 GCC object to the blanket statement that 'Deer therefore need to be managed...' for the following reasons:

- The terms manage/managed/management are not defined but appear to relate to culling deer, which is not the usual definition of management. This needs to be clarified.
- If the above is the case, then deer do not always require to be culled because in some areas an increase in population size could be beneficial.
- Red Deer and Roe Deer are quite different animals not only in size but also in habits etc. Why are they covered by one piece of legislation and why do they both have to be managed?
Review of the Deer (Scotland) Act 1996

2.8 GCC objects to some aspects of the rationale for the following reasons:

- The ambiguous use of the term ‘management’.
- The statement that ‘deer also require to be managed within urban and peri-urban environments, where increasing numbers of roe deer in these areas have implications for ...damage to property’ does not give the full picture. There are alternative methods to culling available to protect property, which are not mentioned.
- The statement that ‘deer also require to be managed within urban and peri-urban environments, where increasing numbers of roe deer in these areas have implications for...deer welfare’ is not valid. Culling deer is not necessary for deer welfare and is in fact the exact opposite of deer welfare. It is acknowledged that there have been some instances of animal cruelty which has associated welfare issues, but this is already an offence under existing legislation, and culling deer is not the solution. To reiterate, deer do not require to be legally killed to stop illegal killing, the existing legislation needs to be enforced.

Scottish Government objectives

2.9 In response to the proposed objectives GCC would comment as follows:

- ‘Develop a system that delivers public benefits in environmental management...’
  This is not achieved by culling deer. A visit to a park or other greenspace is enhanced by seeing deer, so reducing the number of deer does not provide a public benefit.
- ‘To put in place arrangements to deal with urban deer’.
  This makes the assumption that urban deer are a problem. In Glasgow the only species of deer present are the native Roe Deer. Council Ecologists have monitored deer numbers and their geographical distribution, which includes many Sites of Importance for Nature Conservation (SINCs), Community Woodlands and other recently planted woodlands. There has been no significant impact on the regeneration of semi-natural woodland or the successful establishment of new plantation woodland due to deer browsing, despite this being an explanation often given elsewhere for controlling deer numbers.
  In ten years only one complaint has been received from a member of public by the Council’s Conservation Team, whilst numerous positive comments have been made about deer in greenspaces throughout the city. There may be issues with road accidents but alternative options to culling should be investigated. Deer welfare objectives are not achieved by culling. It needs to be accepted that deer are wild animals. Wild animals are not culled to produce healthier animals. They are wild and fend for themselves.

Proposals for reform

2.10 Public bodies have a duty to further the conservation of biodiversity. In the context of Glasgow’s LBAP, this includes habitat enhancement and the creation of mosaics of habitats. These habitats are suitable for a range of plant, fungi and animal species (including deer). But land is not managed specifically for deer and Glasgow City Council has no control over the animal species that find food, water and shelter on its land. Wild animals do not require management unless there is a specific health and safety issue that needs addressed. Glasgow City Council therefore objects to the principle that landowners should have a statutory responsibility to manage deer.

2.11 Management of Roe Deer by culling would be widely unacceptable to the citizens of Glasgow, and the recommendation of Council Ecologists is that culling would be unnecessary. A limited cull would make no significant difference to the deer population or their perceived impact, whilst a more extensive cull would be unpopular and have a significant negative impact upon the presence of an animal which is a tangible example of how the natural environment within the City has been enhanced by the biodiversity action process.

Collaborative deer management

2.12 Glasgow City Council objects to the concept of collaborative deer management for the following reasons:

- the term management is not clearly defined. Landowners are not responsible for any other wild animals that may cause damage to adjacent land/property and deer should
not be any different. It should be the responsibility of each individual landowner to protect their own land/property, should they see fit.

- Local Authorities, and other land owners, may not be able to meet the financial burden caused by such legislation.

2.13 The conclusions to be drawn are that:
(i) a clear distinction needs to be drawn between the differing impacts of roe deer, red deer and non-native species of deer;
(ii) decisions on deer management require to be founded on good science and rational judgement, independent of bodies with a biased or vested interest in killing or promoting the killing of deer; and
(iii) greater understanding is required of the views of the Scottish public concerning deer, as is the associated fact that both red deer and roe deer are included on the Scottish Biodiversity List.

Comments on deer management questions

2.14 Whilst the City Council believes that much of the consultation process consists of leading questions, the Council would respond as follows:

Q1A. This proposal is an over-reaction to perceived problems, and if adopted should be used only in exceptional circumstances and for red deer only. The term "public interest" needs to be clearly defined and not vague as presented in the bill.

Q1B. The Council does not consider this issue would be significant within the City, even within the rural parts, except in circumstances where a road traffic hazard might present itself. As previously stated the preferred option for dealing with such a situation would either be through traffic calming measures and/or control of deer movements, using fencing and/or landscaping including the planting and/or maintenance of hedgerows.

Q2. Where appropriate and scientifically justified, collaborative deer management structures should continue to be voluntary.

Q3. For roe deer, local communities should be consulted in determining non-lethal methods of managing deer movements where significant road traffic problems arise.

Q4. Such a measure would only be appropriate where there is a proven significant threat to public health or safety, not as part of a general cull across ownership boundaries for questionable or controversial purposes.

Q5. As with Q4, failure to comply being an offence would only be acceptable if the basic premise of the statutory Deer Management Plan is justified in terms of being notified for genuine reasons of public health or safety. For roe deer in particular, the City Council believes that such legislation where it enforced culling would be an excessive way of dealing with any other perceived environmental impacts of the deer population.

Q6. The City Council would be very concerned about Deer Commission Scotland (DCS) being given such powers. There may be an inherent bias within the DCS towards promoting deer culling as a knee-jerk response to a perceived problem, and this particular power of enforcement would be dangerous and unacceptable without the DCS undergoing a sea-change to its current cultural ethos.

Q7. This is not acceptable as it is should not be an adjacent landowner’s responsibility if deer from their land damage property because the deer are wild animals. It should be the responsibility of whoever plants the trees to ensure they are protected. Fencing can be used until the trees have established, or unpalatable species planted to protect other species.
Q8. For the purposes of deer welfare and public safety, those taking/killing deer should have high levels of skill and competence.

Q9A. Yes, for the reasons outlined in Q8.

Q10. This is desirable.

Q11. A high level of competence is required, including accuracy in hitting target, immediate risk assessment in the field, and ability to accurately identify deer species.

Q12. Exemptions should not be available, as such rights could perpetuate bad practice.

Q13A. It is hard to understand how the system would operate without such a register, and the DCS would appear to be the appropriate body to administer it, along with the police. In general any changes to the legislation governing the competence of those culling deer is welcomed and is something which will be welcomed by the general public.

Q14. Glasgow City Council believes that the precautionary principle should be applied and no reduction in the close season should be introduced.

Q15. As Q14

Q16. As Q14

Q17. This change would be appropriate, along with a requirement for an assessment to be made by other stakeholders whether deer populations are sustained at a locally appropriate level according to biodiversity principles and public perception. It requires to be understood by the stakeholders driving management of deer, that culling for reasons which are not strongly justified can be construed by other sectors of society as persecution. This especially applies to roe deer.

Q18. In urban areas like Glasgow any night time shooting is considered inappropriate and potentially dangerous to the public. It is further suggested that night shooting should be banned outright as it cannot be considered safe, particularly now that new access rights have been introduced by legislation.

Q19. This change would be supported.

Q20. Cull returns should be compulsory to all.

3. Comments on Section 3 – Game Law

Q21. Glasgow City Council agrees that game laws are antiquated and change is necessary, largely to bring them into line with modern society's views regarding the killing of animals for sport, and the relationship between game management and the sustainable use of the countryside. Biodiversity embraces a new philosophy and direction for wildlife conservation as well as serving as a sustainability indicator for countryside management and the wider environment.

Consequently it is felt that game laws need to be revised within the context of the Wildlife and Countryside Act 1981 and/or specifically for Scotland within or as amended regionally by the Nature Conservation (Scotland) Act 2004.

Q22. This question has wider implications. It could be argued that the definition of game needs to be modernised. For example, the brown hare – still found in Glasgow - is a Priority UK Biodiversity Action Plan species, as is the black grouse, and it would seem appropriate and sensible to presume that the black grouse at least is unlikely in
the foreseeable future to be justified scientifically as continuing to be defined as a legitimate game bird. Consequently the issue of whether to abolish the licence may be questionable, but the City Council would advocate the adoption of the precautionary principle and continuation of the licensing system in some form.

Q23. The system should be reformed to treat game species in the same way as other quarry species protected under the terms of the Wildlife and Countryside Act 1981 (as amended), so that certain species which can currently be shot at any time can be afforded protection during a close season. The indigenous grey partridge is in serious danger of extinction in many parts of Scotland, including the City, and should be afforded considerable protection and conservation action as part of a wider holistic approach to countryside restoration. The long term view for this species should not merely be to rescue its population to a level which then justifies it being shot as game. A review of all game species should be undertaken as they would be if dealt with under the aforementioned Act.

Q24. This would appear to open up a potential loophole in the law, as the origin of game (if obtained from the wild) could easily be falsified by a dealer/supplier. Admittedly this could happen even if licensing is retained, but removal of the requirement could encourage more widespread dealing in game which could exacerbate the potential problem.

Q25. This proposed new offence could prove very difficult to prosecute.

Q26. The law clearly needs to be modernised. Continuing the right of owners or their gamekeepers (or "servants") to apprehend poachers could clearly lead to a high risk of serious injury or even death by either party. This has human rights implications for employees of the estate and those committing the offence. If feasible, poaching should be framed in law in the same manner as any other illegal removal of property.

Q27. Poaching should be defined under criminal law as theft. Other legislation (deer, fish, etc.) already covers unlicensed taking or killing.

Q28. The conservation status of brown hare is now so unfavourable that it should no longer be defined as game, and should be protected under the Wildlife & Countryside Act 1981 (amended) and the Nature Conservation (Scotland) Act 2004.

Q29. This proposal is to be welcomed.

Q30A. Landowners and their employees should not continue to have these powers (see response to Q.26).

Q31. Poaching offences should conform to normal law concerning witness evidence.

Q32A. Penalties should be proportionate to the conservation status of the species concerned, not simply based on the universal offence.

Q32B. Penalties should be guided by an amendment to the Wildlife & Countryside Act 1981, in association with the conservation status of the species concerned, e.g. so the penalty for taking without landowner consent a species of high (red-listed) conservation concern should be significantly higher than for taking species which are not endangered, e.g. rabbits, the taking of which could be covered by criminal law as theft (as they are not protected by nature conservation or wildlife protection legislation).

Q33. Game bird eggs laid in the wild should be treated as all other wild bird eggs under the Wildlife & Nature Conservation Act 1981 (by amendment if necessary).
Q34. They should be harmonised. It is illogical that there is no distinction made between naturally occurring "game birds" and introduced non-native species such as pheasant. Snipe is an anomaly amongst quarry species in that they can be shot after 11 August when some late-hatched juveniles can barely fly on this date.

Q35. This would be desirable for providing additional protection to threatened species.

Q36. This would be essential for providing additional protection on a regional basis to species of conservation concern where there is regional variations in the species' conservation status.

Q37. They should be applied to game birds.

Q38. For consistency this provision should be enabled.

4. Comments on Section 4 – Invasive Non-Native Species

4.1 Glasgow City Council recognises that the introduction of non-native species throughout the world causes many serious ecological problems. However, the response throughout the UK needs to be proportionate, realistic, and achievable both strategically and economically. There is a tendency in some cases for an emotional reaction to be provoked, and an exaggerated sense of the need to eradicate certain non-native species, occasionally whipped up by the media. Attempts to save water vole populations from mink predation tend to have focused on the culling of mink, often without long term success. In Glasgow a successful positive approach has involved managing (and creating) wetland habitats of a type which are rarely frequented by mink but which can be occupied by thriving water vole populations.

4.2 It is important to retain a sense of proportion, and for society not to be affected by the demonisation of non-native species, either specifically or generally. Investment in controlling non-native species needs to be set against the often greater need for scarce financial resources to be directed towards managing ecosystems to aid the recovery of native species of conservation concern.

4.3 In respect of the specific questions Glasgow City Council would respond as follows:

Q39. GCC agrees that the definitions should be reviewed and alternatives proposed.

Q40. The term "in the wild" should not be restricted to semi-natural or natural habitats. It needs to apply to all land (or water) from which animals or plants could migrate to such habitats, or even cultivated land where an impact could affect native species. The ability of the non-native species to move outwardly, rather than being kept in captivity, is key to a clear practical definition.

Q41. It should be an offence for an owner to permit (perhaps using the term “recklessly”) non-native animals to escape into the wild. However, this raises a number of difficult issues which need to be addressed, particularly in terms of game birds. The release of several million non-native pheasants into the wild annually in the UK seems likely to have a significant impact upon species with which they are competing for habitat and food, many of which are bird species of conservation concern. Should this constitute an offence? If not, how can we deal with this anomaly which could be used in a legal defence?

Q42. The term should be removed.

Q43. This seems logical.

Q44A. There is general agreement with the policy intention.
Q44B. The question of game bird release needs to be carefully considered (see above answer to Q41). It may be possible to control the impact through a quota system, however this is complicated by the fact that in many parts of the UK pheasants can maintain a self-sustaining population by breeding in the wild. More research is required into the effect of pheasant releases on native species. Another species outside of its “natural range” in Scotland is pike, which when introduced into a wetland can seriously disrupt waterfowl breeding and productivity.

Q45. In general, yes, but the terms “non-native” and “natural range” need to be more clearly defined. For example, Scots pine could be considered “non-native” and is certainly outside of its “natural range” in most of the country south of the Scottish Highlands.

Q46. The Plant Atlas is a record of what has been recorded geographically, which is not necessarily depicting the natural range in all cases. The BSBI should provide maps for those species which fall into this category, indicating natural range.

Q47A. The Council would suggest a cautious approach is taken in introducing such powers, and as with the deer legislation proposals, such powers should be limited. The term “reasonable mitigating action” should be very carefully defined, and considerable caution applied to taking action against non-native species which is not achievable or justified scientifically. The powers proposed in this consultation, to deal with non-native species, seem hugely disproportionate to the powers and resources provided to any existing body to take positive conservation action to protect and restore biodiversity, which should be of greater priority.

Q49A. The Council would favour this power being granted in principle, but has strong reservations about implementation. This would have to be proportionate to the problem, and in the case of some species such as Japanese knotweed, the problem may be overstated. If it is desirable and appropriate to attempt an eradication programme, this would have to be scientifically justified and applied with a proper site restoration strategy, which has rarely been the case. Again, the control of non-native invasives would also have to be economically justified, especially in relation to public financial investment in positive conservation action. Funding for biodiversity action plans should take priority over large scale funding for control of non-native invasives.

Q49B. These powers should be legislatively framed and applied with considerable caution.

Q50. These are similar to certain planning powers and would be acceptable within reasonable constraints. The option to control should be taken with great caution, judgement and under strict terms of regulations. It is essential that this power should be strongly justified and be allowed only in circumstances where the threat posed by the non-native species is of sufficient significance to warrant such action being taken. Otherwise the power may be open to abuse or prompted by over-reaction.

Q51A. Costs should be recoverable in cases of significant neglect by the landowner, but not in circumstances where the landowner can prove that actions could not be afforded, particularly in the case of e.g. public bodies or charitable organisations.

Q51B. Already answered in Q50.

Q52. It is agreed that legislation on these needs to be tightened to make employers responsible.

Q53. The treatment of fish in the same manner as other animals would seem to be rational. It is important that pike is treated as a non-native or “out of natural range” species in Scotland, although it will be necessary to create an exemption for anglers returning a caught fish into the waterbody from which it was taken.

Q54. This is an acceptable proposal.
5. Comments on Section 5 – Species Licensing

Options for reform
Q58/59 The Council agrees that the species licensing system needs to be focused away from Scottish Government and transferred to another body, ideally SNH. The Council doesn't agree that licences attached to planning consent should be dealt with by LA's dealing with the planning application this is only likely to put more pressure on LA Officers when dealing with Planning Applications. It would be better to have an independent third party dealing with species licensing – e.g. SNH.

Q60/61 The Council agrees with proposals to tidy up other sections of the legislation governing licensing.

Q62. This is acceptable.

6. Comments on Section 6 – Other issues

Snares
Q63. Glasgow City Council believes that the use of snares is unacceptable in a modern society, and that even snares fitted "safely" and legally is a cruel and crude method of dealing with any problem caused by an animal.

Q64. Tampering with snares should not be made an offence. Snares may trap non-target species and there are even situations where domestic animals/pets have been trapped as well. Thus taking legislation to this extent is unacceptable, as it could regard genuine attempts to rescue an animal from acute pain or suffering an offence. It would also be extremely difficult to enforce, because "tampering" of snares is very difficult to prove due to the typical remoteness of the situation, and it would also be very difficult to counter a defense that the snare had been tampered with because it had been set illegally.

Badgers
Q65/66 The Council agrees with the proposed legislation to tighten the powers governing badger protection.

Issues relating to SSSI's and Areas of Special Protection
Q78/79 This would be acceptable, but would require to include provision for a more serious offence of destroying a feature which is irreplaceable, or destruction of a feature which will take a long period of time to restore. GCC agrees that restoration notices are a good idea and if enforced hopes they make restoration works on SSSI's more achievable.

Q80. Unless the SSSIs are contiguous, it is difficult to understand how two SSSIs could be merged without adding to the extent of the former discrete sites. The City Council reserves judgment on this question.

Q81 As long as any de-notification without representation from the other parties is based on a sound scientific review of data on the remaining SSSI then GCC has no objection to de-notifying SSSI's or a part of a SSSI. However, if de-notified what other levels of site designation are available to prevent any further damage or development of the site?

Q82 The Council agrees that public bodies should also have to apply for consent for any damaging operations on SSSI's.