

**EPGBTWB 26 - Tystiolaeth gan: Cymdeithas Saethu a Chadwraeth Prydain | Evidence from: British Association for Shooting and Conservation**

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Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

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**1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?**

**2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

▪ **Part 1 - Environmental objective and principles (sections 1 to 7)**

The principles set out in section 2 are vague and susceptible to misinterpretation. For instance, the precautionary principle lacks a precise definition. As originally conceived, its function was to guard against serious or irreversible harm to the environment or human health in the absence of full scientific certainty. However, its scope has steadily widened, often being applied to cases involving more general or speculative forms of harm. This broadening, risks undermining proportionate, evidence-based decision-making. The precautionary principle has been misapplied where scientific uncertainty is treated as a reason for regulatory inaction or overreach, particularly in areas where sustainable land or wildlife management practices are involved. Greater clarity is needed in the principle's formulation, especially to avoid a drift towards vague thresholds of 'harm' rather than the more rigorous standard of 'serious or irreversible harm' found in the Rio Declaration.

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BASC recommends that the Environmental Principles section include clearer definitions, especially of the precautionary principle and 'environmental harm'. This would help ensure that policy is rooted in objectivity and evidence rather than political or ideological preference. For instance, sustainable shooting practices, which contribute significantly to habitat creation, predator control and species recovery (e.g. curlew and lapwing), are sometimes unjustifiably restricted under a misapplied precautionary approach. Wildfowling offers a further case in point: despite posing a negligible risk to site condition, it is subject to disproportionate regulation. A more accurate and proportional application of the precautionary principle, perhaps on a sliding scale based on the severity and reversibility of potential effects, would help ensure that well-evidenced conservation practices are not hindered unnecessarily.

### **3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- **Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)**

The establishment of the OEGW represents an important step toward ensuring environmental accountability. However, its ability to deliver on that intention depends on both the clarity of its remit and the robustness of its independence. At present, there is some ambiguity in how the OEG will interact with other regulatory bodies and whether it will have sufficient resources, expertise and authority to carry out meaningful oversight.

If the OEGW becomes overly focused on formal compliance with environmental principles and targets, as opposed to evaluating the substance and outcomes of environmental practices, it could inadvertently stifle effective, adaptive land management such as shooting-based conservation. Its powers must be exercised proportionately, with due regard to diverse forms of evidence and the real-world complexity of environmental decision-making. To be workable a balance must be struck between legal accountability and ecological practicality.

#### **4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

BASC is supportive in general of the plan, evaluation, targets and that local authorities must take action to contribute towards those targets.

With respect to the targets highlighted at 6B(2) it is important to be clear how you are going to define abundance of native species, noting and being supportive of the specific requirement to consider section 7 species. England has a similarly worded target in place and much work has been done by JNCC on how to measure it. Considering the underpinning datasets for species abundance are common between England and Wales and to enable UK level reporting, it would be illogical to alter the approach to an assessment in Wales for species abundance.

We think that 3 years to set these targets after the final bill has received Royal Assent is excessive.

Welsh Ministers will have the ability in 6F to designate a public body to set these targets. However, before they do this Welsh Ministers must consult them first and "any such person as they consider appropriate". What does this mean in practice? Later in the bill [6G(4) and 6I(5)] the phrase "Welsh Ministers must seek advice from persons they consider to be independent and to have relevant expertise" is used. Considering the importance of this element of the bill, why are similar requirements over these persons not replicated? We think they should be.

Developing that thought further, how are Welsh Government going to discuss the targets with stakeholders like the shooting community, farming groups, charities like the RSPB and Wildlife Trusts, etc who would not meet the definition of independent as they have stated objects and lobby government? To date, BASC has taken part in group meetings with Welsh Government teams looking at this

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subject area. Are you planning to keep this arrangement to gather input from the stakeholders who you know will be at the coalface of delivering the targets?

Are you planning a consultation on the targets? We see no mention of a consultation in the draft bill.

Returning to targets why does the bill only allow review of targets (6G and 6H) if they are effectively unachievable or no longer appropriate? If it becomes clear that a target has been set too low and needs raising, then this bill appears to be unable to vary it. This is a mistake.

## **5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- **Part 4 - General (sections 39 to 45 and Schedule 4)**

## **6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

Accurate and comprehensive data will be essential for the implementation and monitoring of biodiversity targets, particularly where regulatory decisions may restrict or permit land management activities. Collecting and maintaining such data is costly and must be adequately resourced if the Bill's provisions are to be delivered effectively. A lack of robust baseline data risks precautionary restrictions being imposed inappropriately, particularly on activities such as shooting that contribute positively to biodiversity. There is also a risk that data gaps will lead to disproportionate regulation in the name of caution, rather than targeted interventions based on site-specific evidence. Without sufficient investment in monitoring, the Bill's ambitions may lead to procedural compliance rather than genuine conservation outcomes.

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## **7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)**

These powers appear to be Henry VIII clauses. As such they should be tightly constrained, justified by clear necessity and subject to meaningful scrutiny. The ability to amend primary legislation by subordinate means should not be treated as routine. Where such powers are included, their scope and purpose must be carefully defined to prevent misuse and ensure democratic accountability.

## **8. Are any unintended consequences likely to arise from the Bill?**

One unintended consequence of the current framing is that it risks incentivising box-ticking approaches focused on meeting abstract targets rather than supporting proven conservation outcomes. Shooting-based conservation delivers measurable biodiversity benefits on the ground, yet these can be overlooked or marginalised if legal and policy frameworks prioritise formal metrics over substance. A rigid focus on compliance with precautionary thresholds or quantitative goals may unintentionally suppress locally adapted, effective land management practices that fall outside centralised models of 'good practice'.

## **9. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?**

## **10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**