

Joint Group on Wildfowling and Conservation on Tidal Land (JTG)

Wildfowling Lease Procedures 2009



Terms of Reference

The Joint Group for Wildfowling on Tidal Land (JTG) was set up to advise The Crown Estate on issues relating to wildfowling on inter-tidal land in England, Wales and Northern Ireland. In particular the JTG is concerned with the management of wildfowling in areas designated under UK or EU legislation as Special Areas of Conservation (SAC), Special Protection Areas (SPA), Sites of Special Scientific Interest (SSSI) and Areas of Special Scientific Interests (ASSI) and The Crown Estate's duties as a Competent Authority under the provisions of the Habitats Regulations 1994. The JTG's remit does not extend to Scotland where wildfowling is a public right.

The primary purpose of the JTG is to advise The Crown Estate on:

- i. the granting and renewal of leases of sporting rights on Crown Estate foreshore,
- ii. the monitoring of the operation of these leases to ensure that wildfowling is carried out in a sustainable manner and is compliant with the requirements of the EU Habitats and Birds Directives and any other relevant wildlife conservation legislation in accordance with guidelines from the Government Conservation Agencies (Natural England, Countryside Council for Wales Northern Ireland Environment Agency).

The Group is chaired by The Crown Estate and consists of appropriate representatives of The Crown Estate's Marine Estates Department, the statutory nature conservation agencies, Natural England (NE), Countryside Council for Wales (CCW), Northern Ireland Environment Agency (NIEA), and the British Association for Shooting and Conservation (BASC). Representatives of other organisations may be invited or co-opted to join the Group as considered appropriate.

Introduction

The JTG has agreed a standard procedure for applying for a lease of sporting rights on Crown Estate tidal land and performance of existing leases.

The procedure for new leases, which took effect from 1 March 1995, involves a clearly defined process of consultation and the preparation of documentation required to apply for or to renew a lease of sporting rights from The Crown Estate.

The aims of the procedure are to:

1. Establish a common approach for dealing with all applications for sporting leases on Crown Estate foreshore in England, Wales and Northern Ireland.
2. Ensure that all of those involved as applicants or consultees are aware of the procedures for dealing with applications for a sporting lease.
3. Establish a standard format for lease proposals and management plans (separate guidance on this is available from The Crown Estate and BASC for affiliated wildfowling clubs).
4. Encourage and promote effective management and measure success through monitoring
5. Facilitate appropriate compliance with the relevant statutory consultation and consenting procedures as set out by the three separate Government Conservation Agencies (NE, CCW, NIEA).
5. Develop an information base for future management.

The agencies will advise the JTG on current and proposed Estuary Management initiatives, including the management schemes prepared and implemented under Regulation 34 of the Habitats Regulations 1994. Where a Management process has been established on an estuary, an applicant for a shooting lease will be required to liaise with the Management Group or such sub-groups or working groups that specifically deal with wildfowling and conservation issues.

Annex A shows a schematic diagram of the application procedure for a lease of sporting rights by a BASC affiliated wildfowling club.

Annex B shows a schematic diagram of the application procedure for a lease of sporting rights by organisations other than a BASC affiliated wildfowling club.

Annex C shows a schematic diagram of the renewal procedure for a lease of sporting rights by a BASC affiliated wildfowling club.

Annex D shows a schematic diagram of the renewal procedure for a lease of sporting rights by organisations other than a BASC affiliated wildfowling club.

Annex E describes the procedure for new leases.

Annex F describes the procedure for the renewal of leases.

Annex G provides a list of consultees on applications for leases of sporting rights.

Annex H provides a copy of an Annual Shooting Return form

KEY TO ANNEXES

Action by tenant

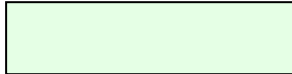
Action by The
Crown Estate ⁽¹⁾

Action by NE /
CCW / NIEA

Action by JTG ⁽²⁾

General action

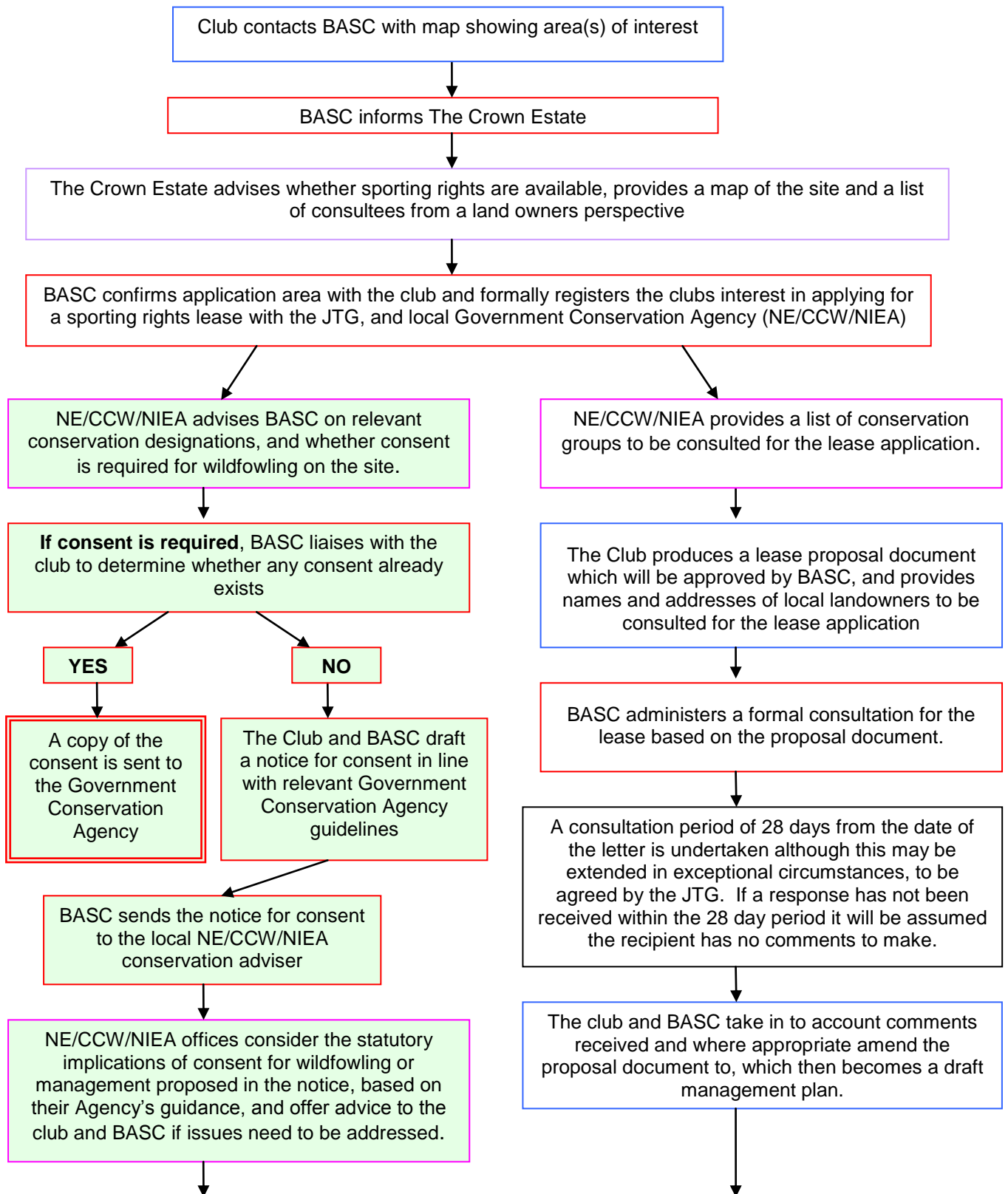
BASC

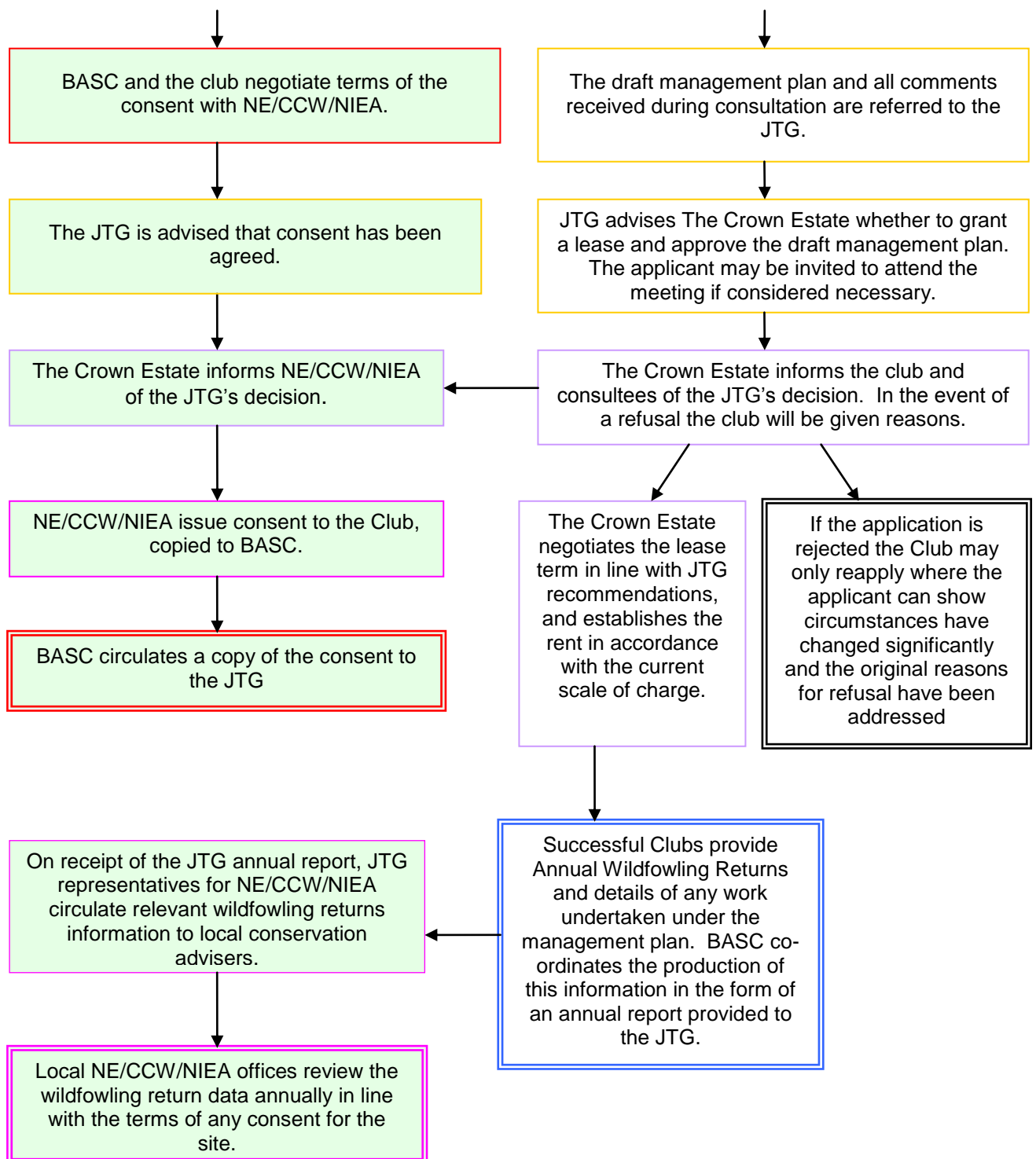


***All green shaded boxes relate to consent
on sites that are designated SSSIs / ASSIs.***

⁽¹⁾ Joint Group for Wildfowling and Conservation on Tidal Land (Joint Tidal Group)

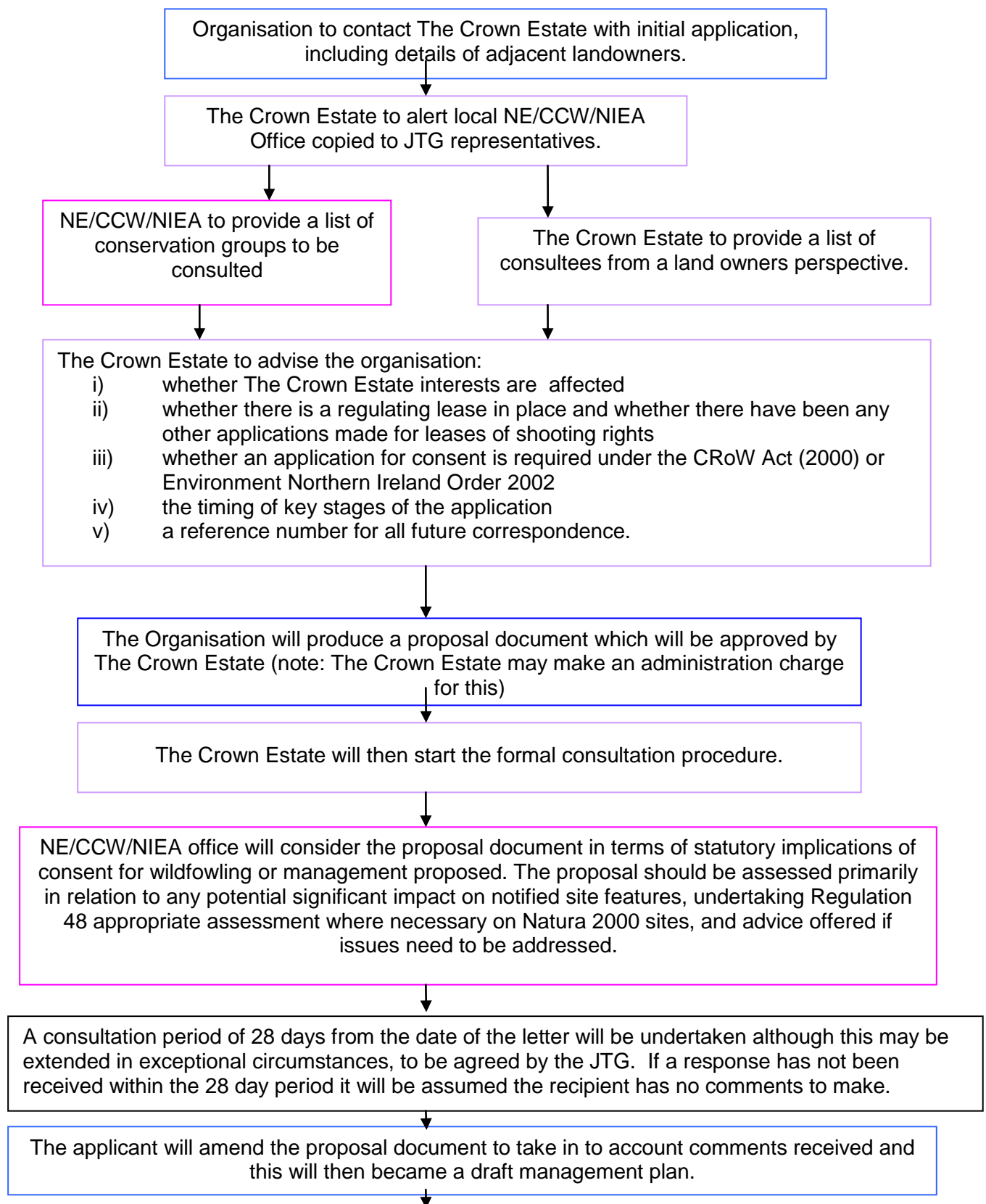
Annex A: Schematic Diagram of the application procedure for a new lease of sporting rights by a BASC affiliated wildfowling Club

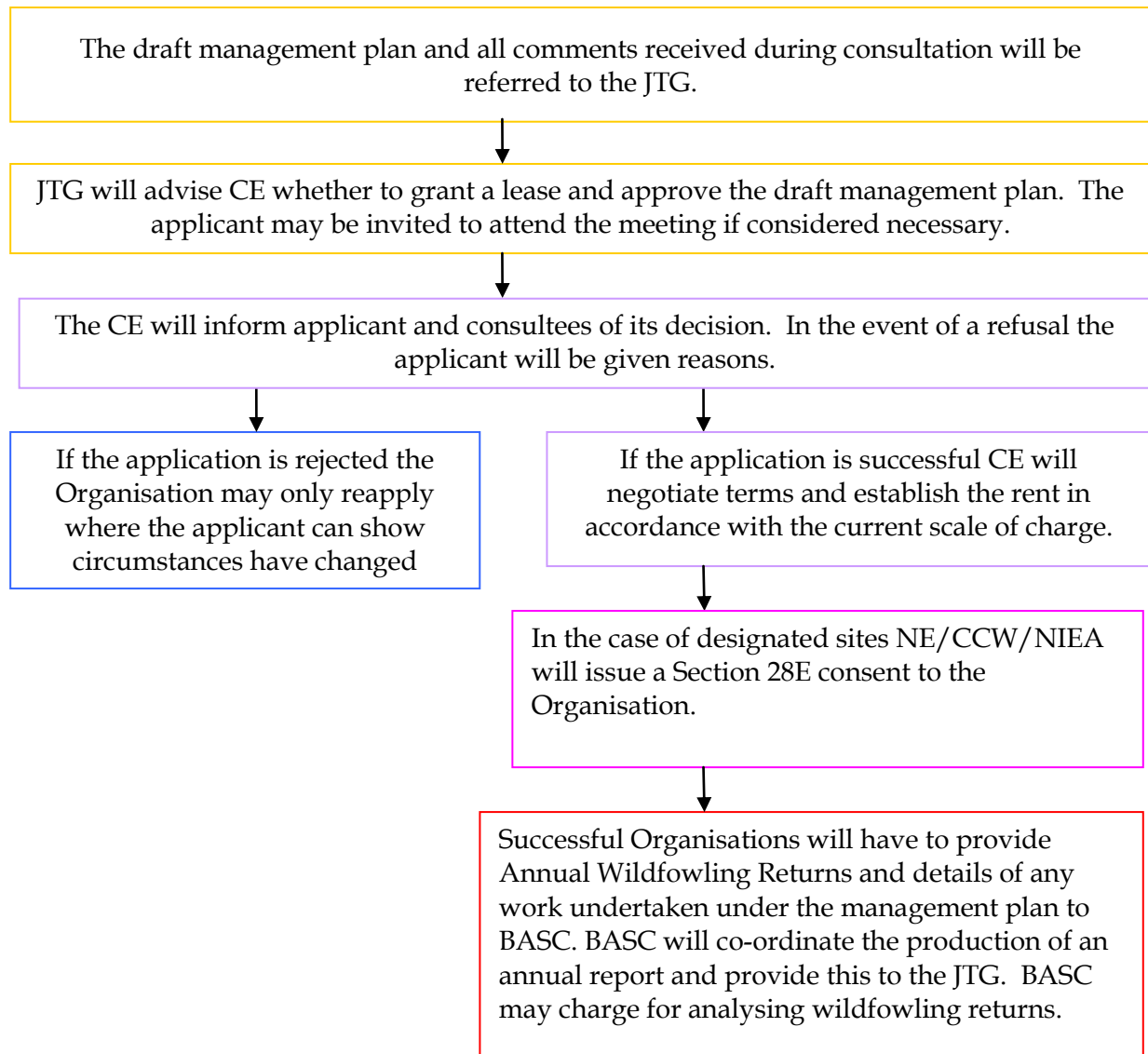




*** There is an expectation that all responses to correspondence will be received within 28 days.**

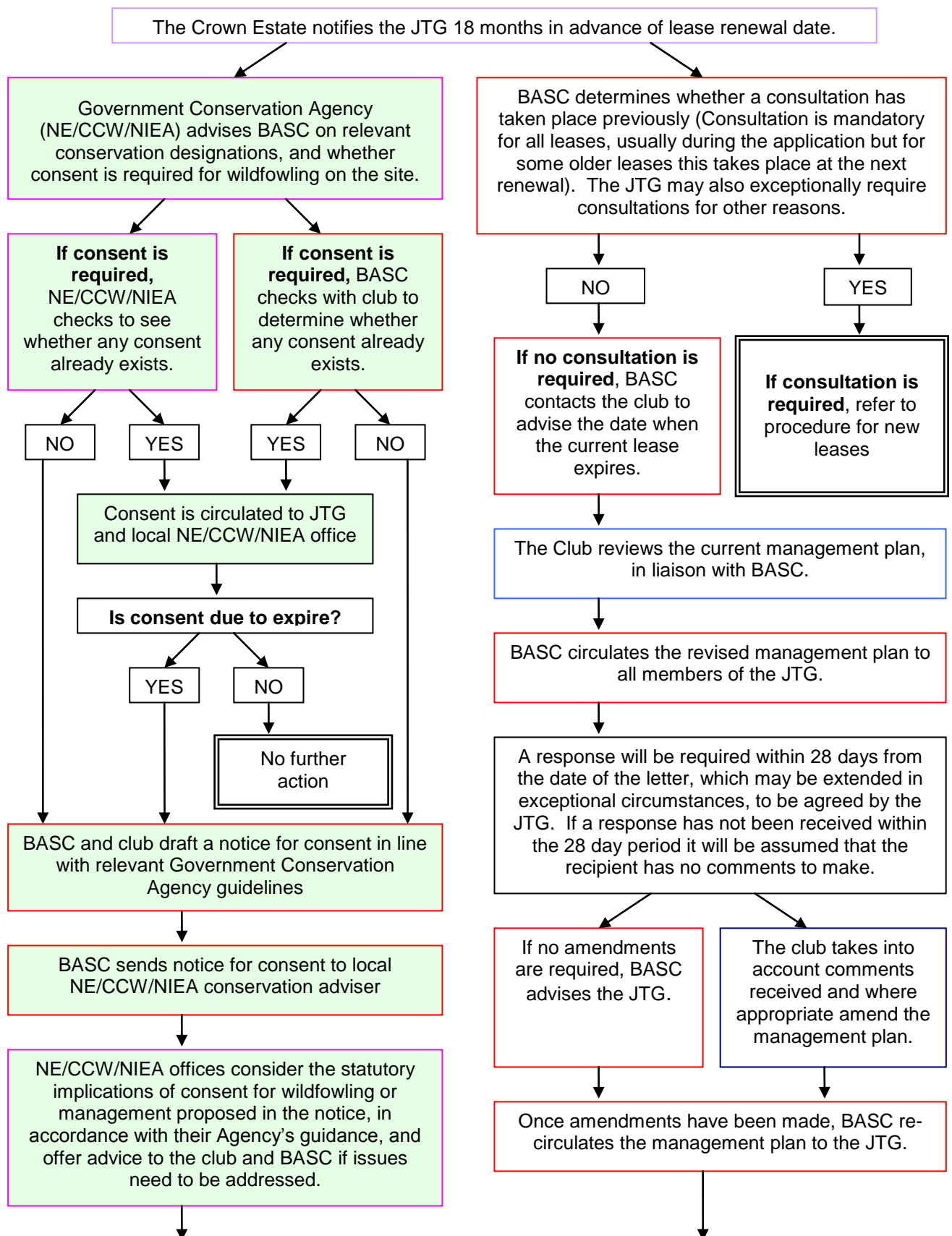
Annex B: Schematic Diagram of the application procedure for a lease of sporting rights by an organisation other than a BASC affiliated wildfowling club

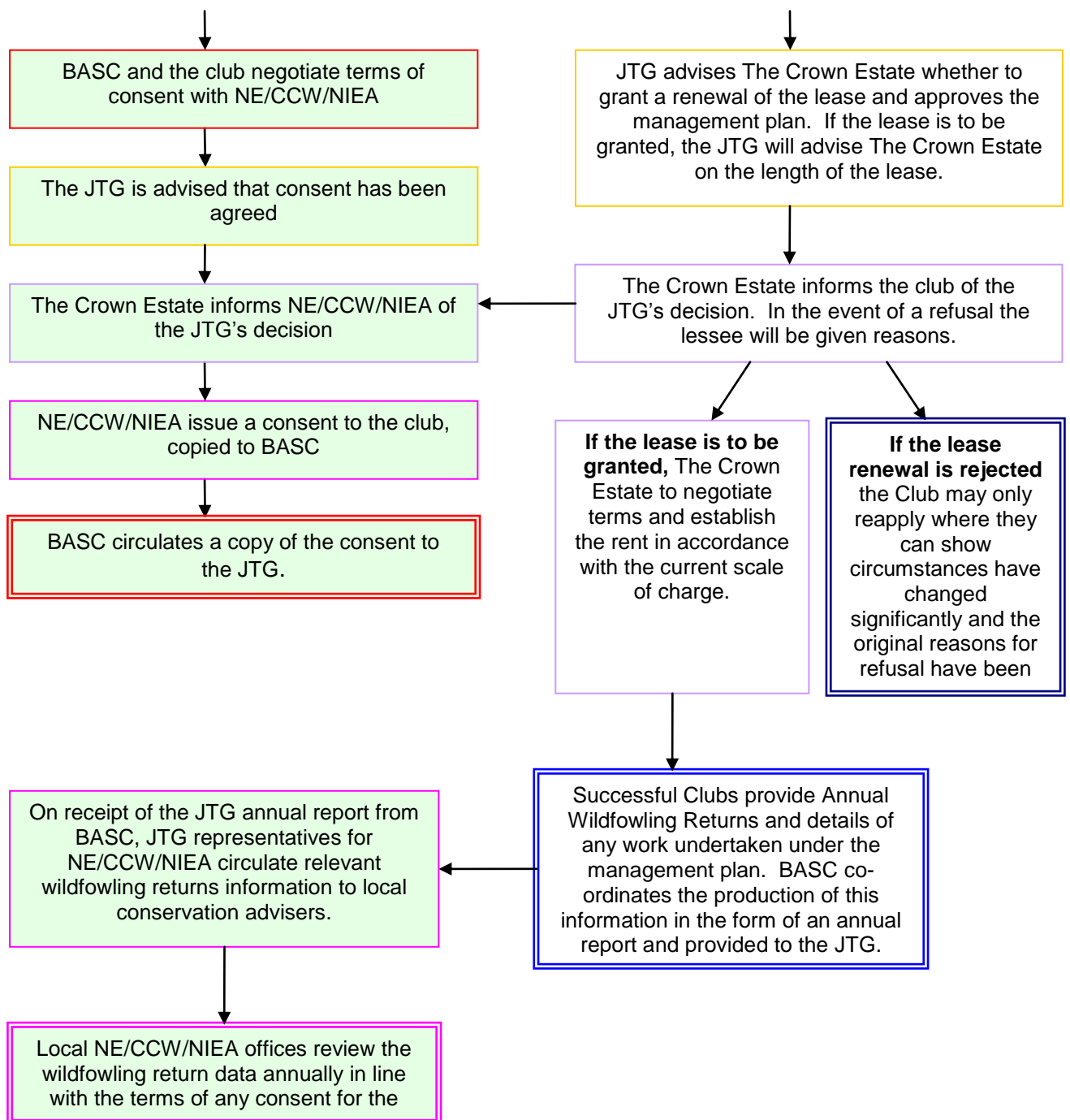




* There is an expectation that all responses to correspondence will be received within 28 days.

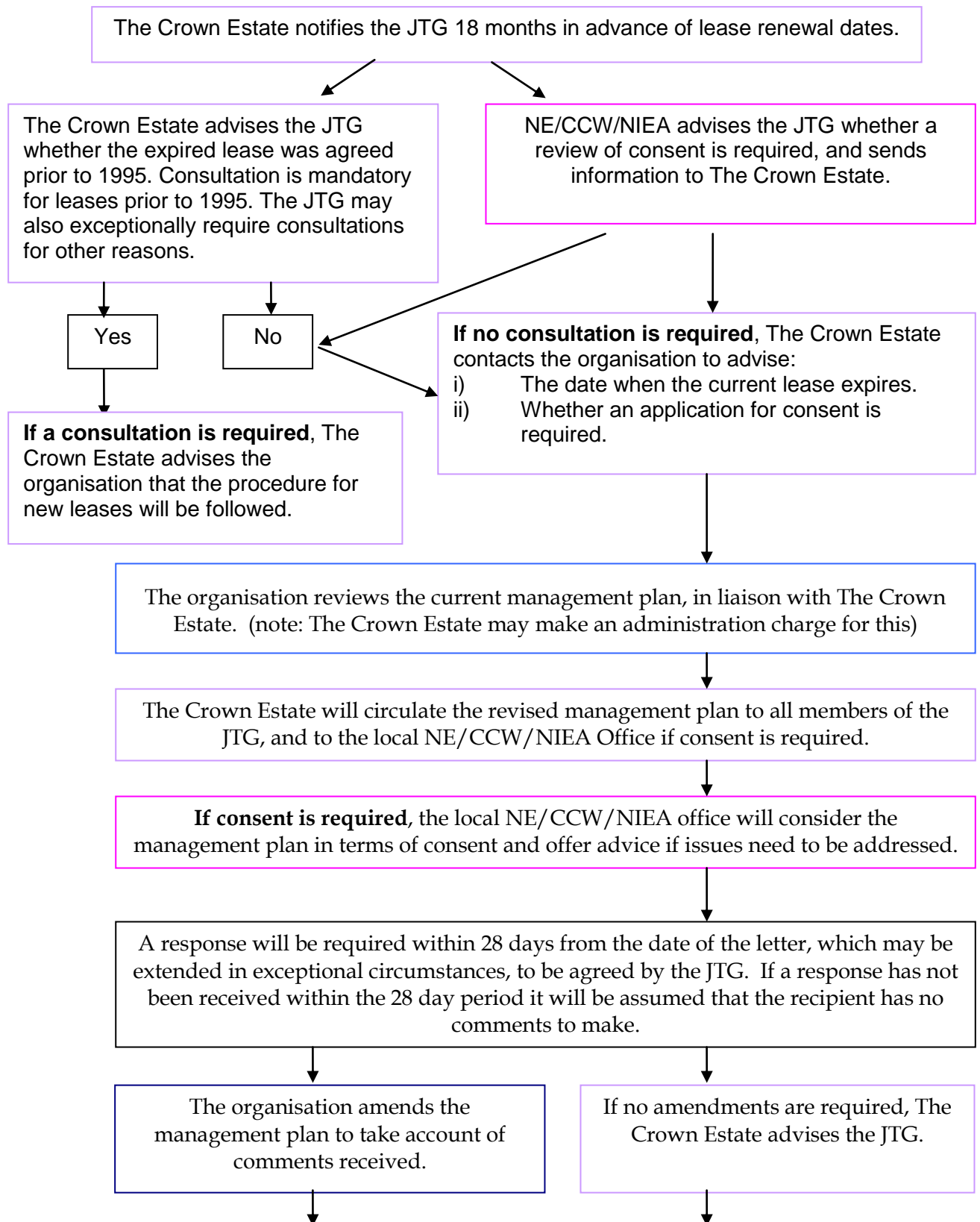
Annex C: Schematic Diagram of the renewal procedure for a lease of sporting rights by a BASC affiliated wildfowling club

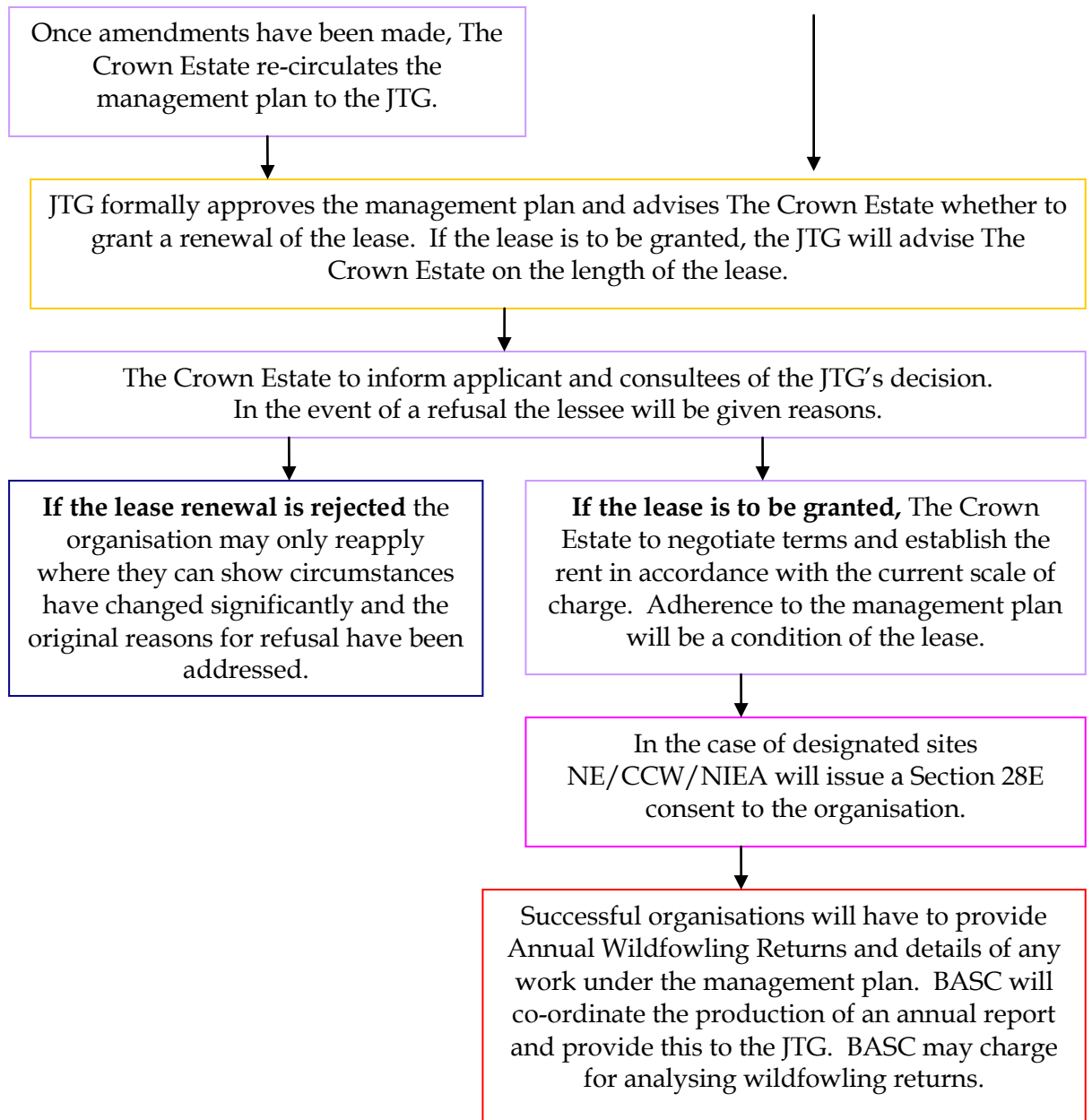




*** There is an expectation that all responses to correspondence will be received within 28 days.**

Annex D: Schematic Diagram of the renewal procedure for a lease of sporting rights by organisations other than a BASC affiliated wildfowling club





* There is an expectation that all responses to correspondence will be received within 28 days.

ANNEX E: Procedure for New Leases

1. A BASC affiliated wildfowling club may apply to take a sporting lease on Crown Estate tidal land. In this case BASC will be involved in co-ordinating the application procedure. The wildfowling club's initial letter of application should be addressed to BASC who will then inform The Crown Estate.
2. Organisations other than BASC affiliated wildfowling clubs wishing to take a sporting lease on Crown Estate tidal land will co-ordinate the application procedure themselves. Initial applications should be made to The Crown Estate.
3. On receipt of a letter of application BASC or The Crown Estate, as appropriate, will alert the local NE/CCW/NIEA Office, copied to the appropriate JTG representative. This is not the start of the consultation procedure. Early notification is simply to allow the local team to raise any known sensitivities. All correspondence will be copied to the JTG representatives but no view will be sought from them as to whether they are prepared to support or oppose the proposal at this stage.
4. NE/CCW/NIEA will provide a list of local or national conservation groups to be approached during the consultation stage of the procedure and The Crown Estate will provide information on any consultees who should be consulted from a land owner perspective. Details of adjacent landowners are to be provided by the applicant.
5. For organisations other than BASC affiliated clubs, BASC will be consulted.
6. BASC or The Crown Estate, as appropriate, will respond to the application letter by advising the applicant of:
 - a) Whether The Crown Estate's interests are affected.
 - b) Whether the area is subject to a regulating lease and whether or not any other applications for shooting rights have been made.
 - c) Whether an application for consent is required under the CRoW Act (2000) or Environment Northern Ireland Order 2002.
 - d) The timing of key stages of the application.
 - e) A reference number for all future correspondence.

The information required in a proposal document can be obtained from BASC or The Crown Estate.

7. The applicant will draft the proposal document. In the case of BASC affiliated wildfowling clubs this document will become a proposal for consultation when BASC are satisfied with its content. All administration costs to BASC are covered by the club's membership of BASC.

In the case of organisations other than BASC affiliated wildfowling clubs the document will become a proposal for consultation when The Crown Estate is

satisfied with its content. The Crown Estate may charge for the additional administration involved with drafting the plan.

8. BASC in the case of BASC affiliated wildfowling clubs, and The Crown Estate in the case of other organisations, will commence the formal consultation procedure. Proposal documents will be sent out simultaneously to some of the consultees listed in Annex G as appropriate. There is an expectation that all correspondence will be received within 28 days.
9. The NE/CCW/NIEA office will consider the management plan in terms of statutory implications of consent for wildfowling and/or management proposals. The proposal should be assessed primarily in relation to any potential significant impact on notified SSSI/ASSSI features or Conservation Objectives, undertaking Regulation 48 appropriate assessment where necessary on SAC, SPA or Ramsar sites, and offering advice if issues need to be addressed, or to highlight potential areas of concern e.g. where bird alerts occur.
10. Provision will be made for a consultation period of 28 days from the date of the letter which may be extended upon request in exceptional circumstance to be agreed with the JTG. If a response has not been received from a consultee within the given time period then it will be assumed that the consultee has no comments to make.
11. The applicant should amend the proposal to take account of relevant points raised during consultation and it will become a draft management plan at that stage.
12. The draft management plan and all comments received during consultation will be referred to the JTG, which will advise The Crown Estate whether to grant a lease and approve the draft management plan, subject to any additional points that may be considered necessary. If it is considered useful by the JTG an applicant may be invited to attend the meeting.
13. The Crown Estate will inform the applicants and consultees of its decision. In the event of a refusal an applicant will be given reasons for the refusal.
14. If a lease is to be granted The Crown Estate will begin negotiating terms and will establish the rent in accordance with the current scale of charge. The club or organisation can choose to instruct solicitors if it does not wish to utilise the standard sporting lease although this will be at its own cost. Adherence to the management plan will be a condition of the lease.
15. In the case of a designated site NE/CCW/NIEA will issue a Section 28E Consent to the Club. Copies will be sent to The Crown Estate and BASC for affiliated clubs.
16. The JTG will only consider a reapplication where the applicant can show circumstances have changed significantly and that the original reasons for refusal have been addressed.

17. Under the provisions of the lease and the management plan, there will be a requirement to monitor lease compliance. This will include an Annual Wildfowling Return (a copy is shown in Annex H), and details of any work undertaken under the management plan. This will be co-ordinated by BASC who will make an annual report to the JTG. BASC will charge clubs and other organisations that are not affiliated for analysing their wildfowling returns.

ANNEX F: Procedure for Lease Renewals

1. The Crown Estate will notify the JTG 18 months in advance of lease renewal dates.
2. The Crown Estate will identify any leases agreed before the introduction of the JTG lease application procedure in March 1995. All such leases being reviewed will be subject to a period of consultation in accordance with the procedure for new leases. The JTG may also advise The Crown Estate as to any exceptional need for repeat consultations.
3. NE/CCW/NIEA will advise the JTG of any changes in the conservation status of the site (new site designations, WeBS alerts, site management statements etc).
4. The lessees will review the management plan. In the case of wildfowling clubs this is done in liaison with BASC. All administration costs to BASC are covered by the club's membership of BASC. In the case of other organisations it is done in liaison with The Crown Estate. The Crown Estate may charge for the additional administration involved with revising the plan.
5. For organisations other than BASC affiliated clubs, BASC will be consulted.
6. The Crown Estate, or BASC in the case of BASC-affiliated wildfowling clubs, will circulate the revised management plan to all members of the JTG, and also to the local NE/CCW/NIEA office if consent is required.
7. The relevant local NE/CCW/NIEA office and members of the JTG will consider the revised management plan in terms of any necessary assessments or consents and offer advice if issues need to be addressed, or highlight potential areas of concern.
8. A response is required within 28 days of the date of the letter which may be extended upon request in exceptional circumstance to be agreed with the JTG. If a response has not been received within the 28 day period it will be assumed that the recipient has no comments to make. For any other correspondence there is an assumption that this will be received within 28 days.
9. The lessee should amend the management plan to take account of relevant points raised, and re-circulate to the JTG.
10. If no amendments are required to the management plan The Crown Estate, or BASC in the case of BASC affiliated wildfowling clubs, will advise the JTG of this.
11. If a lease is to be granted the JTG will formally approve the management plan and advise The Crown Estate on the length of the lease.
12. The Crown Estate will inform the applicants and consultees of the JTG's decision. In the event of a refusal an applicant will be given reasons for the refusal.

13. If a lease is to be granted The Crown Estate will begin negotiating terms and will establish the rent in accordance with the current scale of charge. The club can choose to instruct solicitors if they do not wish to utilise the standard sporting lease although this will be at their own cost. Adherence to the management plan will be a condition of the lease.
14. In the case of a designated site if required NE/CCW/NIEA will issue a revised Section 28E Consent to the Club. Copies will be sent to BASC for affiliated clubs and to The Crown Estate.
15. The JTG will only consider a reapplication where the applicant can show circumstances have changed significantly and that the original reasons for refusal have been addressed.
16. Under the provisions of the lease and the management plan, there will be a requirement to monitor lease compliance. This will include an Annual Wildfowling Return (a copy is shown in Annex H), and details of any work undertaken under the management plan. This will be co-ordinated by BASC who will make an annual report to the JTG. BASC will charge clubs and other organisations that are not affiliated for analysing their wildfowling returns.

Annex G: List of consultees for sporting rights lease applications

Members of the Joint Tidal Group:

1. The Crown Estate*
2. The British Association for Shooting and Conservation (BASC)*
3. Natural England (NE)*
4. Countryside Council for Wales (CCW)*
5. Northern Ireland Environment Agency (NIEA)*

Other interested parties who might be relevant:

6. NE/ CCW / NIEA local office *
7. Local authorities *
8. Regulating Lease Holders – if applicable, details from The Crown Estate*
9. RSPB
10. Adjacent Landowners
11. Local Conservation Groups
12. Other users of the estuary, e.g. yacht clubs, wildfowling clubs etc.
13. Estuary Management Groups or such sub-groups that may deal specifically with wildfowling issues.

* These organisations will be consulted in all cases.

Those organisations that are not marked with an asterix* will be consulted where it is considered appropriate.



Dear Club Member,

Instructions for Completion of Crown Estate Wildfowling Return

Please read the following carefully

This form is to be used to record your wildfowling activity on Crown Estate foreshore. If your club has a lease over more than one area of Crown Estate foreshore indicate this clearly on each form. Records should be for wildfowling activity on Crown Estate land only, unless the club has informed you otherwise.

Using Crown Estate foreshore to access another site for wildfowling does not constitute a visit and does **not** need to be recorded. Birds shot from an adjacent site that land on Crown areas should not be recorded. If shots are fired from the Crown Estate foreshore, this needs to be recorded. If a bird is shot from the Crown Estate foreshore, but lands outside the Crown Estate area, this still constitutes a bag return for the Crown Estate.

1. If you did not visit the site please tick the box at the top of the form and return the form to your Club's Wildfowling Returns Officer
2. It is very important that you record each wildfowling visit, even when no birds were shot or no shots fired.
3. In the **AREA** column please enter the appropriate number/name relating to the access point which you use.
4. In the **FLIGHT TIME** column please use the following codes:

Morning Flight	MF	Evening Flight	EF
Tide Flight	TF	Night Flighting	NF
5. If you stayed for more than one flight, please record each flight on a separate line.
6. The **NUMBER OF HOURS SPENT ON FORESHORE** column refers to the time spent on the foreshore during a wildfowling visit. This is measured from the time you enter the area of Crown foreshore to the time you leave that area of Crown foreshore.
7. Please also complete the **NUMBER OF CARTRIDGES FIRED** column.

The information gathered in points 7 and 8 above are to provide additional detail on wildfowling activity on the foreshore, as requested by the Joint Tidal Group. This information would be useful for demonstrating the relatively low level of wildfowling activity on a site, compared with other user groups, where relevant.

8. This wildfowling return form must be completed and returned to your club's Wildfowling Returns Officer **before the date specified by your club**. BASC must receive all return forms from each club by 1st April. Your clubs Wildfowling Returns Officer will therefore require your return form sometime prior to 1st April.
9. All returns will be treated as strictly confidential. No individual wildfowler will be identified in any future reports or data use. If preferred, the club may wish to issue members with a code number, ie. club membership may be 30 that year, therefore codes 1-30 could be used, with the club member printing the code

rather than their name on the form. Please discuss with your club secretary if relevant to your club.

Your club is required to provide a **fully** completed wildfowling return for **each** member under the terms of its lease agreement from The Crown Estate. Please help us satisfy this requirement – to do otherwise will jeopardise your shooting.

Returns Form for The Crown Estate Leases in Northern Ireland

Name of Club/Association

Member Name/Code: (Please print):

Crown Lease Site Name:

If you did not visit the site during season please tick here

Date & Month	AREA NO.	FLIGHT TIME (MF, EF, TF)	NUMBER OF HOURS SPENT ON FORESHORE	DUCKS										GEESE				WADERS					NUMBER OF CARTRIDGES FIRED	COMMENTS				
				MALLARD	TEAL	WIGEON	PINTAIL	TUFTED	POCHARD	SHOVELER	GADWALL	GOLDEN EYE	SCAUP	DUCK TOTAL	PINKFOOT	GREYLAG	CANADA	GOOSE TOTAL	G OLDEN PLOVER	CURLEW	SNIPE	JACK SNIPE			WOODCOCK	WADER TOTAL		