

**Jersey Farmers' Union and Royal Jersey Agricultural and Horticultural Society – Joint Submission**  
**9<sup>th</sup> October 2020**

Thank you for your invitation to make a submission to the Environment, Housing and Infrastructure Scrutiny Panel in respect of P.110/2020 Draft Wildlife (Jersey) Law 202-.

Following discussions between the RJA&HS and Jersey Farmers' Union it is apparent that both share concerns that certain articles in the law require clarification to ascertain whether normal agricultural activities could be considered in breach of the law. It was understood at the time of the public consultation in November 2018 that the industry would be consulted on specific issues at a subsequent date and prior to final draft which has not happened.

There are a number of issues of concern which have been raised and some key examples include:

- The extent to which statutory activities, such as Branchage, could lead to a breach of Articles 7 through to 13.
  - o Whilst it is understood that the Minister has the power to issue guidance as to the application of provisions of the Law, should this guidance not be available for scrutiny prior to adoption of the Law?
  - o Where a conflict results between knowingly causing an offence under the Law or causing a breach of another law by not undertaking the action, e.g. Branchage, which takes precedent? This is particularly acute when Branchage has to be undertaken by certain dates in the year.
  - o The advice we have received is that a person would not commit an offence if they can show that they have taken 'reasonable precautions' not to commit an offence, but there is no guidance as to what constitutes 'reasonable precautions'. In extremis, the inspection of all hedges prior to cutting is impractical.
  
- The extent to which cultivations of land left fallow for a period could lead to a breach of Article 21.
  - o There are instances where populations of wild plants have become established within a short period of time on land left fallow for the purposes of good agricultural practice, does this preclude their future cultivation?
  - o The use of wild flower seed mixes planted for the benefit of wildlife could be affected by concerns that the subsequent establishment of wild plant populations, on that land or neighbouring land, might lead to the inability to undertake cultivations.
  
- The extent to which Article 35 for the designation of Areas of Special Protection could be applied to agricultural land.
  - o Could these result in the prevention of, or interference with, the normal and timely cultivation or management of land?
  - o Could these result in 'mission creep', for example being used across the whole of a planning zone, e.g. the Coastal National Park?
  
- A confusion between Schedule 9 and Schedule 10 regarding the use of Larsen or Ladder traps.
  - o These are internationally recognised as being a most effective method of controlling Corvid spp., which are serious agricultural pests.

We should be pleased to expand on these points in more detail at a further date.

Yours sincerely

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Peter Le Maistre, President Jersey Farmers Union