

**By email**

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Our Ref: RGA/CDA/00191552/30

Date: 7 February 2023

Dear Natural England

**Dendles Wood National Nature Reserve and Site of Special Scientific Interest**

We write on behalf of Wild Justice, a not-for-profit company set up to advocate on behalf of wildlife to further nature conservation in the UK, to encourage public participation in nature conservation issues and to ensure that UK laws, policies and practices protect wildlife.

Wild Justice is concerned that Pheasants released from pens associated with the Blachford Estate are likely to be causing harm to valuable biodiversity including the rare Blue Ground Beetles which are a key part of the recognised ecological value of Dendles Wood National Nature Reserve (“NNR”) and Site of Special Scientific Interest (“SSSI”), and the Dartmoor Special Area of Conservation (“SAC”) of which they are part, as well as other key features of those areas as noted below.

**Our purpose in writing**

Wild Justice is keen to understand what action is being taken by Natural England (and others, if relevant) in relation to that risk of harm. We are writing to try and ensure that we have a full understanding of the situation.

With our clients we have considered various documents (as mentioned below) which are either already in the public domain or which have been provided to us by others who have obtained them by Freedom of Information and/or Environmental Information Regulation requests.

We would ask you not only to provide the information set out at the end of this letter but also correct any misunderstandings on our part of the position as set out in this letter.

## **Dendles Wood NNR and SSSI (and the Dartmoor SAC)**

We understand that the freehold of 28.56 ha of Dendles Wood NNR is owned by Natural England. The remaining 0.44 ha is owned by South West Water.

The NNR also forms part of a 50.4 ha (though we have also seen other figures for this, as below) SSSI also known as Dendles Wood SSSI; and is part of the Dartmoor Special Area of Conservation (“SAC”).

## **Dendles Wood 2015-2020 Management Plan**

We have seen a copy of Natural England’s Management Plan for Dendles Wood for 2015-2020. There does not seem to be a later replacement or update Plan **{See request 1 below}**.

### *Shooting consents within the plan*

The 2015-2020 plan explained that:

“The extent and scale of the shoot was undetermined at the [unspecified] time of writing, due to a request for its consent being uncompleted. The consent will permit number of birds, including species, and locations of any pens, feeders etc, and also clarify the number of days per year and dates that the shoot will be active through Dendles Wood NNR.”

We do not know whether the contemplated consent was ever completed or any details if so **{See request 2 below}**.

## Fauna of interest – the Blue Ground Beetle

The 2015-2020 plan provides details on fauna of interest at Dendles Wood, including beetles. The plan says this:

“A significant population of Blue ground beetle *Carabus intricatus* occurs within the NNR. This is a Red Data Book Class1 species, for which there is a species action plan in the UK Biodiversity Steering Group report (HMSO, 1995). The Blue ground beetle is known to be in decline in Europe and is considered threatened in the Netherlands, Belgium, Luxembourg and Denmark. Its status elsewhere is uncertain. It has always been rare in the UK, with records from only 12 sites in Devon and Cornwall. The most recent survey in 1999 found the beetle at just three of these sites, including Dendles Wood and a nearby woodland. The Blue ground beetle is found only in mature Beech and Oak woodland with little ground vegetation and high humidity. It is considered to be an indicator species for deadwood in Europe. It cannot fly, so its dispersal abilities are limited. This beetle is listed as *Lower risk/near threatened* in the 2009 IUCN Red Data list (World Conservation Monitoring Centre, 1996) and *Endangered* in the GB Red List and is included in the UK Biodiversity Action Plan. This species has been surveyed here since 1995 (Tuner C 2016) and has reported on as part of the species recovery project and recently by NE staff and volunteers including some from the DPA.”

We have no information on whether the “since 1995” survey activity described there has continued and, if so, with what result **{See request 3 below}**.

## Site strengths

At paragraph 2.1.1 the plan lists “Site Strengths” including “An important site for its fauna - breeding bird assemblage, rare beetles and bats.” The mention of rare beetles would appear to be a reference to the Blue Ground Beetles.

## Site management policy

At paragraph 2.2, the plan describes (seemingly in part as a later insert into the plan's original text, though it is not clear) a "Site Management Policy", which explained what Natural England would do "during 2020". This included:

"Natural England will deliver a more ambitious NNR standard that aims for 100% achievement of habitat health and extent through measures of 'favourable' or 'unfavourable recovering' condition including a significant uplift in 'favourable condition'."

We are unclear if that has happened and, if so, to what effect in relation to Dendles Wood **{See request 4 below}**.

In any event, the Site Management Policy section of the Plan continued:

### **"Important Species**

Dendles Wood has populations of two particularly important species, the **Blue ground beetle *Carabus intricatus*** and the **Barbastelle bat *Barbastella barbastellus***.

Positive management for these two species is very important and can be achieved without conflict with other management objectives. At Dendles Wood the current policy of leaving fallen and standing dead wood in situ should maintain the **Blue ground beetle** population, provided that the open ground cover is also maintained. Hopefully a PhD study could provide a better idea of their requirements and build on current monitoring of the site. High pheasant stocking rates are a threat to this species.

...

### **Research**

...

Following discovery of the importance of Dendles Wood to Barbastelle bats research has been initiated here and at other Dartmoor woodlands, and any further research into this and Blue Ground Beetle should be encouraged and supported where possible.

Accurate records should be kept of past and present management and natural events which have an effect on the reserve and may contribute to this continuing research.” [underlining added]

We have no information on whether the contemplated PhD study has taken place and, if so, with what outcome **{See request 5 below}**.

Likewise, we have no information of what, if any, records have been kept of past and present management as mentioned there **{See request 6 below}**.

### Listed Site Features

Feature 7 within the plan’s list of site features is the Blue Ground Beetle. The text records that:

“A significant population of Blue ground beetle *Carabus intricatus* occurs within the NNR. This is a Red Data Book Class1 species, for which there is a species action plan in the UK Biodiversity Steering Group report (HMSO, 1995).”

The linked “objective” is:

“Subject to natural change, to maintain habitats which support breeding populations of this species in favourable condition.”

The factors said to be impacting on that feature include, as Factor 2, “Pheasant population” (but all that is said on that is “projects” which appears to be a heading with nothing more).

Under “Attribute: 1 Population: Numbers/Distribution” two projects are listed: RA73/1 “Blue Ground Beetle Count – Night Searches”; and ML80/1 “Enable/Promote PhD

research – Blue Ground Beetle Ecology”. A later entry says “Assist with PhD 2020-2023”. Entry RA74/1 makes the same point. We have no information about whether such night searches **{See request 7 below}** or PhD research **{See request 5 below}** have taken place and, if so, with what outcome.

### Climate Change

The Plan also includes a climate change vulnerability assessment. One vulnerable feature is said to be the Blue Ground Beetle, the key habitat for which is said to be impacted by periods of hot dry weather and drought as identified to be associated with climate change.

### **Other at risk features of the SSSI/SAC**

As above, Dendles Wood is not solely an NNR it is also part of the wider Dendles Wood SSSI and the Dartmoor SAC.

The NNR designated features<sup>1</sup> include diptera species, Blue Ground Beetle, bryophyte (liverworts and mosses) assemblages and lichen assemblages. The SSSI citation<sup>2</sup> includes mention of the 'profuse growth of mosses' and 'luxuriant epiphytic lichen flora' as reasons for designation. The Dartmoor SAC<sup>3</sup> was designated in part for the Annex 1 habitat 'Old Sessile Oak woods with Holly and Hard Fern' and despite covering only c50ha of the 25,000ha site, Dendles Wood is given special mention for its 'species-rich bryophyte mat' and the 'luxuriant epiphytic lichen flora including several rare species'.

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<sup>1</sup>

<https://designatedsites.naturalengland.org.uk/SiteGeneralDetail.aspx?SiteCode=1006045&SiteName=Dendles%20Wood&countyCode=11&responsiblePerson=&SeaArea=&IFCAArea=>

<sup>2</sup> <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1003586.pdf>

<sup>3</sup> <https://sac.jncc.gov.uk/site/UK0012929>

As established in the studies reviewed by Natural England in its review of the ecological consequences of gamebird releases<sup>4</sup>, non-native gamebirds, particularly Pheasants, are increasingly recognised as being a threat to native flora and fauna (including therefore those noted above to be present here) through direct predation of invertebrates and browsing or grazing of flora, through direct scratching of ground vegetation and the impacts of defecation on nutrients.

The high conservation interest of these designated areas is plainly at risk of damage from Pheasants (as explained further below).

### **Natural England's SSSI Designated Site View: ORNECs**

We have also considered the documents linked to the Natural England "Designated Sites View" web page for the (49.882 ha) Dendles Wood SSSI. It notes that the site was designated as an SSSI on 27 June 1986. It explains a concept of "Operations requiring Natural England's consent (formerly known as 'operations likely to damage the special interest' (OLDs) or 'potentially damaging operations' (PDOs))" namely:

"As part of a SSSI notification Natural England must provide a list of operations requiring Natural England's consent (in the past this list has been known as operations likely to damage the special interest or potentially damaging operations). None of the listed operations can be carried out or permitted without Natural England's prior written consent or the consent of another public body (provided that the other body has formally consulted Natural England first). This applies where a person wishes to undertake any of these operations themselves or plans to allow others to carry them out. It is usually possible to carry out many of these operations in certain ways or at specific times of year, or on certain parts of the SSSI, without damaging

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<sup>4</sup> Ecological Consequences of Gamebird Releasing and Management on Lowland Shoots in England (NEER016) (<http://publications.naturalengland.org.uk/publication/5078605686374400>)

the features of interest. Natural England can provide early advice and, where appropriate, issue a consent. In certain circumstances it will not be possible to consent to these operations, because they would damage the features of interest. Where possible Natural England will suggest alternatives which would enable a consent to be issued. To proceed without Natural England's consent may constitute an offence. If consent is refused, or if conditions are attached to it which are unacceptable to the owner or occupier, they may appeal to the Secretary of State for Environment, Food and Rural Affairs."

The applicable "ORNEC" document for this SSSI includes: "9 The release into the site of any wild, feral or domestic animal, plant or seed" where "'animal' includes any mammal, reptile, amphibian, bird, fish or invertebrate" and "28 Introduction of and changes in game and waterfowl management and hunting practice." We have no information about any notifications in relation to those matters, let alone what if any consent Natural England (or any other public body) has given in relation to those matters **{See request 8 below}**.

We also note that the Designated Sites View shows that the SSSI comprises four units. The units were last assessed by Natural England on a number of different dates. The last date that any of the four units was assessed was 23 June 2011. **{See request 9 below}**

### **The Blachford Estate**

Google Earth images appear to show that the Blachford Estate, which owns land adjacent to Dendles Woods and shooting rights in relation to Dendles Wood, has Pheasant pens at about 225 metres from the edge of Dendles Wood.

We assume that those pens are operated in the conventional way with young Pheasants being introduced to be fed up and then released (as 'gamebirds') for Pheasant shooting.



Our understanding is that the Pheasants and shooting in question actually operate as part of the wider “Cornwood Shoot” (which also uses land within the Delamare Estate). The Cornwood Shoot’s website advertises what appears to be a busy programme of ‘driven days’ involving 250-400 birds.

Wild Justice believes that those activities therefore involve significant releases of Pheasants from the pens on the Blachford Estate close enough to the Dendles Wood SSSI (and the NNR part of it which happens to be the closest to the pens) for it to be inevitable that the pheasants in question will enter the NNR/SSSI/SAC area in significant numbers. Their releases would therefore be “releases into the site” and thus ORNECs within the description above **{See request 8 below}**.

Such releases (being within 500m of the SAC) would, of course, also be contrary to the provisions of section 14 Wildlife and Countryside Act 1981 (read with its Schedule 9 as amended from 21 May 2021) and thus illegal unless carried out pursuant to an applicable general or specific (i.e. individual) licence.

As far as we are aware no specific licences have been issued in respect of these releases **{See request 10 below}**.

Accordingly, they would only be legal if in accordance with general licence GL43 (issued under sections 16(4) and 16(5) of the 1981 Act). GL43 runs from 31 May 2022 to 31 May 2023. GL43 makes clear that a person cannot act under its terms if they have been “notified in writing by Natural England that [they] are subject to a formal investigation or a sanction as a result of damage caused to a European site by releasing common pheasants or red-legged partridges”. The Secretary of State may withdraw GL43 permission from particular persons. GL43 specifies numeric limits on the numbers of Pheasants which can be released in or within 500 metres of a European site. Condition 3 explains that:

“If you, as the authorised person, are releasing 50 or more gamebirds within a European site or its buffer zone, you must provide the:

- total number and species of gamebird released within a European site
- total number and species of gamebird released within the 500m buffer zone
- gamebird density (birds per hectare)
- location of release site (6-figure grid reference)

Use the [online reporting form](#) to submit your information to Natural England. If you're unable to access this form, you can email your information to Natural England: [gamebirds@naturalengland.org.uk](mailto:gamebirds@naturalengland.org.uk)

You must provide this data within one month of releasing common pheasants or red-legged partridges under this licence.”

We believe that there may have been no such notifications in relation to the Pheasant releases at the Blachford Estate **{See request 11 below}**.

## **Natural England**

Natural England has monitoring, enforcement and other obligations in relation to Dendles Wood by virtue of its designation as an NNR, SSSI and SAC. Given the Pheasant releases described above and the potential risk to key features of the NNR/SSSI/SAC that creates, as above, those obligations are engaged here **{See requests 13-15 below}**.

## **Our questions and requests for information**

We would be grateful for clarification on the following questions:

1. Is the Dendles Wood 2015-2020 Management Plan still in operation? If there is an update or replacement please provide a copy.
2. What, if any, action was taken (as expressly contemplated by that Plan) to ascertain “the extent and scale” of Pheasant shooting and what, if any, consent was given for pens, feeders, etc as contemplated by that Plan?

3. What if any species surveying has been undertaken (whether by Natural England or others), as contemplated by that Plan, as part of the Blue Ground Beetle species recovery project since 2015? Please provide copies of any survey results.
4. What action has Natural England taken (as contemplated by the plan) to develop a “more ambitious NNR standard” of relevance to Dendles Wood?
5. What, if anything, has happened in relation to the PhD studies mentioned in the Plan as above, and with what outcome?
6. What, if any, records have been maintained of “past and present management” (as explained by the Plan) since 2015.
7. What, if any, action has been undertaken by way of Blue Ground Beetle night searches (as noted as Project RA73/1 above) and with what outcome?
8. Mindful of the proximity of the Blachford Estate pheasant releases to Dendles Wood and the inevitability that the released Pheasants will enter the SSSI, what, if any, notifications has Natural England received (by way of ORNECs) since 2015 in relation to the management and releases of those Pheasants? What, if any, consents has Natural England granted in relation to those releases? What if any action has Natural England taken, or is Natural England contemplating in relation to releases not notified and consented via the ORNEC process?
9. Have any assessments of the condition of the four units comprising the SSSI been carried out by Natural England subsequent to those listed in the Designated Sites View and:
  - a. if so, on what dates were such assessments made?
  - b. if so, what were the findings of such assessments in terms of the condition of the units?
  - c. if not, what plans does NE have to update these assessments?
10. As far as Natural England is aware, have any specific or personal licences (within section 16(4)/(5) of the 1981 Act) been issued since 21 May 2021 in

relation to the release of Pheasants on the Blachford Estate within 500m of the Dartmoor SAC? Please provide (redacted) copies of any if you have them.

11. What if any notifications of any such releases have there been to Natural England (within the requirements of condition 3 of the current GL43) since 21 May 2021? Please provide (redacted if necessary) copies of the notifications provided.
12. What information does Natural England have (other than provided via any notifications mentioned in 8 and 11 above) about Pheasant releases from within the Blachford Estate since 21 May 2021? Please provide copies of any relevant documents.
13. What if any action has NE taken, or is NE contemplating, in relation to releases not within the scope of any specific licence or within the terms of GL43 and its conditions (including as to numbers and notifications)? Please explain the basis on which NE has decided to take that action, or not to act, as the case may be.
14. What action (including monitoring) other than already described in answer to the questions above is Natural England taking in relation to risk to Blue Ground Beetles in Dendles Wood posed by Pheasant releases in the Blachford Estate? Please explain the basis on which NE has decided to take that action, or not to act, as the case may be.
15. What action (including monitoring) other than already described above in answer to the questions above is Natural England taking in relation to the risk to the bryophytes, lichen flora, old sessile oak woods, holly and hard fern posed by Pheasant releases in the Blachford Estate? Please explain the basis on which NE has decided to take that action, or not to act, as the case may be.

16. In relation to your answers to 13-15, please explain how that action relates to or discharges obligations falling on Natural England by reference to the wood's designation:
- a. as an SSSI; and
  - b. as an SAC (including therefore by reference to regulation 9(1) of the Habitats Regulations and Article 6 of the Habitats Directive).

For the avoidance of doubt, these requests are made in accordance with the Environmental Information Regulations 2004. Please provide a response as soon as possible and in any event within 20 working days, i.e. by 7 March 2023.

Yours faithfully



**Leigh Day**