

Submission on the Wild Bird Declarations [Regulation 3(1) (A) of the European Communities (Wildlife Act 1976) (Amendment) Regulations 1986 (S.I. No. 254 of 1986)] made by the NPWS Agri-Ecology Unit (AEU).

In summary, we recommend:

- Removal of Wood Pigeon (*Columba palumbus*) from the year-round state-wide declaration under the auspices of crop protection.
- Maintain the open season order on the species for the purposes of control
- Utilize a
- Section 42-type licencing system for out-of-season control
- Undertake a contemporary review of the species interaction with crops with respect to damage
- Clarify the legal standing of the derogation and in particular the shooting of birds over non-cropped areas (stubble fields), and the responsibility of landowners to provide evidence of crop damage.

The AEU would like to recommend the removal of Wood Pigeon (*Columba palumbus*) from the state-wide and all year round declaration but the retention of the shooting of Wood Pigeon during the Open Season (The period beginning 1 November in each year and ending on 31 January immediately following that year). We recommend that farmers should be able to apply for licences under section 42 of the Wildlife Act to control Wood Pigeon outside of the Open Season.

The issue of Wood Pigeon Shooting under the derogation was presented to the Agri-Ecology Unit on a number of occasions throughout 2019. Concerns about this practice ranged from a lack of scientific evidence regarding the damage the species does to modern crops- the rationale of the derogation for the species- through to concerns over the direct and indirect effect of the targeting of large numbers of Wood Pigeon during the summer months on other species e.g. disturbance to other wildlife and potential trophic imbalances. Another consideration is the effect of control of Wood Pigeon in areas where Stock Dove co-occur. Stock Dove, currently amber-listed, is showing a declining trend (-38% 10-year trend; -58% 18-year trend) based on recent CBS trend analyses (<https://www.npws.ie/sites/default/files/publications/pdf/IWM115.pdf>), and while not listed on the Article 9 derogation, additional pressure from disturbance caused by shooting activities during the breeding season may have some impact on local populations at the very least.

There is a lack of comprehensive studies into Wood Pigeon damage of crops in Ireland to inform the decision to allow for year-round derogations for their control. Much of the perceived damage to crops by Wood Pigeon is based on anecdotal accounts and historic issues when cropping systems were more prone to consumption by grain eating birds. Any suggestion to retain the declaration in its existing format should be accompanied by current scientific evidence to justify the derogation.

Studies of Wood Pigeon food preference in Ireland from 2013 have shown that in spring, the diet of Wood Pigeons is dominated by fruit and seeds of trees (Ivy), where they constituted

55.3 ± 32.7%. In summer, the diet is variable and consists of a relatively equal proportion of Cereal grains (27.1 ± 37.7%), clover (22.3 ± 31.1%). Weed material (19.0 ± 30.2%):

(see: <https://www.tandfonline.com/doi/full/10.1080/00063657.2013.798259>)

This above study further highlighted that cereal crops were only the preferred food during the autumn months (defined as August–October in the study). Based on current cropping systems, these crops were most likely consumed post-harvest i.e. harvest spillage left on stubble fields. The derogation is given to ‘prevent serious damage to crops’ but there is limited evidence to suggest ‘serious damage’ to crops occurs during the summer period.

The Wildlife Crime Committee recently requested clarification over the declaration to shoot Wood Pigeon under the derogation owing to a number of complaints and queries to the Agri-Ecology Unit by farmers and members of the public. [REDACTED]

The issue of Wood Pigeon Shooting during the summer months, for recreational and commercial reasons has also been presented to the Agri-Ecology Unit on a number of occasions during 2019 and is also discussed here.

Matters arising from AEU interactions with farmers and landowners included landowners having not given permission to shoot Wood Pigeon over their lands, shooting next to public roads, non-target species being shot, and no clear evidence of a need to prevent crop damage e.g. shooting over stubble fields and drawing birds to commercial shooters over specially sown or left crops. There is a lack of clarity as to how organised shooting of Wood Pigeons complies with the purpose of the derogation i.e. to prevent serious damage to crops. Case law highlights that a certain degree of damage is required before the derogation operates so to pre-empt a situation by organising a shoot before damage occurs would effectively breach the Directive. Under the Directive and the interpretation by the ECJ of article 9 (1) (a), pre-emptive shooting is not permissible, but the Order, in its current form, does seem to allow such action. According to legal interpretation, the shooting of Wood Pigeon can only take place on property that contains a crop and not over properties which are solely comprised of stubble fields (See point 25 in Appendix I). However, the commercial harvesting of Wood Pigeon regularly takes place under the auspices of the derogation in areas which are post-harvest and pre-sowing (stubble fields) causing significant disturbance to other breeding birds and wildlife, as well as targeting Wood Pigeon which are not in effect causing crop damage. The use of a section 42 derogation would ensure a degree of regulation of the control of Wood Pigeon outside of the Open Season.

The current derogation for Wood Pigeon is to prevent ‘*serious damage to arable crops...*’. The derogation allows for the use of shotgun or rifle but not decoys, callers etc. although the wildlife act does allow for the use of decoys to shoot Wood Pigeon. However, the Act does not explicitly state that the decoys cannot be used outside the open season. The most prevalent damage to cereal crops caused by Wood Pigeon is considered by most crop farmers to occur between November and May of any year during the sowing and early growth phases of the crop. Control outside of this period is therefore considered pre-emptive and not in line with the Directive.

In the last review of the derogation in 2018,

(see: <https://www.npws.ie/sites/default/files/general/aniar-final-report-060918.pdf>)

reference was made to the breaches of the derogation to shoot Wood Pigeon on pg 49:

Some concern was expressed about breaches of some these derogations, specifically that:

- *The derogation is being abused in relation to Wood Pigeon which is subject to widespread recreational shooting for local and tourist hunters during the height of their breeding period.*

A host of recreational and commercial operators actively advertise this activity which is not in keeping with the rationale for the derogation i.e. prevention of serious damage to crops. In many of these cases, crops are planted to entice birds in to be shot, acting effectively like bait. The derogation is being exploited for commercial reasons and not in line with Article 9 of the Regulations. Included in Appendix II are examples of commercial operators offering Wood Pigeon shooting excursions in Ireland which constitutes pre-emptive control of the species. It should be noted, that commercial shooting is currently not regulated in Ireland and bag returns are not requested.

33% of the respondents to the General Declaration initial review in 2018 asked for a total review of the derogation on Wood Pigeon shooting and included recommendations such as:

- *Retain but tighten up control reasons.*
- *Declarations are being abused to provide cover for widespread recreational shooting for local and tourist hunters during Wood Pigeon's breeding period.*
- *Clarify that this is not over stubble but actual standing crop.*

The review also highlights that several European countries that allow similar control of Wood Pigeon for the protection of crops require specific permission to perform control outside the normal hunting season. An analogue of this would be the current system for Section 42 derogations within the Wildlife Act.

The AEU would recommend that a full scientific and rationalised review of the Wood Pigeon derogation, supported by clear and contemporary legal interpretation of the shooting of the species as a preventive measure for crop damage, should be undertaken. Until such a review, the species can and should be controlled for the purposes of prevention of serious crop damage using the open season order or specific requests from individuals for a derogation to protect crops i.e. Section 42.

Further to this, clarification for regional NPWS staff should be provided regarding the shooting of Wood Pigeon, and similar clarification provided to farmers and shooters. At present, there is a significant lack of clarity between shooters and the NPWS in terms of the legality of shooting over stubble fields in particular. The below section of text is taken from the NARGC website (<https://nargc.ie/predator-control-and-the-law/>) and appears to be contrary to NPWS legal advice with respect to stubble fields and the use of decoys:

Taken from the NRAGC website:

Pigeon shooting

The Wood Pigeon has a hunting season commencing November 1st and ending on January 31st. Outside of the hunting season, Wood Pigeon can be controlled under derogation as they can cause serious damage to arable crops, including cereals, legumes and brassicas. **They can be controlled on any property (including stubble fields) throughout the state (under derogation) in order to prevent damage being caused.**

The control is to be carried out by the owner or occupier of a property or the servant or agent (e.g. Gun Club member) of the owner or occupier of any such property. Please note that you should not assume that you are acting as an agent just because you shoot the land during the hunting season as a Club member.

Central to the legislation is that the owner/occupier has himself identified the need for control and requests someone to carry out the control as his/her agent.

Remember, it is the owner/occupier who is the beneficiary of the derogation and not necessarily the hunter. While there is no statutory requirement for seeking permission, the owner/occupier should notify his local NPWS Conservation Ranger that he/she will be controlling Wood Pigeons under derogation to protect his/her crops.

Note that a Conservation Ranger is authorised for the purpose of the Regulations (S.I. No. 254 of 1986) to enter on any lands on which he/she reasonably believes that the control of wild birds is taken place and he/she may request the owner for information about the number of wild birds killed or captured on such lands and the means by which such wild birds have been killed or captured.

Although not listed in Schedule four of the derogation, the Wildlife Acts permit the use of decoys, including mechanical/electrical appliances such as pigeon magnets, which do not emit sound.

Please note that this last section on the use of decoys most likely refers to the Open Season schedule and not the derogation. Clarification is also required on this.

Thank you for the opportunity to make a submission on declaration and we look forward to your response.

Submitted on behalf of the Agri-Ecology Unit by:

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Appendix II: Examples of website offering Wood Pigeon Shooting in Ireland

<https://hiddenireland.com/houses/category/shooting-gaming>

Pigeon Shooting

Pigeon shooting is generally confined to Hidden Ireland's historic country houses in the grain growing regions in the east of the country, since the birds there are more concentrated and provide better sport. Shooting begins in July, when birds are shot, firstly over laid corn and subsequently over stubble, and this can continue until late September. Thereafter, evening roost shooting can produce exciting sport and good bags.

<http://irishdeerservices.ie/hunts/pigeon-shooting/>

🎯 Pigeon Shooting

For prices, please send us a message through our [contact form](#).

The majority of our pigeon shooting is over cereal crop or rapeseed and at times the skies can be grey with pigeon. As like any shooting it can change from day to day, they can be in an area one day and not the next or vice-versa. If you are lucky enough to hit on them in their massive numbers you will have a shoulder the same colour as a pigeon that evening. There is always something happening and always a few birds to be found somewhere.



A lot of the time where there is big numbers of pigeon, there is even bigger numbers of crows and these can make the shooting just as exciting as pigeon. If the circumstances are right, there can be big bags expected at the end of your hunt and it is really enjoyable shooting for all types, – woman, man, novice and expert – everybody should enjoy it and have some fun.



On arrival hides will be in place, decoys and spinners laid out that morning and where at all possible you will be put into your own hide with everything set up, cartridges handed to you and all is left for you to do now is to shoot – oh, and load the gun.

<http://www.jmmhunting.com/pigeon-shooting.php>



  English

 Français

 Danish

 Deutsch

About J.M.M. Killorglin Ltd.

Sika Deer Hunting

Woodcock/Snipe Shooting

Pigeon Shooting

Fishing

Callen

PIGEON SHOOTING

Our shooting areas are on the south East of Ireland i.e Wexford, Waterford, South Kilkenny on corn fields of wheat, barley and oil seed rape. These are some of the best areas of Ireland due to the large areas of corn fields etc.

Local guides take the hunters to the best areas as they know where the pigeons are feeding on what crops at that period of the season.

We can take from 2 to 8 hunters in a group. The more the better as it keeps the pigeons moving. Hunters are normally accommodated in self-catering houses but have a choice of a Guest houses as well.

The biggest advantage is that you don't have to be in very good physical condition as the hunting is done from the heights.

SEASON: mid of July to end of August

[https://www.rainsfordhunting.com/en/hunting-trips/Wood Pigeon-shooting-in-ireland-hunting-trip/](https://www.rainsfordhunting.com/en/hunting-trips/Wood-Pigeon-shooting-in-ireland-hunting-trip/)

WOODPIGEON SHOOTING IN IRELAND

classic pigeon shooting from blinds

 IRELAND

4 days total / 3 hunting days

\$ 1,230

<https://www.WoodPigeonhunting.com/shoot-details/county-kildare-ireland-%7C-wood-pigeon-hunting/16>

County Kildare, Ireland | Wood Pigeon Hunting

County Kildare Southern Ireland.

Expect to use 600 plus shells over 3 days in this Irish pigeon with regular 60-80 plus bags per gun the norm. Accommodation is at the local lodge with DBB THERE IS NO OTHER OPTION and comes as part and parcel of shoot

Day rate £300 pppday. All in rate per day all food accommodation

Includes Pick up drop of airport pp and also transport to shoot area.

Inc: guide and decoy kit. Shells at cost shotgun hire available

Need insurance and copy of certificate if overseas visitor

Brief Description

Roost shooting and excellent acreage of rape and other crop fields.

Hunt cost during day £180

Game:

Wood-pigeon, Rabbit

Itinerary for the hunt

Guide will collect you from hotel you may have to move around to different locations during the day.

Shotgun Hire – yes £30.00 per day

Shells £7.99 x 25

<http://www.casarizzini.com/en/wood-pigeon-hunting-ireland/>

WOOD PIGEONS HUNT IN IRELAND

You will hunt from hides in the south of Dublin, areas of grains and pasture, in the stubble of rapeseed, barley or wheat. You will be assisted by our team, a Game Keeper and local guides always looking for the best areas in order to offer guests unforgettable days. We'll provide staging of hunts, with camouflage nets, seats and molds.

We provide exclusively to over 200 farms in order to ensure the optimization of hunting, moving when the hunting day is not profitable, to ensure for our customers, always the best hot spots. Recommended period from early July until the middle of August and early December to middle of January in the fields of rapeseed shoots and beech forests.

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