

I am pleased to attach a copy of the National Trust's response to the recent Natural England consultation on General Licenses. We should be happy to expand on any aspect of this submission and I should be grateful if you would confirm receipt.

The National Trust bases its wildlife management decisions on a presumption that it should not endorse the killing of any wild animal or bird. If this course of action is agreed, then we consider the following: the objective must be clear and the species causing problems must have been correctly identified; we must have ruled out the use of deterrents or barriers, or capture/removal/translocation as impractical or unworkable. In addition, there must also be a high expectation that killing the target species will significantly reduce the problems that have been identified in a cost-effective way. The Trust must be in a position to report on whether or not killing the target species has been effective in achieving a wider objective such as reducing damage to agricultural, forestry or other interests, including species of conservation concern.

Tony Burton

Director of Strategy and External Affairs

The National Trust

Natural England Consultation on General Licences

Please use this form to reply to the General Licence consultation. This document also includes a general feedback form.

Responses may be returned by email to: wildlifeconsultation@naturalengland.org.uk

We would prefer responses to be submitted electronically but if you prefer to respond in writing, please submit your response to: Natural England General Licences Consultation, c/o Dr Edel McGurk, Natural England, Government Buildings, Otley Road, Lawnswood, Leeds. LS16 5QT.

Organisation	The National Trust
Respondee Name	David Bullock
Contact Details <i>Address</i> <i>Telephone</i> <i>Email</i>	Heelis, Kemble Drive, Swindon SN2 2NA david.bullock@nationaltrust.org.uk

The following table lists all of the questions posed in the consultation document. For each question, please indicate whether you support the proposal using the tick boxes, and provide an explanation and evidence in support of your view in the space provided. Where you do not have a view on a particular proposal, please tick 'No Comment'.

The form is designed to be completed on screen; free text boxes will expand as you type.

Confidentiality

We will respect requests for confidentiality. If you wish the information you provide to be treated as confidential, please record your request below; it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

Responses to Proposals

THEME: Obligations to Protected Sites

Question 1: Do you agree with Natural England's proposal to address this concern by drawing attention to the existing obligations on Statutory Undertakers?

Yes No No Comment

We welcome any attempt to raise awareness and clarify the legal obligations of licence users.

THEME: Non-Native Species

Question 2: Do you agree with our proposal to use regulatory measures to facilitate the control or invasive non-native species?

Yes No No Comment

We agree in principle the "proposal to use regulatory measures to facilitate the control of invasive non-native species" is the right approach. If such measures are to be taken to facilitate the control of an invasive non-native species, Natural England, as the regulatory authority, must be confident that taking such measures will contribute towards a clear, cohesive strategy for dealing with that species. In the absence of such a strategy, an individual licensing approach remains the most appropriate course of action.

In addition, we request more detail about how, in a rapid response where there is not enough time to prepare a Risk Assessment, NE proposes to assess "potential for harm"

Question 3.1: Do you agree with our proposal to add Ring-necked and Monk Parakeets to the general licence issued for the purpose of conserving wild birds (s.16(1)(c) of the Wildlife and Countryside Act 1981)?

Yes No No Comment

Although we strongly support a robust and precautionary approach towards identifying and addressing threats posed by invasive non-native species, we question the addition of these two species to the General Licence issued for the purpose of conserving wild birds given the current absence of an agreed strategy for addressing the risk they pose to native wild birds, for example as exists for North American Ruddy Duck. Adding these species to the General Licence at this time carries the risk of inappropriate action being taken under cover of the licence.

Question 3.2: Do you agree with our proposal to add Canada Geese and Egyptian Geese to the general licence issued for the purpose of conserving wild birds (s.16(1)(c) of the Wildlife and Countryside Act 1981)?

Yes No No Comment

We are currently unable to agree with your "proposal to add Canada Geese and Egyptian Geese to the General Licence issued for the purpose of conserving wild birds..." This is because we do not have any firm evidence that these species have a detrimental impact on breeding or wintering populations of wild birds of conservation concern. Whilst we are aware of anecdotal evidence of Canada Geese aggression in the breeding season, we have seen little published evidence of any effect on productivity or population status of other wild birds. As Egyptian Geese are hole nesters, and will occupy owl nest boxes for example, we have heard of anecdotal cases where

this species has displaced barn owl from nest boxes. This is undesirable, but, we do not have evidence that this type of behaviour is on such a scale that it warrants addition to the General Licence, as opposed to licensing on a case-by-case basis. If NE has the relevant evidence for either species, we would be very interested to see it.

Question 4.1: Do you agree with our proposal to permit the killing/taking of Ring-necked and Monk Parakeet species for the purpose of preventing serious damage to crops, etc (s.16(1)(k) of the Wildlife and Countryside Act 1981)?

Yes No No Comment

Whilst we are aware that ring-necked parakeets in England may cause damage to crops at some locations, we are unaware of any evidence of serious damage caused by monk parakeets (the consultation document lacks any licensing statistics which would be most informative). Given that serious damage caused by these parakeets would therefore appear to be limited at present, the granting of individual licences to deal with specific problems remains the most appropriate approach.

Question 4.2: Do you agree with our proposal to issue a separate licence for this purpose for invasive non-native species?

Yes No No Comment

Notwithstanding our comments in 4.1, should a scenario arise which would require the issue of a general licence, this approach would seem sensible. It must be clear to those relying on the general licence that for all other (native) species, non-lethal methods such as scaring must be shown to be ineffective or impracticable before resorting to killing.

Question 5.1: Do you agree with our proposal to permit the killing/taking of Monk Parakeet species under a general licence for the purpose of preserving public health or public or air safety (s.16(1)(i) of the Wildlife and Countryside Act 1981)?

Yes No No Comment

We do not consider it appropriate to add monk parakeet to a general licence to preserve public health or safety at this time, given the small number currently resident in England. Should the population expand, this position should be reviewed. A 'targeted' licence would be most appropriate, i.e. available only to energy companies affected.

This response form suggests there is a proposal to add monk parakeet to the air safety licence, however, no evidence for this is presented in the consultation document.

Question 5.2: Do you agree with our proposal to issue a separate licence for this purpose for invasive, non-native species?

Yes No No Comment

Notwithstanding our comments in 5.1, should a scenario arise which would require the issue of a general licence, this approach would seem sensible. It must be clear to those relying on the general licence that for all other (native) species, non-lethal methods such as scaring must be shown to be ineffective or impracticable before resorting to killing.

THEME – Review of species listed

Question 6.1: Do you agree that Great Black-backed Gull should only be listed on the general licence permitting take/kill birds for the purpose of preserving air safety? Please provide evidence in support of your view.

Yes No No Comment

We welcome Natural England's commitment to reviewing the species listed on the general licences. We believe that species should only be included on general licences where there is demonstrable evidence of a serious problem and where the problem is so widespread that granting individual licences would be impractical. Great Black-backed Gull is a scarce breeding bird that, as a top predator largely confined to coastal and marine habitats, is particularly vulnerable to fluctuations in food availability that result from over fishing and/or climate change. We support the proposal to remove this species from the kill/take licences for preventing serious damage and disease, preserving public health and safety and conserving wild birds.

Although answering yes to this question in support of removal from the majority of general licences, we are concerned that the consultation document lacks any evidence to support the retention of Great Black-backed Gull on the air safety licence. We would welcome such evidence.

Question 6.2: Do you agree that the Herring Gull should only be listed on the general licences permitting

a. the killing/taking of birds for the purpose of preserving air safety?

Yes No No Comment

b. the destruction of eggs and nests for the purpose of preserving public health and public safety? Please provide evidence in support of your view.

Yes No No Comment

a. We support the proposal to remove Herring Gull from the kill/take licences for preventing serious damage and disease, preserving public health and safety and conserving wild birds. As in 6.1, although answering yes to this question in support of removal from the majority of general licences, we are concerned that the consultation document lacks any evidence to support the retention of Herring Gull on the air safety licence. We would welcome such evidence.

b. Whilst we recognise that in circumstances such as urban areas with high densities of birds, where there is evidence of a risk of disease transmission and in situations where deterrents have not worked, control of the Herring Gull population might be desirable, the continued destruction of eggs and nests under general licence is not consistent with the species conservation status. To ensure population control through destruction of eggs and nests is appropriate and evidence based, it should be dealt with via individual licences. In these situations, it is important to measure levels of microbes that may cause human disease and for which the principal vector was believed to be the Herring Gull, before and after a population reduction or removal.

Question 7.1 Do you agree with our proposal to issue a limited general licence permitting the taking/killing of House sparrow, Starling, Robin and Blackbird in food production/handling premises for the purpose of preserving public health or public safety (s.16(1)(i) of the Wildlife and Countryside Act 1981)?

Yes No No Comment

Yes, we agree in principle with your "proposal, but provided that the birds are subject to the

minimum of stress and killing is always considered as a last resort. In addition we would object to such licences being issued in situations where the premises are demonstrably not wild bird-proof. Here, we would insist that the first step is to minimise opportunities for wild birds (or their droppings and feathers) to occur in premises where food is processed or handled.

Question 7.2 If such a licence is issued, do you agree that it is appropriate to require users of the licence to register their first use of the licence with Natural England and to keep written records of action taken under the licence?

Yes No No Comment

In addition, written records should include steps taken prior to use of the general licence, such as deterrents, blocking access, etc, to ensure that lethal control is rigorously and fully justified.

THEME – Sales of birds

Question 8.1: Do you agree with the proposal to consolidate the sales licences?

Yes No No Comment

Question 8.2: Do you agree with the proposal to continue to allow the birds listed on the appendix (and their eggs) to be sold without a ring?

Yes No No Comment

It is important that ringing/markings is carried out to ensure that only authentic captive-bred birds are traded. We appreciate that the fitting of close-rings is not always practical, but alternative means of marking (e.g. micro-chipping) should be investigated and deployed e.g. at time of capture for sale.

Question 8.3: Is the list of species that are exempt from ringing correct (see draft licence for list)? If you disagree, please state why and provide evidence.

Yes No No Comment

See comments in 8.2. We do not believe that any bird sold under this licence should be exempt from ringing/markings.

Question 9.1: Do you agree with our proposal that no species be excluded from sale under the general licence on the grounds of risks to their conservation status from illegal take from the wild? If you disagree, please provide grounds and evidence for your position? If you do disagree, please provide grounds and evidence for your position.

Yes No No Comment

A recent report¹ commissioned by Vogelbescherming Netherlands (the Dutch Birdlife partner) concluded that the relaxation of the law relating to sale in the Netherlands led to a large increase in the variety of species available for sale, a large percentage of which were suspected to have been taken illegally from the wild.

¹ Van Kreveld, A (2007) *Bred in a trap: an investigation into illegal practices in the trade in wild European birds in the Netherlands*. Stroming BV, Nijmegen.

Question 9.2: Do you agree that Ruddy Duck and Egyptian Goose should continue to be excluded from the general licence permitting sales on the grounds of potential risks to native species, and that Canada Goose should be added to the list of exclusions?

Yes No No Comment

The National Trust is committed to the eradication of the Ruddy Duck in the UK on the grounds that British birds can hybridise with the rare and threatened European native species the White-headed Duck.

Question 9.3: Do you agree that sales of Eagle Owls under the general licence should be subject to a registration scheme on the grounds of potential risks to native species?

Yes No No Comment

Yes we agree in principle "that sales of Eagle Owls under the general licence should be subject to a registration scheme on the grounds of potential risks to native species". However, this is simply record keeping and we question whether this measure will be cost - effective in preventing escapes or liberations of Eagle Owls for which the only legislative power that would work is probably a ban on keeping of this species.

Question 9.4: Do you believe that other bird species should be added to this list of exclusions on the grounds of potential risks to native species? Please consider the possible candidates suggested above; you may suggest other species and explain why, providing evidence.

Yes No No Comment

Yes we agree that "other bird species should be added to the list of exclusions on the grounds of potential risks to native species".

Question 10: Do you agree with our proposal that sales of dead Barnacle Goose and White-fronted Goose (Greenland race) be permitted under the general licence?

Yes No No Comment

Question 11.1: Do you agree that Natural England should provide guidance on what might constitute suitable documentary evidence?

Yes No No Comment

Question 11.2: Do you agree that the wording we propose is appropriate? If not, please provide alternative wording.

Yes No No Comment

THEME – Understanding and awareness of the general licences & their conditions

Question 12.1 Do you believe that there is sufficient widespread understanding of the General Licences, the circumstances in which they may be used and the conditions that apply. Please provide evidence in support of your answer where possible.

Yes No No Comment

We do not agree that "there is sufficient widespread understanding of the General Licences..." Whilst longstanding managers of the countryside may be familiar with the General Licences, we are less sure about newer landowners/managers and the general public, in any case, all will need to be made aware of revisions.

Question 12.2 Do you have any suggestions as to how we could raise the level of awareness?

We would welcome the production of a simple, easy to read and up to date Guidance Booklet on the General Licences, which is available on line and as hard copy.

After revisions, we also suggest there is a role for the *Game and Wildlife Conservancy Trust* and *British Association for Shooting and Conservation* to include, in workshops on countryside management, an explanation and interpretation of the General Licence to land managers and owners.

Please scroll down to the next part of this form if you wish to provide us with general feedback on this consultation package and exercise.

Consultation Feedback Questionnaire

We would be interested to know what you thought of this consultation package and exercise. It would be appreciated if you could spend a few minutes to complete the following questionnaire and return it even if you do not intend to respond to the consultation itself.

You can move between the questions by pressing the 'Tab' key or the arrow keys. Please type your response within the grey boxes or double click on the grey square boxes and click 'check' as the default value. Once you have completed the form please return it by e-mail to:

Please return this feedback questionnaire to: wildlife.consultation@naturalengland.org.uk or post to: Natural England General Licensing consultation, c/o Dr Edel McGurk, Natural England, Government Buildings, Otley Road, Lawnswood, Leeds. LS16 5QT no later than the 6 March 2009.

Thank you.

Name:
Organisation: The National Trust
Address:
E-mail:

1. How did you become aware of this consultation exercise?

- | | |
|--|-------------------------------------|
| The consultation was sent directly to you/your organisation | <input checked="" type="checkbox"/> |
| Via Natural England's website (www.naturalengland.org.uk) | <input checked="" type="checkbox"/> |
| Through the Natural England press release promoting the consultation | <input type="checkbox"/> |
| Other media or publication | <input type="checkbox"/> |
| Other means (please specify) | <input type="checkbox"/> |

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2. If you / your organisation received this consultation direct from Natural England, were the contact details (name and address) correct? If not please could you provide the correct details in the box below.

3. If you / your organisation are not responding to this consultation, is it because:

The consultation topic is not relevant to you / your organisation

You / your organisation do not have the time /resources to reply

Other reason (please specify)

4. Do you feel that you were given enough time to respond to the consultation?
 Yes No

5. Do you have any suggestions on how the consultation package could be improved?

6. Do you have any other comments about this consultation exercise?

**THANK YOU FOR TAKING THE TIME TO COMPLETE
THIS FEEDBACK QUESTIONNAIRE**