

Dear Natural England,

Please find attached a response to the above consultation from the Wildfowl and Wetlands Trust.

The Wildfowl & Wetlands Trust welcomes this opportunity to comment on proposed changes to the general licences issued by Natural England under the Wildlife and Countryside Act 1981 (as amended). We have responded using the designated response form, but we would also like to suggest that:

1. Natural England undertakes a full review of the species listed on the general licences, to ensure that species are only included where there is demonstrable evidence of a serious and widespread problem, and that the conservation status of the species listed will not be compromised.
2. Natural England develops a means of monitoring the levels and methods by which wild birds are killed or taken under general licences, to inform the UK's annual report to the Commission on implementation of Article 9.
3. That Natural England undertakes a full review of the terms, conditions and guidance notes included on the general licences.
4. Natural England adds to all general licences the condition introduced by the Scottish Government in 2008, preventing anyone convicted of an offence under wildlife protection or animal welfare legislation from using a general licence. We believe that this will act as an effective deterrent to would-be offenders and is likely to lead to higher levels of compliance with licence terms and conditions, and therefore urge Natural England to follow the precedent set by the Scottish Government.

The general licence permitting killing/taking to conserve wild birds would benefit greatly from an explicit explanation of purpose, as there is no evidence to suggest that any of the species listed currently on this licence have caused the decline of a bird species in England.

Yours sincerely,
Carrie

Carrie Hume Head of Conservation Policy **Wildfowl & Wetlands Trust (WWT)**
Slimbridge, Glos GL2 7BT, UK **T** 01453 891242 **F** 01453 890827 **M** 07900 607596 **E**
carrie.hume@wwt.org.uk **W** wwt.org.uk

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

WWT welcomes the timely opportunity to clarify obligations and communications in relation to general licences.

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

WWT is extremely concerned about the increasing impact of non-native species on our centres, reserves and species we champion. The proposed regulatory measures would provide an essential contribution towards achieving the aims of the Invasive Non-Native Species Framework Strategy for Great Britain, so yes we agree. The presumption of regulatory control sets the right precedent in addressing the level of threat, but we advise maintaining individual licensing approach if there is any uncertainty around the effectiveness of these as a control mechanism for particularly problematic species.

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

WWT do not see believe there is 'a genuine problem to resolve' or that 'the licensed action will contribute to resolving the problem'. There is no evidence that they pose a threat to the conservation of wild birds in England. In light of this, we believe that the granting of individual licences to deal with specific problems remains the most appropriate approach, but a watching brief needs to be kept on the impact of these species with the potential for reviewing this proposition.

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

WWT do not see believe there is 'a genuine problem to resolve' or that 'the licensed action will contribute to resolving the problem'. There is no evidence that they pose a threat to the conservation of wild birds in England. In light of this, we believe that the granting of individual licences to deal with specific problems remains the most appropriate approach, but a watching brief needs to be kept on the impact of these species with the potential for reviewing this proposition.

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)?

<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Comment <input type="checkbox"/></p>
<p>WWT would prefer to see the continued use of individual licences for control of these two species for the purpose of preventing serious damage to crops and disease. There seems insufficient evidence to warrant any other approach and more information needs to be gathered as to the level of damage that they cause.</p>
<p>Question 4.2: Do you agree with our proposal to issue a separate licence for this purpose for invasive non-native species?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Comment <input type="checkbox"/></p>
<p>As we believe that the killing/taking of Ring-necked and Monk Parakeet for the purpose of preventing serious damage to crops and disease should not be permitted under general licence, we do not see the need for a separate licence for non-native species.</p>
<p>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)?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Comment <input type="checkbox"/></p>
<p>The population levels or impact of this species do not seem to warrant this action. WWT would prefer to see the continued use of individual licences for control of this species for the purpose of preserving public health or public or air safety. Should the population expand, this position should be reviewed.</p>
<p>Question 5.2: Do you agree with our proposal to issue a separate licence for this purpose for invasive, non-native species?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Comment <input type="checkbox"/></p>
<p>As we believe that the killing/taking of Monk Parakeet for the purpose of preserving public health or public or air safety should not be permitted under general licence, we do not see the need for a separate licence for non-native species.</p>
<p>THEME – Review of species listed</p>
<p>Question 6.1: Do you agree that <u>Great Black-backed Gull</u> 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.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Comment <input type="checkbox"/></p>
<p>We do not believe this species should be included on general licences unless there is demonstrable evidence of an impact so serious or widespread that granting individual licences would be impractical. We understand the reasoning behind this proposal but are concerned about the knock-on impacts to other species and the precedent that this sets. 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.</p>
<p>Question 6.2: Do you agree that the <u>Herring Gull</u> should only be listed on the general licences permitting</p>
<p>a. the killing/taking of birds for the purpose of preserving air safety?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Comment <input type="checkbox"/></p>
<p>b. the destruction of eggs and nests for the purpose of preserving public health and public</p>

safety? Please provide evidence in support of your view.

Yes No No Comment

a) **No.** We believe that it is **inappropriate** for any species of conservation concern – particularly a species qualifying for red-listing owing to a 50% decline over 25 years – to be listed on a general licence, especially since there is little evidence of the magnitude of their impact. Herring gull should be removed from all of the kill/take licences, and specific issues dealt with using the individual licensing approach.

b) **No.** Herring gull is now listed as a BAP priority species and meets the qualifying criteria for red-listing as a bird of conservation concern – we are therefore **concerned** about the impact of this proposal, though understand that some sectors consider it a nuisance species. We believe an individual licensing approach sets the right precedent, which should only be issued if all non-lethal measures have been shown to be ineffective.

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

We believe that it is inappropriate for species of conservation concern to be listed on kill/take general licences. House sparrow and starling – both red-listed, BAP priority species – were removed from the licences by Defra in 2005 in response to population declines. We see no justification for this proposal and are concerned by the precedent it may set. Natural England should continue to issue individual licences for 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.

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

Although we do not agree with the proposal to issue this licence, the introduction of a requirement to register first use and submit written records of action taken would be sensible, and in keeping with the UK Government's obligations under Article 9 of the Birds Directive.

THEME – Sales of birds

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

Yes No No Comment

But only if sales are fully and properly regulated.

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

All birds sold should be individually marked to ensure that only captive-bred birds are traded. However, wildfowl should not be fitted with closed rings as it is our experience that closed rings sometimes slip over the birds' tibio-tarsus and cause injury. Furthermore inscriptions on commercially available closed rings become illegible with wear and tear (e.g. repeated wetting and drying and contact with abrasive anti-erosion on pond edges).

We note that under note d) of the draft general licence, any persons using the general licence must demonstrate legal ownership by providing documentation which cites “the bird’s species, ring number and any other identification marks (e.g. microchips) ...”. If birds must be marked, we suggest that the licence offers alternatives of split rings, microchips or closed rings.

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

All birds sold should be individually marked to ensure that only captive-bred birds are traded.

The BAP listed-common scoter should certainly not be exempted from any marking requirement provided split rings or microchips may be used as an alternative to closed rings. Historically we know that common scoters have been collected, as eggs from wild sources for the purpose of aviculture and, while this threat to the UK population is not great, mandatory marking will enable owners to demonstrate legal ownership of birds.

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

There is evidence from the Netherlands that the relaxation of the law relating to sale 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.

Furthermore, we believe that the BAP-listed common scoter should be excluded from Appendix 3 as it is BAP- listed and there is a small risk of illegal egg collecting from the wild for the purposes of aviculture.

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

Yes. Ruddy ducks should continue to be excluded from the general licence permitting sales as they are subject to an eradication programme in the UK which may be compromised should further releases/escapes from captivity occur.

Yes. We agree that Egyptian Goose should continue to be excluded from the general licence permitting sales on the grounds of potential risks to native species, and believe that Canada Goose should be added to the list of exclusions.

We believe that the trade in waterfowl may warrant a broader review, given the significance of this pathway for the introduction of non-native species.

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

This should be considered the minimum amongst a suite of greater regulation measures

for non-native species and their control.

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

We support the addition of the proposed species to the list of exclusions for sale on the grounds of potential risks to native species, and agree that Natural England should be regulating more closely the sales of non-native species, as informed by the GB Non-Native Species Strategy.

The Indian house crow (*Corvus splendens*), which has proven to be highly invasive in countries where it has been introduced, should be added to the list. Natural England should also consider adding black swan which was highlighted as a medium risk to biodiversity in the African-Eurasian Waterbird Agreement guidelines on avoidance of introductions of non-native waterbird 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

We do not believe that this is necessary or appropriate at this stage. These species are protected and cannot be hunted – allowing the sale of dead geese may eventually result in unregulated commercial hunting activity which could affect species at the population level.

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

Yes No No Comment

The guidance should be clear and specific, ideally on an online form on which all information to demonstrate legal ownership should be available.

Natural England should make available for download relevant regulations (e.g. the annexes of the CITES regulations which require animals of certain species to be individually marked before they are traded).

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

Yes No No Comment

We agree with the content but rather than 'guidance', this must be a requirement of the licence.

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

WWT fields calls every year from members of the public seeking assistance in interpreting the licensing system and their legal obligations. It is obvious therefore, that sufficient understanding of General Licences and the circumstances in which they may be used and the conditions that apply is not in place. In particular, the minimum size of

Larsen cage-traps is an ongoing issue which needs more guidance.

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

Generally, much more clarity is needed in the introductory material included with each licence including detail of where to go for further information, and the consequences of not adhering to the conditions attached to any licence. If changes are made to the general licensing system as a result of this consultation there are many organizations (e.g. RSPB, British Waterfowl Association, Aviornis (UK), and the British and Irish Association of Zoos and Aquariums) which could help in publicising the changes or pointing to appropriate material. Many misunderstandings continue to prevail as to the 'dos and don'ts' of licenses that permit the lethal control of bird species, and when certain levels of control are acceptable.

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.