

General Licences under wildlife legislation in England

Summary of Consultation Responses & Decisions

Consultation Period
December 2008 – March 2009

Published
September 2009



Contents

Executive summary.....	3
Summary of Decisions	3
Overview of responses	4
Analysis of responses	4
THEME - Obligations to Protected Sites (Qu. 1)	5
THEME - Non-Native Species (Qu. 2 - 5).....	6
THEME – Review of species listed (Qu. 6 - 7)	10
THEME – Sales of birds (Qu. 8 – 11)	16
THEME – Understanding and awareness of the General Licences & their conditions (Qu. 12)	25
Additional changes to the General Licences (section 13)	29
Annex A – List of consultation respondents	33

Please note

This document, copies of the responses and the original consultation documents are available on the Natural England Consultations web page at:

www.naturalengland.org.uk/ourwork/policy/consultations/generallicense.aspx

The current series of general licences is available on the Natural England website at:

www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx

Executive summary

In December 2008, Natural England launched a public consultation on a range of proposals affecting the General Licences for wildlife that are issued annually under the Wildlife and Countryside Act 1981 in England. By the conclusion of the consultation in March 2009 a total of 115 written consultation responses had been received.

This document summarises the responses received and sets out the decisions taken by Natural England in respect to each proposal. Any changes in licensing arrangements following from these decisions will come into effect on 1 January 2010, unless stated otherwise.

Summary of Decisions

1. Licences will include additional guidance referring statutory bodies to their obligations in respect to protected sites
2. The licensing regime will operate in line with the GB Non- native Species Framework Strategy, which will include adopting a presumption to support or facilitate the control of non-native species.
3. Ring-necked, Monk Parakeets, Canada Geese and Egyptian Geese will be added to the licence for conserving wild birds.
4. Ring-necked and Monk Parakeet will be added to the licence for preventing serious damage to crops, etc.
5. Monk Parakeet will be added to the licence for preserving public health or public safety.
6. Great Black-backed Gull will, in future, only be listed on the air safety licence, while the Herring Gull will be listed on the air safety licence and, for egg and nest destruction only, on the public health and public safety licence.
7. The trapping and release of House Sparrow, Starling, Robin and Blackbird will be included on a new public health and public safety licence available to food production and handling premises.
8. Licences for the sale of live and dead birds will be consolidated so that there is only one licence each. Ringing requirements will remain unchanged at present.
9. The exclusions of certain species from the sales licence have been reviewed. While some minor changes have been made, we have concluded that in most cases sales controls alone will not deliver desired outcomes, particularly in respect to non-native species.
10. Sales of dead Barnacle Goose and White-fronted Goose (Greenland race) will continue to be excluded under the licence permitting sales of dead birds.
11. Natural England will provide explicit guidance on what constitutes 'documentary evidence'
12. A number of measures are proposed to improve user awareness of terms and conditions of licences, and
13. In response to suggestions from stakeholders a number of additional changes are to be made to the licences, while other suggestions merit consideration in a future review of licences.

Overview of responses

The 115 responses can be separated into three categories:

Category A: 35 (30%) unique responses from either organisations or individuals;

Category B: 79 (69%) 'campaign' type responses supporting the position of one organisation, which is included in the first category, and

Category C: 1 (1%) response which did not provide information suitable for analysis.

The 35 Category A responses are published alongside this summary, removing only obvious private address details – two respondents requested that their contact details be kept confidential.

The 79 Category B campaign-type responses all made the same three points (see next section for details). These responses are not being published alongside the other responses as the majority were not completed using the standard response form and the respondents may have been unaware of the advice on confidentiality. In view of this we have taken the decision that it would not be fair to publish these in full.

The Category C response is excluded from analysis. This response from the League Against Cruel Sports simply stated that it did not intend to respond formally.

A list of respondents is provided at Annex A.

Analysis of responses

The campaign responses

The 79 'campaign' type responses were submitted by supporters of one of the responding organisations, the RSPB, in response to a request circulated by RSPB's Senior Parliamentary Campaigns Manager. These 79 responses all made the following three points:

- They expressed support for the removal of Great Black-backed Gulls and Herring Gulls from some of the general licences that permit taking or killing of birds and destruction of nests and/or eggs;
- They voiced an objection to our proposal that we continue to permit nest and egg destruction for Herring Gulls for Public Health and Safety concerns, and requested that this only be permitted following the assessment of individual licence applications;
- They requested a more comprehensive review of the species permitted to be taken/killed under the general licences to account for conservation concerns.

These responses are not included in the detailed analysis presented below, but have been taken into account in considering our response to the consultation.

Analysis of the 35 unique responses

The analysis presented below gives the percentage of respondents choosing Yes/No/No Comment under each proposal. Each summary includes key points raised or suggestions made by respondents.

To view the detail of each proposal, please refer to the original consultation at: www.naturalengland.org.uk/ourwork/policy/consultations/generallicense.aspx.

Responses to Proposals and Decisions

THEME - Obligations to Protected Sites (Qu. 1)

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 (65.7.6%), NO (8.6%), Other (25.7%)

There was widespread support amongst respondents in favour of adding this advisory 'note' which aims to raise awareness of existing statutory obligations, with less than 10% of respondents objecting. Several organisations requested guidance on the distances from Sites of Special Scientific Interest (SSSI) within which statutory undertakers might be expected to seek advice from Natural England, and some asked that Natural England provide an example setting out a situation in which consultation would be required; The Wildlife Trusts pointed out that this may be particularly useful for Local Authorities that do not employ a full-time Ecologist. A number of respondents also queried the ease with which statutory undertakers could access information on the features for which sites are designated.

The British Association for Shooting and Conservation believes that the note should only be applied to general licence reference WML Gen-L07, which permits taking/killing of gulls for public health and safety purposes, since that is the typical concern flagged by Natural England in the proposal. The Highways Agency questioned whether a General Licence is appropriate for species that are listed as a feature of interest on designated sites.

Under this and a number of other proposals, organisations representing falconry interests asked that the general licences be amended so that falconry is listed as an approved method of taking birds. They expressed concerns that their members are at risk of committing offences as they cannot fully control a falcon once it has left the falconer's fist. This issue is addressed in our response under Proposal 6.1 and 6.2.

Natural England Comment and Decision:

Natural England intends to implement this change as proposed by adding additional guidance to the Notes section of the relevant licences. As the competent authority, we believe that we have an obligation to draw attention to the existing obligations the law places on those relying on general licences.

In response to requests for additional guidance on the type of situations where we have concerns, we have produced the following example of a situation where important bird populations on a protected site could be adversely affected by activities adjacent to the site:

The Lesser Black-backed Gull breeds colonially and some important colonies are found on sites protected as SSSIs (use www.magic.gov.uk to search for SSSIs and to view citations). Although this species is included on a number of Natural England's general licences, Natural England is unlikely to give the consent required to control Lesser Black-backed Gulls on SSSIs where this would result in a decline in the size of the breeding colony. On land adjacent to an SSSI, control of the Lesser Black-backed Gulls would not require formal consent as required within the SSSI boundary. Nevertheless, such control could result in the killing of large numbers of birds, especially on a well used flyway between the colony and an important feeding area, and this could result in a reduction in the size of the breeding colony using the SSSI. It is impossible to provide detailed guidance on the distance away from an SSSI that such action might impact on a breeding colony, as this will vary between sites and years. However, large gulls will regularly undertake flights of 15km or more between their colony and feeding grounds. If there are

any doubts about the potential impacts of such control activities then Natural England's advice should be sought before action is taken.

We are unable to provide a 'one size fits all' distance from SSSIs within which we would expect statutory undertakers to consult us as this will vary according to the SSSI and the scale of action. Statutory bodies are expected to consider the implications of the proposed action and make a decision on whether they need our advice.

THEME - Non-Native Species (Qu. 2 - 5)

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

YES (74.3.5%), NO (5.7%), Other (20.0%)

A majority of respondents were in favour of this as a principle, although there were caveats to the support of several organisations; for example,

- the RSPB stated that their support is dependent on there being good evidence that a genuine problem exists, and that general licensing would only be acceptable as part of a cohesive strategy for addressing such a problem. Similarly, the National Trust questioned how effective a general licence would be in achieving control.
- A number of organisations sought reassurance that a transparent procedure of risk assessment would underpin any decision to add a species to a licence. The National Farmers' Union requested details on the risk assessment protocol to be employed.
- The NFU also highlighted the importance of raising public awareness about non-natives and the threat they pose as part of the development of a co-ordinated strategy for dealing with threats.

Some stakeholders raised concerns about inappropriate action being taken and asked what Natural England would do to ensure that this did not occur. The National Farmers' Union sought reassurance that an effective process would be put in place for updating the licences to address newly emerging problems.

RSPCA requested the attachment of conditions regarding the treatment of birds once taken under such a licence.

Although falconers often use non-native species and these do occasionally escape, the British Falconers' Club was keen to distinguish falconers' activities from the establishment of non-natives.

Natural England Comment and Decision:

Natural England will adopt, when considering the addition of species to general licences, a presumption to support or facilitate the control of non-native species. This is not a call to the public to eradicate the non-native species listed on general licences; we are simply bringing the licensing regime into line with the GB Non-native Species Framework Strategy and international approaches to non-natives and biodiversity (as well as Natural England's own overall policy on non-natives. It should be noted that the EC Birds Directive does not require Member States to protect non-native bird species (see Article 2), although this is permitted (under Article 13), but it does place an obligation on states to prevent non-native species harming native flora and fauna (see Article 11).

Indiscriminate shooting (*i.e. shooting without purpose and sufficient care for the welfare of target animals*) of species listed on licences, even non-natives species, is not permitted. Licences may

be used only where justified and any person using a licence must be satisfied that the action they wish to take meets the purpose set out on the licence and its terms and conditions. Shooting for sport or 'fun' are not legitimate purposes under these licences. If general licences are used inappropriately then this light-touch regulatory approach ceases to be a low risk activity and we may require individual licensing.

Natural England looks to the GB Non-Native Species Secretariat for advice in relation to non-native species, particularly the individual risk assessments¹ that it commissions. The risk assessments are key evidence in our decision making and where a species has a medium or high risk rating this will be taken fully into account when considering its inclusion on the relevant general licences. The final decision on inclusion will, however, take account of other relevant considerations (e.g. whether licensed action is likely to assist or hamper management of the problems caused by the species). We may also decide to include a species on a general licence in the absence of a risk assessment if a prompt response to a newly identified threat is required (based on the evidence from other countries).

In respect to the request made by the RSPCA for conditions aimed at ensuring the humane treatment of birds taken under the terms of general licences, we agree that users need to be clear regarding their responsibilities. It is already a condition of the licences that '*Any birds killed in accordance with this licence must be killed in a quick and humane manner*' and to this requirement we will in future add the following guidance :

a) Addition of a definition for "humane" killing:

"**humanely**" means taking all reasonable precautions to ensure that any killing of birds under this licence is carried out by a single, swift action.'

b) Addition of a note reminding users of their obligations under the Animal Welfare Act 2006:

'Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the Act). This applies to the humane despatch of captured animals and to the treatment of animals held in traps or nets.

It is the responsibility of each person relying on this licence to use appropriate equipment (e.g. trap, net, firearm and ammunition) and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering. '

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 (60%), NO (17.1%), Other (22.9%)

A majority of respondents were in favour of this proposal. Several objections were received, primarily in relation to the following concerns:

- there is insufficient good quality evidence that these species have an impact on other wild birds to warrant their inclusion on a general licence;
- the birds are not present in sufficient numbers to warrant a general licence approach.

The National Farmers' Union commented that there is a disparity between the precautionary approach for non-native species and the approach for damaging native species.

RSPCA, RSPB & WWT see general licensing as disproportionate for Monk Parakeet, and they question the evidence of damage by Ring-necked Parakeet in context of General Licences

¹ Link to risk assessments - http://www.nonnativespecies.org/04_Risk_Assessments.cfm

permitting what they believe amounts to an unmonitored 'free-for-all' to kill them. The RSPB further suggested that the addition of the latter species is contrary to Natural England's five stated principles of licensing²; stating that they do not believe there is a genuine problem to resolve nor that the licensed action will contribute to resolving the problem. These organisations all suggest that there's no evidence to support the recommendation. West Sussex Wildlife Protection goes further still, suggesting that any action is just an excuse for sport and that these species are a welcome addition to our fauna.

Natural England Comment and Decision:

Natural England has decided to add these two species to the General Licence. We are content that the risk assessments published by the GB Non-native Species Secretariat provide appropriate justification for this decision.

As indicated under question 2, users taking action under this general licence are required to consider whether what they propose fits with the purpose of the general licence and meets the terms and conditions. Indiscriminate shooting is not permitted under general licences.

In respect to the RSPB's concern that this proposal is contrary to licensing principles, as stated on our website (see footnote below), some legislation or a specific policy objective may influence application of these principles. For example, in the case of certain introduced species, licensing policy may permit or actively encourage management practices to reduce abundance or distribution of that species, and in some cases even eventual eradication (as is currently the case with Ruddy Duck).

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 (62.9%), NO (17.1%), Other (20.0%)

The spread of responses to this proposal was similar to that under question 3.1. RSPCA & WWT questioned the amount of evidence that these species of geese cause a genuine problem for other species of bird, and WWT suggested that individual licensing remains the best approach to individual problems. The National Trust stated that although it is aware of anecdotal evidence of a problem, it regards this proposal as unjustified. The RSPB is opposed to the proposal. Again, the group West Sussex Wildlife Protection observed that they believe this licence is abused in that it represents an 'inhumane means of providing sport for people'.

The British Pest Control Association suggested that this is a good opportunity to introduce a system permitting only professionally-qualified individuals to act under the general licences.

Natural England Comment and Decision:

Natural England has decided to add these two species to the general licence as proposed. Evidence provided in individual licence applications to Natural England in recent years suggests that problems caused by these non-native species are sufficiently common to justify a General Licence approach.

As from January 2010 we will amend the purposes for which this licence can be relied upon to permit action to be taken where there are impacts on habitats and other species and not just impacts on other bird species.

² The five principles are published online at:
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/policyandlegislation/authoritytoissuelicences.aspx>

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)?

Ring-necked Parakeet - YES (62.9%), NO (14.3%), Other (22.9%)

Monk Parakeet - YES (60%), NO (17.1%), Other (22.9%)

Again, responses to this proposal reflected a similar spread to the questions posed at 3.1 & 3.2.

RSPCA is not opposed in relation to the issue of such a general licence permitting action against Ring-necked Parakeet, but it disagrees with the proposal to add Monk Parakeet. The National Trust, the RSPB & Wildfowl and Wetlands Trust also recognise this difference, but suggest that individual licensing is adequate to address damage problems caused by Ring-necked Parakeet. The National Farmers' Union suggested that Starling should be restored onto the list of species permitted to be taken this licence.

In relation to our statement that we would wish to see any control carried out using methods that would not increase dispersal of the birds, the Countryside Alliance commented that physical proofing would surely result in dispersal.

Natural England Comment and Decision:

Natural England has decided to add Ring-necked Parakeet and Monk Parakeet to the licence permitting action for the purposes of preventing the spread of disease and preventing serious damage to crops. Based on the GB Non-native Species Secretariat's published risk assessments for these species, we are content that it is appropriate for action to be permitted against these non-native species.

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

YES (48.6%), NO (17.1%), Other (34.3%)

There was less clear cut support for this proposal and a greater proportion of 'no comment' responses than under questions 3.1, 3.2 & 4.1. Those that responded 'No' stated that they believed that a single licence for this purpose containing separate lists of species would be simpler for people to understand and less burdensome; for species listed under the non-native category, the requirement to try methods that might encourage dispersal would be waived.

The National Farmers' Union raised a concern about the potential for inconsistency in our approach; on the one hand, we state early intervention is critical, but on the other hand, we need to ensure that there is evidence of a problem. It made a plea for an efficient system of adding problem species that avoided lengthy delays whilst evidence of a problem accumulated.

Natural England Comment and Decision:

We have decided to retain a single licence covering action for each legislative purpose to avoid the need for people to check several licences. Defra funded research on public attitudes to Wildlife Management and Non-native species³ indicates that people often do not know which species are non-native, so we have decided that it may not be helpful to increase the number of licences. Instead, we are amending the condition requiring users to satisfy themselves that alternative methods of resolving the problem are impracticable or ineffective so that it does not

³ Defra report on public attitudes:

http://www.nonnativespecies.org/documents/Defra_WM_&_INNS_report.pdf

apply to the non-native species on the licence (i.e. they are being listed within the condition for clarity).

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 safety (s.16(1)(i) of the Wildlife and Countryside Act 1981)?

YES (62.9%), NO (14.3%), Other (22.9%)

This proposal had a similar level of support to the proposal at 4.1, with those stakeholders from the wildlife/conservation sector more likely to be opposed.

The National Trust and RSPB questioned the evidence to support this proposal, and suggested that, if a serious problem is identified, it may be more appropriate to issue a 'targeted licence' e.g. a 'class licence' aimed at energy/utility companies.

The British Pest Control Association commented that suitable methods of management and control will need to be explored, given that tackling these problems will be a new area for that industry. Once again, it suggested that licensed action in this case may best be delivered by specialists from the pest control industry.

Natural England Comment and Decision:

Natural England has decided to add Monk Parakeet to the general licence for the purpose of preserving public health or public safety. Based on the GB Non Native Species Secretariat's published risk assessments for this species, we are content that it is appropriate for action to be permitted.

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

YES (51.4%), NO (20%), Other (28.6%)

Responses made under this proposal made similar points to those made under question 4.2. Several respondents who questioned the needs for licensed action against this species conceded that if Natural England decided to proceed, a separate licence would be sensible. Farming/ field sports and aviculture interests were almost wholly supportive, but government/ public and wildlife organisations were roughly evenly split.

Natural England Comment and Decision:

As explained under Question 4.2, Natural England had decided that it is simpler for most people to have one licence to consult for each legislative purpose. The condition requiring users to satisfy themselves that alternative methods of resolving the problem are impracticable or ineffective is being amended so that it does not apply to the non-native species on the licence (i.e. they are being listed within the condition for clarity).

THEME – Review of species listed (Qu. 6 - 7)

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.

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?

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.

General comment

Because very similar points were made under all of the proposals affecting gull species, this summary treats the questions 6.1, 6.2a & 6.2b together.

In the responses to these proposals (Proposals 6.1 & 6.2a & b), we noted that the 'No' responses reflected two distinct stances:

- Further restrict activities under the general licences by removing both the species from the licence permitting action for the purposes of persevering air safety,
- Maintain the status quo, continuing to permit action against the gulls for all purposes currently licensed.

A simple break down of Yes, No and No Comment responses masked the different intentions of those responding, so the 'No' responses have been differentiated further to reflect this.

Proposal	Yes	No (restrict further)	No (maintain status quo)	No Comment
6.1 - Remove Great Black-backed Gulls from all General Licences except air safety	29% (10)	11% (4)	31% (11)	29% (10)
6.2 – Remove Herring Gulls from all General licences except air safety	26% (9)	11% (4)	(40%) (14)	21% (8)
6.3 – Allow only nest/egg destruction to manage Herring Gull public health and safety problems	26% (9)	14% (5)	31% (11)	29% (10)

Number of respondents to these questions=35

Comments supporting proposals

Responses supporting our proposals welcomed our commitment to reviewing the species listed on the general licence, although both the RSPB and the WWT indicated that a wider review is eventually expected. The RSPCA agreed that it was pertinent to question why a species with a breeding population of only 1500 pairs should be on a general licence. The Institute of Ecology and Environmental Management suggested that for Herring Gull egg and nest control, we might include text restricting the use of this control to specified places e.g. 'urban settings'.

The British Pest Control Association observed that the proofing, scaring and hygiene techniques usually negate the need to take/kill Herring Gulls in the majority of circumstances. They further suggested that only those holding a professional qualification should be permitted to take action. The RSPCA cited evidence that nest/egg control is a very effective strategy for dealing with urban problems.

Comments supporting status quo

Specific objections to the proposals included statements that both species of gull cause a range of problems, which are currently addressed by taking action under the general licences. These

include public health and safety problems and predation on a range of other birds species including game-birds (e.g. Grey Partridge, Red Grouse and Black Grouse) and ground-nesting birds such as Lapwing, Golden Plover and Puffin. The British Ornithologists' Union cited Great Black-backed Gull as a potentially important predator of declining seabirds, notably the Puffin in Dorset and on the Farne Islands. The Countryside Alliance also stated that Great Black-backed Gulls represent a significant problem for some sheep farmers in respect of attacks on lambs. Some of those respondents objecting acknowledged that problems tend to be site-specific or localised, and the Game and Wildlife Conservation Trust said they may be infrequent, but many believed that the individual licensing route will cause delays meaning any required action will be too late.

The National Gamekeepers' Organisation commented on an apparent inconsistency i.e. the proposal to remove certain gull species from some licences vs the proposal to add House Sparrow to a licence aimed to preventing problems in food production premises. There was some difference of opinion between responses as to the time of year that Great Black-backed Gulls cause problems, with BASC stating that the summer months are the problem period and the British Falconers' Club noting that problems occur in the winter when the population here increases due to migration of birds from Northern Europe.

Respondents objecting to our proposals asserted that there is no evidence that the inclusion of these gulls on the general licences (and thus the action taken under the licences) has contributed to a decline of the species, and therefore there is no justification for removing them from the terms of the licences. The Game and Wildlife Conservation Trust questioned our statement on the relative scarcity of Great Black-backed Gull. It also made the point that if we were to remove a species based on population decline, it would be logical to add a species based on population increases, citing the raven as an example. There is a question mark over the cause of the decline of Herring Gulls, with some respondents stating that it is a natural consequence of factors such as improved hygiene at landfill sites and reduced volumes of fishing waste.

The Federation of Bath Residents' Associations observed that although Herring Gulls have declined, urban populations have increased e.g. there was 6% increase in the number of breeding pairs in Bath last year, and that the scale/impact of the problem has been underestimated by many.

Comments supporting additional restrictions

Those respondents opposed to the proposals (on the grounds that they do not go far enough) cite concerns about the conservation status and the lack of evidence that the problems are significant enough to warrant anything other than an individual licensing approach. RSPB cited a paper reporting that 13.5% of the Herring Gull population in Britain and Ireland nest on roofs, and commented that continuing to permit nest and egg control under the general licence will expose a significant proportion of the population to 'unregulated control'. The 79 campaign style responses supported the RSPB's view that use of this technique should be individually licensed. Several respondents requested evidence to confirm that it is appropriate to continue to allow action for air safety reasons under a general licence, given our stated concerns about the two species in our proposals. They suggested that if numbers of birds taken for this purpose are low, individual licensing would be more appropriate.

Additional comments

The British Falconers Club flagged an issue around site operators' licences for waste disposal sites. They stated that such licences often include a condition relating to control of birds including gulls, and those site operators may therefore all need individual licences in future. Falconry organisations also expressed concern that falconry is not cited as a specific method of control on the licences. They believe that this puts their members at risk of prosecution where a general licence species is taken by a falcon, and given that falconers are often called upon to help control birds in problem situations, they requested clarification.

Natural England Comment and Decision:

Great Black-backed gulls

We have decided to remove the Great Black-backed Gull from all general licences with the exception of the air safety licence as proposed.

We disagree with the view expressed by several consultees that this species should not be removed owing to the absence of evidence directly linking licensed action to negative impacts on conservation status. The Great Black-backed Gull is a comparatively scarce species in England and there is scant evidence that it causes widespread problems. We do not know what impact licensed control has (e.g. because there is no reporting of numbers killed under the licences). Taken together, we have decided that its inclusion on all general licences is neither justified on the basis that applications would be routinely approved, nor can it be considered a 'low risk' to the species (see general licensing criteria in Consultation document).

We accept comments that Great Black-backed gulls occasionally impact on other birds including ground nesting species, through predation. However, some respondents acknowledged that these problems are often site-specific, and, given the comparative scarcity of this species in England, we believe that individual licensing is a more appropriate approach to tackling problems when and where they arise. Our website should be consulted for guidance and an application form where an individual licence is needed⁴. Please note that, for individual licences, applicants are required to provide evidence that a problem exists and that alternative non-lethal means of resolving the problem are ineffective or impracticable.

Our decision to retain this species on the air safety licence reflects the serious consequences resulting from airstrikes involving wild birds. Under the Air Safety General Licence airports are required to provide annual returns of birds killed. Returns for 2008 show that no Great Black-backed gulls were taken/killed in that period for this purpose, so we can be confident (in contrast to the other general licences) that inclusion on this licence poses no risk to the conservation status of this species.

Herring Gulls

We have decided to amend all the general licences except the air safety licence, as proposed. This means that the Herring Gull will be completely removed from the two general licences permitting activities for the purposes of

- preventing serious damage/spread of disease, and
- conserving flora and fauna (including wild birds)

The licence permitting action for the purpose of preserving public health and safety will be amended as follows:

- taking or killing of Herring Gull will no longer be permitted, but
- the destruction of nests and/or eggs will continue to be permitted where the authorised person is satisfied that the action is necessary to resolve a problem and the terms and conditions of the licence can be met.

Herring Gull is now red-listed as a bird of conservation concern and we consider it more appropriate for licensing decisions to be made on a case-by-case basis. Allowing nest and egg destruction to continue for public health and safety purposes recognises the fact that Herring Gulls, particularly in some urban areas, do cause problems. In most cases, these problems are currently addressed using nest and egg control (shooting is not usually an appropriate control method in the sort of urban situations where this problem is most likely to occur), and we believe that this strategy will allow most problems to be addressed exactly as before. If a lethal control is

⁴ Application form available at:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/applicationforms.aspx#birds>

required then individual licences can be issued.

We do not agree with the respondents who argued in favour of the status quo on the basis that there is no evidence that the population decline is attributable to licensed action; we do not know what impact licensed control has (because there is no reporting of numbers killed). Herring Gull is now red-listed as a bird of conservation concern so we can no longer consider its inclusion on all general licences as a 'low risk' to the species (see general licensing criteria in Consultation document).

One respondent (the British Falconers' Club) flagged the fact that landfill site operators are often required by the terms of their site licences to take action against gulls. We did not receive a response to our consultation from the Environment Agency, the Local Government Association, the Association of Local Government Ecologists or any Local Authorities. However, in the light of the British Falconers' Club's response, we have discussed this issue with the Food and Environment Research Agency, who provide specialist advice on bird management. We are advised that landfill site operators are occasionally required to implement bird control measures where the presence of species such as Herring Gulls are causing local air safety risks or public health and safety problems in a nearby urban setting. The term 'control measures' is interpreted to include non-lethal techniques such as scaring with falcons, use of pyrotechnics etc, which are often very effective in resolving the problems. Where air safety risks are a concern within 13 km of the airfield, landfill site operators will continue to be able to kill Herring gulls under a general licence. In other circumstances, where non-lethal measures have failed to resolve a problem, operators can apply for an individual licence and we will consider such applications on a case by case basis.

In respect to concerns that falconry is not specified as a method on the general licences, it should be noted that falconry is **not a prohibited method**. Providing a licence permits the taking/killing of a bird species (and falconry is not specifically excluded) then a falcon may be used as long as licence conditions are satisfied.

Where a species is not listed on a general licence, falcons may be used to scare target species, but not kill them. We understand the concerns that falconers have about use of falcons in these circumstances and are willing to enter discussions with falconry representative bodies to explore regulatory solutions to facilitate the continued use of falcons to scare other species as a wildlife management tool.

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 (60%), NO (20%), Other (20%)

Many respondents thought that this was a good idea, a pragmatic step in the right direction in terms of reducing unnecessary regulation, although reservations were expressed about the proposed requirement to report annually on the action taken under the licence (see comments under question 7.2 below). Mike Leggett argued that if a Health and Safety risk exists, lethal action should not be delayed, there should be no period of attempting non-lethal measures and that this approach should apply to all species in these circumstances. In contrast, some respondents supporting this proposal acknowledged the emotive nature of the subject and commented that it is vital that non-lethal methods be tried first. BPCA supported our suggestion that this licence would be used by suitably qualified/experienced people, stating that only those holding suitable qualifications in bird problem management should be authorised to take action. Mr Leggett urged caution on this, stating that we should not limit this licence to professionals, as there are many very experienced, skilled individuals who are available to help quickly in these situations.

Several respondents suggested expanding the list of species included on this licence, and Mr Leggett suggested that the licence should apply to all species. Other respondents challenged us to go further than our original proposal which was aimed at resolving public health and safety problems. The NFU proposed that Starling should be added on the grounds that they are a significant pest and disease vector at pig units [i.e. under the prevention of serious damage and spread of disease purposes]. We also received requests that we expand the range of premises at which this licence could be used; several suggested allowing action at grain stores, poultry rearing units and other agricultural premises, and GWCT suggested action may also be appropriate to prevent damage to seed beds in allotments and back gardens. Both the Hawk Board and the British Falconers' Club requested the explicit inclusion of falconry as an approved method on this and other general licences. (See our response under Section 6 for our comments on this.)

Although supportive in principle of the proposal, the National Trust stated it would object to licensed action being permitted in premises that were not wild bird-proof. This view was echoed in several other responses which stressed the importance of conditions requiring that proofing is in place and non-lethal methods are exhausted before killing. The Wildlife Trusts, referring to concerns about the numbers of birds that might be taken, proposed a threshold beyond which users of the licence would need to consult Natural England for advice before taking further action.

Respondents objecting to this proposal pointed to the fact that both House Sparrow and Starling are red-listed species and, given that they were removed from general licences several years ago following population declines, it would not be appropriate to include them on a general licence. Furthermore, our statement that only small numbers of birds are licensed to be taken each year suggested to those respondents that individual licensing is the most appropriate strategy. RSPB suggested that Natural England should instead issue guidance, listing the required sequence of non-lethal actions, and offering a swift licensing process if premises with problems can demonstrate that those steps have been followed. West Sussex Wildlife Protection expressed fears that this licence could be abused.

Peter Wilkinson (who wrote as a BTO ringer) suggested a middle way to account for any concerns that larger numbers of birds might be killed than under the current regime; this would involve issuing a general licence permitting 'catch and release' only, which would allow use of traps and/or mist nests much more quickly than before, but requiring individual applications for lethal action. If our original proposal is implemented, he suggested that it is important that there be little or no delay between identifying a problem and deploying traps.

RSPCA was sceptical that a General Licence is transparent enough to achieve the hierarchical approach set out in our proposal.

Natural England Comment and Decision:

We have decided to issue a licence for the purpose of preserving public health and safety permitting authorised persons to **catch and release** House Sparrow, Starling, Robin and Blackbird where they have become trapped in premises involved in the preparation of or production of food for sale for human consumption. For the present time we have decided to limit actions permitted under the licence to catch and release (using appropriate traps and or mist nets), and exclude the provision to shoot trapped birds, as originally proposed. The option to apply for an individual licence to shoot these species remains unaffected.

The licence will be subject to conditions and guidance specifying how traps/mist nets should be used. The use of mist nets will be restricted to persons that are trained and experienced in their use because of the welfare problems associated with improper use. To use a mist net under this general licence, a person will either need to be in possession of the appropriate BTO ringing

permit or they will need to apply to the Licensing Unit, presenting suitable evidence of competence, for a personal licence to use this method.

Eligibility to use this licence will be restricted to premises involved in the preparation or production of food for human consumption or sale to the public on the understanding that they are proofed to prevent small birds entering. Premises such as grain stores and other agricultural premises are unlikely to be able to meet this proofing requirement.

We will issue guidance on use of traps for birds in these situations.

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 (48.6%), NO (25.7%), Other (25.7%)

Roughly half of respondents supported the requirement to maintain records and report on action taken. Although RSPB and WWT did not support the issue of the licence proposed under 7.1 above, both commented that the registration and reporting requirements would be welcomed as 'in keeping with our obligations under Article 9 of the Birds Directive'. WWT expressed a similar view. Chris Foreman advised that it is essential that all action under licence is reported to Natural England, a view echoed by Mike Leggett.

Of those who objected to reporting (but were supportive of the proposed licence), BASC advised that a requirement to report would bring this proposal into the realm of individual licensing, and Countryside Alliance, the GWCT, Hawk Board and the National Gamekeepers' Organisation regarded this element of the proposal as unnecessary bureaucracy which was at odds with our duty to reduce superfluous burdens. The NFU suggested that if Natural England is sufficiently confident that there will be no conservation impact, then requiring the collection of this information is excessive.

BPCA asked for further clarity on the registration requirement, i.e. should the requirement to register apply to the first use of the licence or the first use at each site?

Natural England Comment and Decision:

We have decided that users of this licence will be required to register their first use of the licence, maintain records of action taken and to submit a report annually. This is to allow compliance checking of a sample of sites to ensure licence conditions are understood and applied. This measure is a necessary check to give us confidence that this light touch approach is justified and that the welfare and conservation status of these species is not adversely affected.

THEME – Sales of birds (Qu. 8 – 11)

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

YES (42.9%), NO (0%), Other (57.1%)

The majority of respondents had no view on this subject and there were no objections to the principle of consolidating these licences, with those respondents who commented stating that it is a sensible simplification. However, the RSPB is concerned generally about the breadth of the sales derogations, questioning whether a General Licences approach to sales is compliant with the Birds Directive. (Note: All of RSPB's responses to the subsequent proposals within the

'Sales' theme were caveated with this underlying concern about the legality of the licence.)

Natural England Comment and Decision:

We intend to proceed with consolidating the sales licences as this was widely supported as a sensible simplification to the current regime, reducing the need for those trading in captive bred birds to have to cross-reference several document in order to understand which species are covered by the licence. However, as a result of the comments regarding specific exclusions there will be some alternations to the draft licences previously supplied with the consultation.

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 (25.7%), NO (11.4%), Other (62.9%)

The majority of respondents made no comment on this proposal. The BOU and RSPB both objected, arguing that it is important that all captive birds should be ringed, if not closed-ringed, then with some alternative, possibly at the point of capture for sale. The WWT advised that close rings are not appropriate for wildfowl due to the risk of injury if a closed-ring slips over the tibio-tarsus. It further stated that the repeated wetting and drying and contact with abrasive anti-erosion material on pond edges often makes inscriptions on commercially available closed rings illegible.

Natural England Comment and Decision:

We intend to continue to allow the sale of these species un-ringed for the time being. Comments from WWT have gone some way to explaining why this exception on close rings for certain captive-bred wildfowl was originally made. However, technologies have moved on since the sales licences were first issued and it is now appropriate that we explore whether there is a suitable alternative to close rings for these species e.g. microchipping. Before making changes to the marking requirements, we will have further discussions with stakeholders, including the bird keeping and trading community, in order to explore the feasibility of alternatives, the benefits that would ensue and the likely impact of any changes.

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 (11.4%), NO (11.4%), Other (77.1%)

Again, the majority of respondents made no comment on this list. However, the National Trust, BOU, RSPB & WWT argued that all captive birds should be ringed, or if that is not possible, marked by an alternative means. The RSPB and WWT both requested the removal of the Common Scoter from the list of species exempt from ringing due to its red list status and the fact that it has in the past been reportedly illegally traded.

Natural England Comment and Decision:

We are content that this list is correct, although as a result of a decision explained under Question 9.1 below, we will remove Mute Swan from the list. Note, this list relates only to marking requirements – we address RSPB concerns about illegal trade in the Common Scoter at Section 9.1 below.) Although no close rings are required for birds listed on the Annex to the licence, the documentary evidence requirement (see conditions and notes on the draft licence) still applies

should a keeper wish to sell a captive bred specimen. As indicated under Question 8.2, we will consider whether this licence should be amended in the future to require marking using an alternative method.

Question 9.1: Do you agree with our proposal not to exclude any species from sale under the general licence on the grounds of risks to their conservation status from illegal take from the wild? Please provide grounds and evidence for your position?

YES (34.3%), NO (8.6%), Other (57.1%)

There were few objections to this proposal. The British Birds Council stated that provided evidence of captive breeding is provided, no species should be excluded. However, several respondents (National Trusts, RSPB and WWT) referred to a recent report⁵ from the Netherlands (commissioned by a Birdlife International partner) which concluded that a relaxation of the law relating to sale there led to an increase in the variety of species available for sale, a percentage of which were suspected to have been taken illegally from the wild. The RSPB suggested that we add to the list the species of bird removed from Schedule 4 of the Wildlife and Countryside Act 1981 by Defra in October 2008. They also asked us to consider listing Common Scoter as an exclusion, on the grounds that it is a red-listed species that has been subject to illegal trade in the past.

Natural England Comment and Decision:

Although it was not our original intention to exclude any species, on reflection, we have decided to retain the exclusion of Mute Swan. This is due to concerns that there have been attempts in the past to pass wild birds off as captive specimens, and the application of Crown Prerogative rights to this species (Wild Creatures and Forest Laws Act, 1971) further complicates the legal status of birds subject to sales.

We have approached RSPB for further detail on the basis of their concerns about Common Scoter, and it has confirmed that they do not have any records at present of illegal trade in this species. We understand that their concerns relate to the scarcity of Common Scoter and the scale of the impact that any illegal take from the wild might have, coupled with the fact that the sales licence exempts this species from the close ring requirement. This licence is renewed annually, so if evidence of continuing concerns becomes available, we will review the decision to allow sale of captive-bred specimens of this species.

At the present time, we do not intend to exclude from this licence the species removed from Schedule 4 by Defra in 2008. The Government considered the risks to the conservation status of these species when it took its decision and was content that these controls were unnecessary. For Natural England to implement a new set of controls for the same species would send a contradictory message and undermine this deregulatory step.

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?

Continue to exclude Ruddy Duck and Egyptian Goose - YES (51.4%), NO (2.9%), Other (45.7%)
Add Canada Goose to list of exclusions - YES (48.6%), NO (5.7%), Other (45.7%)

⁵ Van Kreveld, A (2007) *Bred in a trap: an investigation into illegal practices in the trade in wild European birds in the Netherlands*. Strooming BV, Nijmegen.

Overall, few respondents objected to this proposal. The RSPCA commented that trading is a major pathway for invasive species, but questioned the usefulness of adding Canada Goose to the licence in the light of our comment that regulating sales of well-established non-natives may not deliver conservation benefits. The RSPCA, RSPB and WWT all suggested a wider review of trade in waterfowl may be appropriate, given the significance of the pathway for the reintroduction of non-native species.

Natural England Comment and Decision:

It is an offence to sell any wild bird under the Wildlife and Countryside Act 1981, except under licence or derogation. We have used this consultation to examine the potential of using the regulation of sales as a mean of tackling some of the problems caused by non-native bird species kept in captivity, but which occasionally escape and establish in the wild.

The questions we posed sought to gather stakeholder views on the usefulness of such measures. Having analysed the responses and made further enquiries we have concluded that the benefits are insufficient to justify the increased regulatory burden that would follow from increased controls. We believe that regulating the sale of birds through the licensing system is, at the present time, a relatively weak tool to address threats posed by non-native birds, especially where a species is widely established in the wild (e.g. Canada Goose) or is widely kept as a pet (e.g. Ring-necked Parakeet).

Our deliberations focused on the following key considerations:

- Under the Wildlife and Countryside Act 1981 it is lawful to possess wild birds, irrespective of whether they are native or non-native to GB, so long as they are legally obtained. The Act imposes only limited controls on the keeping of legally possessed wild birds⁶, and there are no keeping controls currently in place that are aimed at preventing releases into the wild. The Act does include a provision (in section 14ZA) to introduce Codes of Practice relating to non-native species and one is planned for keepers and traders of companion animals in the future. The fact that it is an offence to release or allow to escape into the wild '*any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state*' or is listed on Schedule 9 of the Act provides some incentive to act responsibly.
- To date, the Government has exercised a presumption in favour of permitting the sale of most legally obtained wild birds where there is no conservation concern. As a result, some species that are now considered a threat to native biodiversity or other interests (such as the eagle owl and the parakeets) are owned and traded in significant numbers. Introducing a 'presumption' against permitting the sale of a wider range of bird species at this point in time would constitute a significant change in policy and would require a regulatory impact assessment, which has yet to be undertaken. The Government is currently considering a ban on sales of a number of invasive non-native species, but only one is a wild bird, the Ruddy Duck, *Oxyura jamaicensis*⁷.
- Alternatively, we could continue to permit sales but use an individual licensing approach to institute measures aimed at encouraging responsible keeping (such as checks on keeping conditions and recording the location that birds are kept). However, these measures would only apply to birds that are sold and it may prove difficult to legally enforce keeping conditions (especially in the long-term) when it is only the act of sale that is regulated. The scale of sales of some non-native birds is significant and a regulatory regime based on individual licensing would place a significant burden on Natural England, as the competent

⁶ Section 7 of the 1981 Act requires the registration of certain captive birds and section 8 includes, amongst other things, provisions relating to the size of cages.

⁷ Defra Consultation on (1) The Review of Schedule 9 to the Wildlife and Countryside Act 1981 and (2) The Ban on Sale of Certain Non-native Species. Launched: November 2007; responses published: May 2009. www.defra.gov.uk

authority, and on responsible keepers. We have thus concluded that individual licensing would provide only a modest benefit as a control measure but would add significantly to the regulatory burden. The increase in burden compared with the current regime of general licensing could also provide an incentive to evade controls. Any measure that encouraged illegal releases of unwanted non-native birds into the wild would be counterproductive and potentially harmful to native flora and fauna.

We are in agreement with those respondents who identified trade as a significant pathway for invasive non-native species; however tighter regulation of sales of legally held, captive-bred birds within this country is, on its own, unlikely to make a significant impact on escapes, and might even prove counterproductive. This issue does need to be tackled, but we believe that greater benefits would accrue from tighter controls on keeping non-native birds, reserving controls on sale for situations where a clear benefit is evident (e.g. to discourage introduction of a new non-native species). A Code of Practice for keeping non-native birds giving advice on responsible keeping (such as double-doors on outdoor aviaries) is in the pipeline and will be a good first step. There may also be a case, for some high-risk species, to consider firmer controls on keeping, similar to those provided for mammals such as the Grey Squirrel and North American Mink under the Destructive Imported Animals Act 1932. The Implementation Plan for the GB Non-Native Species Framework Strategy has as two of its goals, a commitment to make best use of existing powers and a review of legislation⁸.

As an alternative measure, we intend to explore the use of guidance, education and communication on keeping non-native birds with key representative bodies to raise awareness of why non-natives are a problem and to encourage better, more responsible keeping. We will also consider applying conditions to the general licence permitting sales of birds that limit the risks of non-native species dispersing, e.g. pinioning and wing clipping where appropriate.

Furthermore, we will be including a new condition relating to convictions to the sales licences (see section 13(iii) below), which will restrict the use of general licences by people convicted of wildlife offences. This will hopefully encourage compliance with licences and wildlife legislation more generally.

In the light of this assessment we propose to retain the current general licensing regime for sales, for the present time. However, in relation to our original proposal under 9.2, we intend to implement the first part of this proposal as set out in the consultation i.e. retain the exclusion of Ruddy Duck and Egyptian Goose from the licence permitting sales. It was widely supported by respondents expressing a view and we do not wish to water down that which is already in place and understood.

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

YES (42.9%), NO (17.1%), Other (40%)

Several organisations objected to this proposal. The Countryside Alliance, British Falconers' Club & Hawk Board commented that the system of Article 10 Certificates (administered by Animal Health) should preclude the need for an additional registration scheme, which would impose an unnecessary layer of further bureaucracy. The BFC and Hawk Board also commented that if similar arrangements are not implemented by the authorities in Scotland and Wales, a registration scheme would not be workable. These organisations also commented that the proposal seemed at odds with Defra's deregulation of activities relating to falconry [referring presumably to the removal of many falconry species from Schedule 4 in October 2008].

⁸ The Implementation Plan is available at: www.nonnativespecies.org/

Whilst the National Trust agreed in principle to this proposal, it contended that the proposed scheme was 'simply record-keeping', and it questioned whether the proposal would be cost-effective in reducing escapes. RSPCA, which currently deals with around 10-15 escapees per year considered that the proposed scheme may facilitate connecting lost birds with their owners. WWT argued that a registration scheme should be deployed as a minimum amongst a suite of measures to ensure greater regulation of non-native species, and the National Gamekeepers' Organisation observed that any measure making inadvertent release less likely would be a good thing. The RSPB went further, saying it would prefer to see Eagle Owl listed as an exclusion to the sales licence, forcing owners to seek individual licences for sales (see proposal 9.4 below).

The British Falconers' Club referred to an ongoing debate on whether the birds already free-living in the wild in England are of captive bird descent or if they are migratory individuals, indicating that evidence would help inform decision. GWCT cited evidence that eagle owls were native here after the last glaciations, and are potentially a candidate for re-introduction as former native.

Natural England Comment and Decision:

As set out under our commentary at Section 9.2 above, we have concluded, that the benefits of adopting tighter regulations of sales within this country do not out-weigh the costs and could even be counter-productive. Without controls on keeping, sales controls are a comparatively weak means of tackling the risks posed by problem-causing non-native species and the registration scheme proposed in our consultation would not fully address the failure of some keepers to act responsibly. We firmly believe that action is needed to encourage keepers of eagle owls to do more to prevent escapes and to recover escapees. However, we also want to be sure that where we introduce an administrative burden it will deliver the outcomes intended without imposing an unreasonable burden on people acting responsibly.

We intend to explore alternative approaches to achieving our aims, e.g. education and awareness and licence conditioning (e.g. including the new condition limiting use of general licences by persons convicted of wildlife offences, see section 13(iii) below).

In respect to comments regarding the status of the eagle owl in Great Britain, a comprehensive review of the archaeological record found evidence of only a single Eagle Owl bone from around 10,000 years ago (Stewart 2007), and a recent review by the British Ornithologists' Union found no evidence that any of the birds recently recorded in the wild had arrived naturally and concluded that they were present as a result of escapes from captivity (Melling *et al.* 2008).

The species is also subject of a Non-Native Risk Assessment, the conclusions of which are expected to be published in the near future.

References

Melling, T, Dudley, S. & Doherty, P. 2008. The Eagle Owl in Britain. *British Birds* 101: 478-490.

Stewart, J. R. 2007. The fossil and archaeological record of the Eagle Owl in Britain. *British Birds* 100: 481-486.

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 (25.7%), NO (8.6%), Other (65.7%)

Once again, many respondents did not express an opinion on this proposal, stating that other organisations were better placed to comment. Of those that did, there was marginally more support than not across the response groups, and there were some contrasting views.

The British Ornithologists' Union stated that Barnacle Goose, Red-crested Pochard and Snow Goose are **not** non-natives; rather they are naturally occurring species in Britain with established

breeding populations which have arisen from captive sources. Furthermore, the BOU believes that the main threat from Scared Ibis is not from captive birds held in this country, but from the likely arrival of birds from the introduced French Atlantic population. The BOU suggested that the scale of the risk requires a 'shoot on sight' solution rather than the proposed tightening of sales regulations. The British Falconers' Club suggested that a simpler solution would be to add all non-native or hybrid species to enable rapid intervention in local or national problems.

The WWT suggested adding House Crow and Black Swan on the grounds of risks to biodiversity; the RSPB made similar suggestions and also suggested adding Eagle Owl. Whilst supportive in principle of greater controls on trading/keeping of 'potentially damaging non-natives', RSPCA believes that evidence is needed about which species are a threat before adding to exclusions.

Since this consultation closed, we have received representations from the Sustainable Users' Network, an umbrella affiliate organisation, representing a range of bodies from the animal and plant keeping sector, some of which responded to our consultation in their own right; this body wished to reinforce the points made by their members in their own responses but also to make the point that education and conditioning of licences for sales of non-natives would be a less burdensome and potentially more effective means of addressing concerns Natural England might have about light touch regulation of sales of these species.

Natural England Comment and Decision:

In common with our decisions at 9.2 and 9.3 above, we have concluded that requiring individual licence applications to permit sales of legally held non-natives will make little difference to the risk of non-natives species escaping into the wild without controls on keeping. We intend to work with partner organisations and stakeholders to find more cohesive ways of addressing risks posed by trade in non-natives, and in the meantime, we will seek opportunities to raise awareness of the risks and the importance of responsible keeping.

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?

White-fronted Goose - YES (20%), NO (14.3%), Other (65.7%)

Barnacle Goose - YES (17.1%), NO (14.3%), Other (68.6%)

BASC objected to this proposal on the grounds that it would introduce an inconsistency with general licences issued elsewhere in the UK. It was concerned that the proposal could provide an incentive to shoot these species elsewhere for subsequent sale in England. The Countryside Alliance also objected, stating that the proposal 'would thus create a legal anomaly and widespread confusion'; under the proposed change, it would become possible to sell these two species but they could only be shot under licence. In contrast, other geese species such as Pink Foot or Greylag Goose which can be shot without a licence could not be sold under the general licence.

The RSPB urged caution in its response, requested that we defer our decision until the original reason for the exclusions can be better understood. The Wildfowl and Wetlands Trust responded that permitting sales of these species under the General Licences risks unregulated commercial hunting.

Countryside Council for Wales referred to the potential impact of changes to Schedule 2, driven by the Africa-Eurasia Waterbird Agreement (AEWA), to which the UK are signatories, stating that we may need to keep any decision on this proposal under review

Natural England Comment and Decision:

We have decided to defer our decision on this proposal. The original reason(s) for the exclusion is no longer clear and this consultation has failed to provide a persuasive argument either way. It is important to note that this licence does not permit sales for human consumption and is intended

only to apply to small numbers, such as are likely to be sold for use in taxidermy.

The responses raise concerns about inconsistencies in respect of sales of dead birds under the legislation. Our understanding is as follows:

- Species listed on Schedule 2 Part I of the Wildlife and Countryside Act 1981 can be killed or taken outside the Close Season.
- Species listed on Schedule 3 Part III (all of which are also included in Schedule 2 Part I) can be sold dead in season (1 September to 28 February). Our General Licence allows these species to be sold out of season but only in small numbers and not for human consumption.
- Seven species on Schedule 2 Part I are not listed on Schedule 3 Part III, nor are they on our General Licence, and so an individual licence must be sought to allow sale of dead specimens at any time (even in small numbers and where not for human consumption); these species are: Gadwall, Goldeneye, Canada Goose, Greylag Goose, Pink-footed Goose, White-fronted Goose and Moorhen.
- Individual licences are also required for sales of dead Greenland White-fronted Goose and Barnacle Goose because they are specific exclusions on the current General Licence permitting sales of dead birds.

This means that, with the exception of the species named in the two bullet points above, all birds can be sold dead without an individual licence, including our rarest and most threatened species, although the General Licence conditions ensure that most can only be sold in small numbers and where not for human consumption. Because of the latter caveats, we do not believe that permitting the sale of these species through the General Licence would encourage illegal killing. However, we intend to defer a decision, pending further discussions with stakeholders about the implications for changing this licence.

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

YES (54.3%), NO (5.7%), Other (40%)

The proposal was quite strongly supported, with little objection, although there was again a high proportion of 'no comment' responses.

The RSPCA thought that this authoritative guidance could help courts, and the Magistrates Association agreed. The RSPB and Wildfowl and Wetlands Trust both went further, suggesting that the text should be a 'requirement' to follow rather than 'guidance'. They also suggested that we should provide an online form on which the information required to demonstrate legal ownership would be completed. One note of caution expressed by the RSPCA was that 'gifts' of birds might circumvent the proposed guidance and controls.

The BASC & British Birds Council both objected to the proposal, stating that decisions on what constitutes documentary evidence is a matter for the courts. (BASC stated that it has a specific interest in this proposal as it affects the sales of captive bred Mallard).

British Birds Council also took this opportunity to make detailed suggestions on the nature of rings that should be acceptable under the regulations, which would limit the need for breeders to have documentary evidence of captive breeding. Coupled with their suggestions for changes to the ringing conditions on the draft licences, they stated that these would reduce the burdens on breeders without diminishing the benefits of the regulations. They explained that rings provided by Confederation Ornithologique Mondiale conform to strict European guidelines; they are size-coded, bear the issuing body's code, are individually numbered and dated, and they are traceable to the breeder because they bear the breeder's ID number. BBC stated that they and the

International Ornithological Association now issue COM rings in addition to the standard rings required by Statutory Instrument 1982/1220 for captive Schedule 3 Part 1 birds sold in this country. (Note: BBC and IOA are the only two ring suppliers permitted to sell the rings that meet the requirements of that SI.)

The traceability of the COM rings would, the BBC states, allow Natural England to waive the need for separate documentary evidence for birds bearing COM rings. The organisation suggested that such documentary evidence should only then be required for:

- birds that do not need a ring
- birds that are ringed in accordance with the requirements of country of origin but that don't meet UK regulations
- Schedule 4 species which require a CITES compliant ring.

In this detailed submission, the BBC acknowledged that the changes they suggest would require a change to Statutory Instrument 1982/1220⁹ if they were to have a helpful impact on those trading in birds.

The RSPCA also suggested that there is potential for the sales licence to replace the current Schedule 3, creating a level standard for all birds except those listed as exclusions on the licence.

Natural England Comment and Decision:

We intend to apply the proposed paragraph to the relevant general licences as guidance on what might constitute acceptable documentary evidence of captive breeding. In providing this guidance, we emphasise that it is for the courts to decide whether a piece of documentary evidence is acceptable, and it is not possible for Natural England to make this as a 'requirement' as suggested by some respondents. However, as the regulator, we are frequently approached for advice by people wanting to make sure that their activities are legal, and we take seriously our obligation to help people meet legal requirements. Our guidance aims to provide this advice in a consistent format and in an open way. The advice reflects the level of evidence we would like to see presented in support of any individual applications for sales licences.

Regarding the BASC concerns about the burden placed on people selling captive-bred Mallard, we recognise that this species of duck is bred commercially in large numbers in a manner that is similar to poultry farming. For most species of bird, the purpose of the documentary evidence is to provide an audit trail demonstrating that the birds have come from a legitimate source. We have discussed this issue further with BASC, and understand that the breeding of captive Mallard is an established practice aimed at producing large numbers of birds for release into the wild to supplement wild stocks and provide additional quarry for shooting. Breeders are required to register on the *Great Britain Poultry Register*. As such, the risk posed to wild birds by this activity is considered low, and we consider that the documentary evidence requirement is met by each invoice citing the breeder's Poultry Register number and stating the number of birds sold. As stated previously, this is only advice, and the final say this matter rests with the courts.

Ringling Requirements

We received a number of suggestions from the British Birds Council, advocating burden-reducing changes to the ringling requirements for species of bird that are commonly held in captivity and traded. We intend to explore the feasibility of suggestions and we will raise them with Defra. (As indicated in the section above and in the footnote below, making the changes suggested by this consultee will require changes to a statutory instrument that we have no authority to make.)

⁹ Changing the regulations in this way would need to be carried out by Defra; Natural England has no authority to make such changes.

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

YES (37.1%), NO (5.7%), Other (57.1%)

Most respondents did not comment on this proposal, although those that did were mostly supportive. BASC repeated its objection, stating that the wording places an unnecessary burden on people who rely on the general licences in relation to the sales of captive bred Mallard. The British Birds Council also repeated their objection, stating that breeders' records and DNA samples should continue as the evidence required in court. This stakeholder also flagged a risk that documentary evidence giving the address of the breeder lays that breeder open to risks of theft, an issue that has become a serious problem more recently.

RSPB and WWT repeated their suggestion that the text in the proposal be labelled as a requirement and not just guidance.

Natural England Comment and Decision:

Natural England received no specific suggestions for amendments to the proposed guidance text. However, in order to address British Bird Council concerns about the risks of theft posed by requiring the full contact details of the breeder, we have removed the word 'full' to allow the breeder to provide details such as email/telephone contacts instead of a full address.

The text will be applied as set out below:

'Persons intending to rely on the general licence must be able to demonstrate that birds are legally held and captive-bred, and are advised: to only purchase birds from breeders who are able to satisfactorily demonstrate that they are complying with the relevant regulations; to confirm, insofar as they are able, the bird's identification and age are correct; to check that the bird is correctly ringed, and to always obtain signed and dated written documentary evidence of captive-breeding from the breeder. Documentation should cite the bird's species, ring number and any other identification mark (e.g. microchips), hatch date, along with similar details for the parent birds, and the breeder's contact details.'

In order to avoid imposing an unnecessary burden on those selling captive bred Mallard in this country, we intend to add the following text to the guidance:

'The breeding of captive Mallard for release into the wild to supplement wild stocks and provide additional quarry, is an established practice and requires breeders to register on the Great Britain Poultry Register (GBPR). Therefore, in most circumstances, the provision of an invoice, documenting the sale of Mallard at all ages and including the number of birds sold and the breeder's Poultry Register number should provide sufficient documentary evidence.'

THEME – Understanding and awareness of the General Licences & their conditions (Qu. 12)

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 (20%), NO (62.9%), Other (17.1%)

Of those who commented on this question, a majority believed that the general licences are not widely understood. However respondents presented a wide spread of views, ranging from observations of a total lack of awareness to misunderstanding about specific details and conditions.

The RSPCA provided anecdotal evidence from its Enquiry Service and frontline staff that the public is not aware at all of the General Licences. It commented that the concept of general licences i.e. a legal document that must be understood but is simply issued rather than applied for, may be an intrinsically difficult concept to grasp. RSPB reported a similar lack of understanding, not only from members of the public, but also in industry and local authorities, and CCW also cited frequent requests from the public for information.

The National Farmers' Union, National Trust and National Gamekeepers' Organisation (NGO) suggested that those who rely frequently on general licences are reasonably familiar with the licences, but the NGO reported taking calls from individuals who are uncertain about where the licences can be found or whether paper copies need to be carried. BASC said that, although users of General Licences may be unable to explain confidently the finer detail of the conditions etc, this does not result in widespread non-compliance and does not adversely affect the welfare or conservation status of protected species. The GWCT commented that perhaps a lack of widespread understanding is not a problem, provided that the Secretary of State is convinced of the need for a general licence. The BPCA believes that usage of the general licence for preserving public health and safety should be limited to professionals in urban bird management.

The Magistrates' Association stated that whilst it was not aware of a lack of awareness, it would want to be sure that prosecutors had a full understanding in order to help the court determine culpability.

Mr Foreman and West Sussex Wildlife Protection both commented that they do not believe even the police are sure of what is permitted under the licences.

A number of specific concerns were expressed by respondents:

- RSPB flagged a lack of awareness of the conditions on Larsen trap use.
- Misinterpretation by users of the purpose of Conserving Wild Birds licence.
- West Sussex Wildlife Protection believes that the licence permitting action for purpose of preserving public health and safety is interpreted too widely
- WWT said guidance is needed on the minimum size of Larsen traps permitted
- Mr Leggett observed that one of the areas that is least understood is the requirement to consider non-lethal methods of resolving problems before taking action under certain licences.
- British Falconers' Club & Hawk Board both requested a General Licence permitting falconers to take birds whilst engaged in their sport, and greater clarity on the use of falcons under the existing General Licences.

As to reasons for a lack of understanding, the National Gamekeepers Organisation and Countryside Alliance cited frequent change to the licences and a lack of consistency across the different countries in the UK.

Natural England Comment and Decision:

Almost two thirds of respondents believed that there is a lack of awareness about general licences and their conditions. However, the stakeholders differed in their assessment of how important that is. Some, for example, believed that the principal users of the licences are sufficiently familiar with how the licences operate, although they conceded that detailed knowledge of the conditions may be lacking.

We were disappointed to note the suggestion of one stakeholder that widespread awareness of

the general licences and their conditions should not really be a problem, provided that the Secretary of State [and presumably the competent authority issuing the licences] is satisfied that a licence is needed. At present, we do not intend to make 'reading the licence' an explicit condition (as is the case in Scotland). However, we believe that doing so is essential and is, in any case, an implicit requirement owing to the condition stating that users must comply with conditions. We fail to see how a user can be confident that they are acting within the terms and conditions of the licence unless they have read and understood the licence.

As explained in our consultation document (Section 12), as the competent authority, Natural England is obliged to satisfy itself that there is no other satisfactory solution to granting a licence. This is what the law requires. In the case of general licences, which are issued without knowledge of the specific circumstances in which the licence will be used, we are only able to make a general assessment of the alternatives when issuing the licence. Confidence that the licence is justified in each case it is used relies on conditioning the licence so that any user must satisfy themselves on each occasion that they rely on the licence that there is no alternative before taking action. It is only by Natural England and each licence user sharing responsibility to consider alternatives that we can have confidence that the law met and the licence is justified.

General licences are considered to be an effective tool for minimising regulatory burden, allow tens of thousands of people to conduct activities or affairs that would otherwise be prohibited or subject to a more burdensome individual licence application process. Natural England is committed to their continued use and, where appropriate, extending use of such licences more widely for low risk activities.

However, it must be understood that if we have reason to believe that the terms and conditions of licences are being ignored then Natural England will have no recourse but to reappraise their use.

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

A number of suggestions were made in response to this question; a summary is provided below:

- Production of a General licences information booklet or pamphlet
- Provision of a single web-based portal for all general licences across UK, highlighting differences
- Provision of an information pack for dissemination via CA, CLA, BASC, NFU, Hawk Board, NGO, GWCT
- Tap into training providers network (BPCA and Network, GWCT, BASC etc) to provide correct information
- Disseminate information via partner organisations like NFU, farming publications, rural, shooting press IEEM for ecologists and ENDS for environmental consultants, Royal Town Planning Institute for planners, RSPB, British Waterfowl Association, Aviornis (UK), British and Irish Association of Zoos and Aquariums
- More engagement with bird trading/keeping community e.g. seminars in local areas where this activity is common
- Needs an appropriate length of time to publicise – 6 months
- Display of material in police stations and veterinary surgeries
- Persuade trap suppliers to provide a copy of the relevant General Licences when fulfilling orders.
- Inclusion of information on General Licences with Shotgun & Firearms applications and renewals (The NFU suggested a simple one page leaflet)
- Amendments to the introductory text on the licences, explaining the purposes for which

action can be taken, especially on 'conserving wild birds' and possibly excluding domestic gardens from this General Licence.

- Work with devolved administrations to achieve consistency of conditions

Natural England Comment and Decision:

We are fully committed to regulating in a proportionate way, and believe that the use of general licences is an excellent approach in circumstances where the risks are low in terms of meeting the aims of the legislation and ensuring the conservation status of species is maintained. Concerns raised by some stakeholders about awareness of licence conditions highlights our role as regulator to raise awareness, and through doing so, improve compliance.

Stakeholders made a number of valuable suggestions for improving awareness of the general licences. We have focused on those suggestions which will produce maximum benefit.

Some suggestions concerned matters out with our control, such as a consistent approach to licensing throughout the UK. Licensing is a devolved matter, and whilst we do engage with counterparts in Scotland, Wales and Northern Ireland, Natural England is not empowered to ensure there will be consistency.

Our future plans broadly fall into the following categories

- a) Changes to our web page
- b) Presentational change to the licences
- c) Communicating better with users through partners
- d) Revisions to conditions and guidance on licences

a) Clarity and usefulness of information of our General Licences web page:

We intend to improve the presentation and clarity of general licences information on our web page. The simple list of licence titles will be expanded to provide more detail on who may use the licence and a summary of the circumstances in which it may be used.

Natural England does not have control over the licences issued by the devolved administrations elsewhere in the UK. However, we will include links to web-based information (where it exists) provided by those organisations, flagging that general licences issued elsewhere may differ in the conditions applied, and it is important to read any licence if you intend to act under it.

General Licences Leaflet/flyer

We also intend to draft a one page flyer highlighting key facts about general licensing and signposting the licences on our web site.

b) Presentation of Licences:

We are also making some presentational changes to the licence. Draft licences in the new format are published with this Consultation response document; a summary of the changes is as follows:

- Insertion of subtitles in the licence document to improve clarity, particularly in the Notes section, which can be lengthy on some licences, particularly those that permit killing/taking of birds.
- Addition of a new introduction highlighting key facts about the licence. The details included in the table below reflect the fact that general licences are increasingly varied; some may only be used by a very specific user group while others may include a registration or

reporting requirement. These differences are now highlighted in a more prominent way (as illustrated below).

Issued under	[legislation]
Valid for the period	1 January to 31 December [year] (inclusive)
Valid in	[geographical area]
Who may use	[who can use this licence]
Registration	[is there a registration requirement or not]
Recording & reporting	[are there reporting/recording requirements]
Reference	WML / GEN L00

c) Communicating with licence users through partner organisations

We believe that we can increase the effectiveness of our communication on General Licences by engaging with partners to ensure that we get messages out into sectors who routinely use the licences to improve awareness and understanding. This includes organisations representing shooting sports, farming, conservation and bird keeping/falconry interests, and those with linkages to statutory undertakers.

d) Revisions to conditions and guidance of licence

We acknowledge the comments of some stakeholders that frequent changes to the licences have an adverse effect on awareness. We recognise this is an issue and as a result intend, where possible, to only introduce changes once a year when the licences are re-issued (on 1st January). We also intend to engage with partner organisations to ensure that we reach as wide an audience as possible in communicating changes.

The following amendments will be made to improve the clarity of licence terms and conditions:

- Addition of 'No Satisfactory Alternative' condition to 'Conserving wild birds' licence, for native species only. We can find no information to explain why this condition was not applied to this licence. It was referred to during the consultation Defra conducted on the general licences in 2004, but the omission was not rectified.
- Addition of guidance to licences that permit take/kill of wild birds stating that users may eat birds legally taken under the licence, but cannot sell them for human consumption.

We were also asked to clarify the meaning of the purpose 'conserving wild birds' to make it clearer when and where this applies. We are pursuing this, but are not in a position to provide further clarification at this stage.

Additional changes to the General Licences (section 13)

This section sets out a number of suggestions for changes made in responses submitted by consultees and also in the course of discussions with stakeholders since the consultation closed. None of these proposals were included in the consultation, but some are considered of sufficient merit to be acted on now, rather than consulting further. As these are additional changes we are announcing them well before they will be adopted on 1 January 2010 to give stakeholders the opportunity to familiarise themselves with them.

Not all suggestions made by consultees have been taken forward as amendments to licences.

Suggestion	Decision
<p>(i) Review of listed species - all</p> <p>A number of stakeholders requested that Natural England commit to a comprehensive review of the species permitted to be taken under the take/kill licences. The contention is that, for a number of species, the problems caused are insufficiently serious to warrant a general licence approach. This request was strongly supported in the 79 campaign-style responses received from those stakeholders who wrote in support of the RSPB.</p>	<p>We are committed to ensuring that the general licences only permit action where it is justified and to striking the right balance between risks to the conservation status of species and retaining a light touch approach to regulation.</p> <p>To this end, our consultation proposed a number of changes to the species listed on the licences, comprising the most radical changes to the general licences since they were introduced in the nineteen-nineties, all of which will be acted on.</p> <p>There will be an ongoing process of review of the species listed taking account of any new evidence of the need to remove or add species. In light of this, a separate review process is not considered necessary at the present time.</p>
<p>(ii) Review of listed species – Starling</p> <p>The National Farmers’ Union requested that Starlings be added once again to the licence issued to prevent serious damage and spread of disease.</p>	<p>Starlings remain a conservation concern and in view of this we believe that problems caused this species are best assessed on a case by case basis.</p>
<p>(iii) Convictions</p> <p>Several stakeholders (including the RSPB and WWT) advocated the addition of a new condition preventing persons with wildlife crime convictions acting under the licences. [This measure has already implemented in Scotland and is being considered by the Welsh Assembly Government see their consultation launched on 1 Sep 09¹⁰.]</p> <p>This provision does not prevent convicted persons from applying for an individual licence, which will be judged on its merits.</p>	<p>We intend to implement this change as it is compliant with Hampton principles, which advocate that the burden of regulation should reflect risk of non-compliance with regulations and compliance checking should be focused on higher risk individuals.</p> <p>Persons convicted of an offence under wildlife legislation (specified in the condition) after 1 January 2010 will be unable to act under the general licences. (For full details of the condition wording, please see the draft licences issued with this document). Any person barred from using the general licence will be able to apply for an individual licence; applications will be judged on a case by case basis.</p>
<p>(iv) Enhanced guidance and conditions on trapping</p> <p>RSPB requested a full review of cage trapping in the future, but as an interim measure, it asked for improvements to the conditions which apply to use of cage traps to take birds, set out in (v) to (viii) below.</p>	<p>A number of revisions will be made to the wording of the conditions and guidance relating to trapping (see the draft licences for full details) in order to improve clarity around the meaning of the terms used.</p>

¹⁰ Link to Welsh Assembly Government Consultation on General Licences issued under wildlife legislation <http://wales.gov.uk/consultations/environmentandcountryside/generallicences/?lang=en>

<p>We also received a representation from the Rural Payments Agency for greater clarity in the intention of these provisions to aid law enforcement agencies.</p> <p>This issue also relates to the licence awareness issue highlighted in responses to Question 12 of the consultation and to welfare concerns raised in Question 2.</p>	
<p>(v) Request that condition advising on the state of traps when not in use be tightened to ensure that they cannot easily be reset, to prevent the incidence of birds entering unused traps and starving to death.</p>	<p>The licences already contain a condition as follows:</p> <p><i>‘Where a cage trap is not in use, it must be rendered incapable of holding or catching birds or other animals. Any bait, food, water or decoy birds must also be removed.’</i></p> <p>And an associated note as follows:</p> <p><i>‘In order to render any cage trap incapable of holding or catching birds or other animals, it is necessary to either secure the door in a fully open or closed position or to remove the door completely.’</i></p> <p>We believe that this is adequate to address this concern and do not propose any amendment to the existing text.</p>
<p>(vi) Request to add a condition stating that cage traps must be checked from sufficiently near distance to ensure small birds are detected</p>	<p>We propose to add the following clause to the relevant condition dealing with inspection of traps:</p> <p><i>‘Such an inspection must be sufficient to determine whether there are any live or dead birds or other animals in the trap’</i></p> <p>We do not propose to specify a specific distance as the appropriate distance to inspect a trap properly will vary from case to case.</p>
<p>(vii) Request to implement a reporting requirement for all birds trapped</p>	<p>We need to make risk based decisions that balance the burdens we impose with the outcome required. At present, we do not consider imposing a reporting requirement for bird trapping carried out under licence is justified across all licences.</p> <p>However, as explained in our decision at Question 7.2 above, we will be requiring reports of action taken under the new licence permitting take of birds trapped in food premises.</p> <p>Reporting does have a place in some situations, particularly those where there are concerns about licence compliance or the impact of licensed action on the conservation status or welfare of species. In some cases, a</p>

	<p>reporting requirement may enable us to extend the use of general licences to a wider range of activities and situations, as we be in receipt of sufficient information to monitor licence impact on the species.</p>
<p>(viii) Request to require a trap user's contact details on a trap.</p>	<p>We recognise the benefits, from a law enforcement perspective, of there being a system for linking individual traps to the relevant trap-user. However, we are also aware of the personal safety issues that this poses.</p> <p>A system of registering trap users has already been deployed in Scotland (using the police as a partner) and we may consider adopting a similar approach in England in the future. However, any such system requires planning and negotiation between the enforcement authorities as well as specific engagement with relevant partner organisations.</p> <p>Our decision on this request is therefore deferred to allow further consideration.</p>
<p>(ix) Size of Larsen traps</p> <p>The WWT requested that we produce guidance on the minimum size of Larsen traps.</p>	<p>This proposal has significant implications for trap manufacturers and users. We have not had the opportunity to engage with relevant interests and therefore intend to defer our decision allow further consideration.</p>
<p>(x) Trap inspection periods</p> <p>A number of stakeholders complained about the trap inspection periods required under the general licences, with some observing that the current time period of 24 hours requires a user to visit the trap site earlier and earlier each day. A range of suggestions were made including: 'daily', 'every 30 hours' or 'once a day between dawn and dusk'.</p>	<p>The aim of the inspection period condition is an animal welfare provision intended to ensure that traps are checked sufficiently to avoid unnecessary suffering of any captive animals.</p> <p>The best wording to achieve this has been long subject to debate. We recognise that the stipulation of 24 hours can cause difficulties for trap users and are open to suggestions for improvements, subject to the primary aim (stated above) being met and ensuring that the condition is enforceable.</p> <p>We believe that the best way to address this issue is to invite views on a range of options, which we intend to do in a future consultation.</p>
<p>(xi) DNA Sampling</p> <p>We are advised that advances in technology mean that alternatives to blood sampling of birds are now available for investigative purposes.</p>	<p>On relevant licences, amend the condition relating to blood sampling to say 'Sample of blood, tissue or feather'. This will allow feather pulling, thus negating the need for vets and invasive blood sampling.</p> <p>We also intend to add 'Official of Natural England' to the list of those authorised to take samples.</p>

Annex A – List of consultation respondents

British Association for Shooting and Conservation
British Ornithologists' Union
British Birds Council
British Falconers' Club
British Pest Control Association
B.E. Bransden & Sons
British Trust for Ornithology
Caton, Roger
Civil Aviation Authority
Countryside Council for Wales
Countryside Alliance
Federation of Bath Residents' Associations
Foreman, Chris
Game and Wildlife Conservation Trust
Hawk Board
Highways Agency
Institute of Ecology and Environmental Management
International Ornithological Association
 League Against Cruel Sports – a letter stating that LACS does not intend to submit
 and formal response
Kirk, G
Leggett, J M
Magistrates Association
Martin, Brian
National Organisation of Residents' Associations
National Trust
Network Rail
National Farmers' Union
National Gamekeepers' Organisation
Royal Society for the Protection of Birds
Royal Society for the Prevention of Cruelty to Animals
West Sussex Wildlife Protection
Taylor, Donald
The Wildlife Trusts
Timson, Paul
Wildfowl and Wetlands Trust
Wilkinson, Peter