



General Licences in Wales

Background information and Frequently Asked Questions

Background

This document sets out the current approach to the general licensing of wild birds being taken by Natural Resources Wales. (NRW)

On 7th October 2019 four General Licences were revoked and new versions issued (GL001, GL002, GL004 and GL016). These cover 16 wild bird species and specified purposes that we consider appropriate in light of a review of information we have carried out through discussions with stakeholders, reviewing of information provided in the recent call for evidence by Defra, and other relevant evidence including advice from our own experts.

New NRW General Licences

The new General Licences are available to download and will be valid until 31 December 2019. They can be found at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/general-licences-for-birds/?lang=en> from the 7th October.

The four new General Licences are:

GL001 – Licence to kill or take certain wild birds to prevent serious damage to livestock, foodstuffs for livestock, crops, vegetables or fruit or to prevent the spread of disease to livestock, foodstuffs for livestock, crops, vegetables or fruit.

Species covered:

**Crow, Carrion
Magpie
Jackdaw
Pigeon, Feral
Woodpigeon
Goose, Canada**

***Corvus corone*
Pica pica
Coloeus monedula
Columba livia
Columba palumbus
*Branta canadensis***

GL002 – Licence to kill or take certain wild birds for the purpose of preserving public health and preventing the spread of disease to humans.

Species covered:

Pigeon, Feral

Columba livia

GL004 – Licence to kill or take certain wild birds for the purpose of conserving wild birds.

Species covered:

Crow, Carrion	<i>Corvus corone</i>
Magpie	<i>Pica pica</i>
Jackdaw	<i>Coloeus monedula</i>
Jay	<i>Garrulus glandarius</i>

GL016 - Licence to take certain wild birds from food premises for the purpose of preserving public health and public safety

Species covered:

Blackbird	<i>Turdus merula</i>
Dunnock	<i>Prunella modularis</i>
Robin	<i>Erithacus rubecula</i>
Sparrow, House	<i>Passer domesticus</i>
Starling	<i>Sturnus vulgaris</i>
Thrush, Song	<i>Turdus philomelos</i>
Tit, Blue	<i>Cyanistes caeruleus</i>
Tit, Great	<i>Parus major</i>
Wagtail, Pied	<i>Motacilla alba</i>

Geographical coverage

The new licences cover the whole of Wales but exclude certain protected sites. More information about this is given in the FAQ section below.

Other activities and bird species

Persons who need to control bird species not listed on the new General Licences, for health and safety reasons (including aviation), conservation reasons or to prevent damage to livestock, crops or fisheries should apply for an specific licence using our official online application forms available from the NRW website. See:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>

Looking forward

This revision applies only to the General Licences specified above. In 2020, we will conduct a comprehensive review of all the licencing arrangements for birds in Wales, this will include General Licences and specific licences (sometimes termed bespoke licences) which can be applied to control wild birds in specific circumstances or for specific purposes.

Licences revoked

On 7th October 2019 the following five General Licences issued by NRW on 1 January 2019 for the killing or taking of wild birds in Wales were **revoked**:

- **GL001** - Licence to kill or take certain wild birds to prevent serious damage to agriculture, forestry or fisheries, or prevent the spread of disease
- **GL002** - Licence to kill or take certain wild birds for the purpose of preserving public health and public safety
- **GL003** - Licence to kill or take certain wild birds for the purpose of preserving air safety
- **GL004** - Licence to kill or take certain wild birds for the purpose of conserving flora and fauna, including wild birds
- **GL016** - Licence to take certain wild birds from food premises for the purpose of preserving public health and public safety

All other General Licences issued by NRW on 1 January 2019 remain in place until 31 December 2019.

For further information about NRW General Licences please contact the general enquiries line on 03000 653000 or email specieslicence@naturalresourceswales.gov.uk

Frequently Asked Questions

General questions

1. What are General Licences?

General Licences provide a legal basis for people to lawfully carry out a range of activities relating to wildlife. They are issued under section 16(1) of the Wildlife and Countryside Act 1981 (as amended). They allow lethal action and capture of certain species of wild birds to be carried out by any authorised person for particular purposes, which would otherwise be illegal, without the need to apply for a specific licence. They have been developed as a proportional way of regulating frequent and common activities where there is a clear need, based on evidence, to control certain species of wild birds.

2. Are other licences for control of wild birds available?

Yes. You can apply for specific licences for the control of wild birds for those activities or species not covered by a General Licence or within those protected sites where General Licences do not apply. Specific licences may be issued to control wild birds for many reasons including human health and safety, protection of crops and livestock and of foodstuffs as well as air safety and the conservation of flora and fauna.

Licence applications are assessed and determined by our Permitting Service which aims to determine them within 30 days. More information is available at:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>.

3. What is NRW's role?

In Wales NRW is the statutory authority for issuing licences under section 16 of The Wildlife and Countryside Act 1981 (as amended).

4. How do I apply for a General Licence?

You do not need to apply for a General Licence. However, anyone carrying out an operation which is covered by a General Licence is required by law to abide by the General Licence terms and conditions.

General Licences are available online. Before carrying out a licensable activity you are advised to download the relevant licence, read and make sure that you understand all the conditions with in it and then retain a signed and dated copy. Failure to comply with the terms of a General Licence is a criminal offence.

5. Does NRW gather information about the users of General Licences?

No. You do not need to register or enter personal information when you download a General Licence. The process relies on you, as the licensee, to comply with all legal requirements.

6. Aren't all species of wild bird protected?

Yes. All wild birds in Wales have legal protection. This has been the case since the Wildlife & Countryside Act was enacted in 1981. However, in certain circumstances and for certain purposes, where all other methods of control have failed and there are no other satisfactory solutions, the killing or taking of some wild birds may be allowed under licence.

The changes

7. Why has NRW issued new General Licences?

In light of legal advice, we recently concluded that some of our General Licences were not lawful. We have a duty as the regulator to ensure we are acting lawfully. We have subsequently reviewed the evidence base on which some of our General Licences are issued, and the conditions within them, and talked to stakeholders about the changes that might be needed. As a result, we have revoked one General Licence and re-issued four others. We have issued these new General Licences to ensure our licencing system is robust and proportionate and carefully balances the needs of the wildlife and people of Wales.

8. Why were the old General Licences not lawful?

The old General Licences, GL001-004 and GL016 were not lawful because under the Wildlife and Countryside Act 1981, licences to kill wild birds can only be granted if NRW is satisfied that there are no other satisfactory solutions. The old General Licences delegated the decision on whether there are no other satisfactory solutions to the licensee and NRW was therefore delegating a duty which only it can perform. To resolve this, we have removed the condition in the licences that delegated this decision.

The new General Licences contain a declaration that NRW is satisfied that there are no other satisfactory solutions available other than lethal measures or capture. Our legal advice tells us that in order to be satisfied there must be a genuine exploration and evidence-based assessment of whether there are no other satisfactory solutions. This is the review we have been undertaking, and it has resulted in the changes you see in the new General Licences.

9. Would I be prosecuted for using the old General Licences?

The old General Licences are not active now that the new ones have been issued.

Anyone who doesn't comply with the new licences may not be able to rely on the old licence as a defence to any action taken.

10. How have you reviewed the evidence base?

Our review of the evidence base focused on two main questions:

- Q1. What is the extent and quality of evidence available to support inclusion of the 15 species of wild bird listed on the old General Licences, GL001, 002 and 004, in Wales?

Q2. What is the evidence to determine there are no other satisfactory solutions available other than lethal measures or capture?

To address question 1 NRW gathered evidence to determine:

- i. The evidence on whether each species listed on GL001 causes serious damage to agriculture, forestry or fisheries, or the spread of disease;
- ii. The evidence on whether each species listed on GL002 poses a likely significant threat to public health and public safety;
- iii. The evidence on whether each species listed on GL003 poses a threat to air safety;
- iv. The evidence on whether each species on GL004 poses a threat to the conservation of wild birds; and
- v. Whether there is there any evidence that any population of each of the species listed on General Licences 001-004 show a long-term population trend, between 1995-2017, of a negative 25% change in range and/or abundance in Wales.

To address question 2 NRW carried out an extensive literature review of peer-reviewed scientific studies and/or reviews. In addition, we read and extracted any relevant information from Defra's recent '*Call for Evidence*' report and relevant stakeholder documents. The information was gathered, assessed and summarised. In addition, wherever possible, we focused on findings from published studies that demonstrated whether deterrents other than lethal control and capture were considered by either the author(s) and/or NRW to be effective, practical, sufficient and proportionate.

We examined the response of a General Licence-listed species to the deterrent by assessing changes in the number of impact events (i.e. numerical changes). However, in many cases multiple species and deterrents were managed or trialled simultaneously. In these cases, it was difficult to determine at the species level which deterrent (that is, which other potential alternative solution) was responsible for the change in number of impact events.

There are four scenarios where the conclusion from the review process described above supported the retention of a species on one or more of the General Licences 001-004. These are:

- Well established scientific and anecdotal evidence that the species may cause serious damage/impact + well established evidence that there is no other satisfactory solution. **Retain species on the General licence.**
- In the absence of scientific evidence but where expert opinion (anecdotal evidence) suggests there is a high and/or some likelihood that the species may cause serious damage/impact + there is some evidence that there are other satisfactory solutions that work in combination, but the quality and strength of that evidence is weak. **Retain species on the general licence subject to further review.**

- Some scientific evidence that the species may cause serious damage/harm + expert opinion suggests there is a medium to low likelihood that the species may cause serious damage/harm + there is well established evidence that there are no other satisfactory solutions except lethal measures. **Retain species on the general licence subject to further review.**
- Well established evidence that the species may cause serious damage/harm + there is some evidence that there are other satisfactory solutions that work in combination, but the quality and strength of the evidence is weak. **Retain species on the general licence subject to further review.**

There are four scenarios where the conclusions from the review process described above would support **removal of a species from the General Licences 001-004**. These are:

- Absence of established scientific evidence + expert opinion (anecdotal evidence) suggests there is low if any likelihood that the listed species may cause serious damage/impact, therefore no requirement to assess whether there are other satisfactory solutions.
- The listed species has declined in abundance and/or range by 25% in the short-term (2007-2017) or long-term (1995-2017) and would qualify on either the 'Red' or 'Amber' list using the established criteria of 'Birds of Conservation Concern'¹. Therefore, authorising lethal control under General Licence is inappropriate in terms of the conservation of that species, and lethal control should be regulated under the specific licencing process.
- The listed species is itself currently 'Red' or 'Amber' listed on 'Birds of Conservation Concern' in Wales. Therefore, authorising lethal control under General Licence is inappropriate in terms of the conservation of that species, and lethal control should be regulated under the specific licencing process.
- A species - which is not covered by one of the previous three bullet points - is listed on the General Licence 003 issued on 1 January 2019 for preserving air safety. This General Licence is revoked, such that lethal control of any wild bird for aviation safety purposes is regulated under the specific licencing process.

11. Why have you not done a call for evidence like Defra and Scottish Natural Heritage (SNH) have done?

We decided to take a different approach and have focused on changes to ensure that our General Licences are lawful. We will review all wild bird control licences, not just General Licences, in 2020.

¹ Johnstone, I & Bladwell, S. 2016. Birds of Conservation Concern in Wales 3: the population status of birds in Wales. *Birds in Wales* 13(1): 3-31

12. Why are the species covered by NRW General Licences different to those in England?

We carried out our own assessment and applied the findings in a Welsh context. Based on the evidence, we have reached different conclusions about some species and activities. For example, we have removed **rook** from the new General Licences (GL001, GL002 and GL004) because the population has declined significantly in Wales.

13. Are these General Licences final?

These new General Licences are valid for the rest of 2019 so that they continue to align to the calendar year. Without prejudice to our position as the statutory licensing authority for Wales, we currently anticipate re-issuing these General Licences on 1 January 2020 without any further significant changes being made to them. However, in mid-2020 we will undertake an evidence gathering exercise in order to capture information from all concerned parties as part of a comprehensive review of all Welsh wild bird licensing (General and specific licences and their associated evidence base) to inform NRW's future approach to licences for controlling wild birds.

We are also committed to the creation of an annual review cycle of our evidence base so that it remains 'live' and influences any future changes to our General Licences so that they remain lawful, proportionate and evidence based. This will include the establishment later in 2020 of a General Licence Working group with balanced membership.

14. What actions do the new General Licences allow?

General licences GL001, GL002 and GL004 allow the killing and taking of certain wild birds, or taking, damaging or destroying their nests or eggs. GL016 allows the trapping and live release of certain wild birds.

15. Under what circumstances can I rely on the General Licence GL001?

You can use this licence, subject to all its terms and conditions, to kill or take certain wild birds to **prevent serious damage** to livestock, foodstuffs for livestock, crops, vegetables or fruit or to **prevent the spread of disease** to livestock, foodstuff for livestock, crops, vegetables or fruit.

In this context livestock includes any animal which is kept:

- (a) for the provision of food, wool, skins or fur;
- (b) for the purpose of its use in the carrying on of any agricultural activity; or
- (c) for the provision or improvement of shooting or fishing as defined in the Wildlife and Countryside Act 1981.

The term "kept" is not defined in the Wildlife and Countryside Act 1981 but for the purposes of GL001 **only** we are defining it as animals that are either physically constrained (e.g. within fences or a pen), or which are unconstrained but remain significantly dependent on people. For example, where a gamebird remains in close proximity to a release pen and will often return to it for shelter or to roost at night and is dependent on food put out by the gamekeeper, then it may be regarded as livestock even if it is free-living.

You cannot use General Licence GL001 to kill or control wild birds because they are damaging property such as your car or house, or if they are merely a nuisance. However, in these situations, you may be able to apply for a specific licence. See <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>

16. Under what circumstances can I rely on the General Licence GL002?

You can use this licence, subject to all its terms and conditions, where the presence or behaviour of **feral pigeons** causes a risk to human health or increases the risk of transmission of disease to humans.

You cannot use this licence GL002 to kill or control birds because they are damaging your property, such as your car or house, or if they are merely a nuisance. However, in these situations, you may be able to apply for a specific licence. See <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>

17. Under what circumstances can I rely on the General Licence GL004?

You can use this licence, subject to all its terms and conditions, to kill or take certain wild birds or take, damage and destroy nests or eggs of certain wild birds for the purpose of conserving the eggs and chicks of birds which are of conservation concern in Wales.

The birds which you may kill or take for this purpose may only be killed or taken to deter or prevent the predation of birds listed in Annex 1 of licence GL004. These are red and amber-listed 'Birds of Conservation Concern' in Wales (see Johnstone & Bladwell, 2016 for a full list)².

You cannot use this licence to kill or control birds in order to protect wild birds of a species not listed in the Annex to GL004. However, you may be able to apply for a specific licence in other circumstances. See <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>

18. Under what circumstances can I rely on the General Licence GL016?

You can use this licence, subject to all its terms and conditions, to capture alive certain wild birds from food premises for the purpose of preserving Public Health and Public Safety. The birds must be subsequently released into the wild alive and unharmed.

19. How are the new General Licences different to the old ones?

We have made some changes to the species covered by the new General Licences where we did not feel the evidence to retain them under the General Licence approach was strong enough:

² Johnstone, I & Bladwell, S. 2016. Birds of Conservation Concern in Wales 3: the population status of birds in Wales. *Birds in Wales* 13(1): 3-31.

- i. GL001 - Prevent serious damage to livestock, foodstuffs for livestock, crops, vegetables or fruit or to prevent the spread of disease to livestock, foodstuffs for livestock, crops, vegetables or fruit – does **not** now include **rook, jay or collared dove**.
 - ii. GL002 - Preserving public health and preventing the spread of disease – does **not** now include **carrion crow, magpie, jackdaw, rook, jay, collared dove or wood pigeon**.
 - iii. GL004 - Conservation of wild birds – This does **not** now include **rook, feral pigeon or Canada goose**.
- We have revised the purpose of General Licence GL001 to include the spread of disease to livestock, foodstuffs for livestock, crops, vegetables or fruit.
 - Combatting the spread of disease to humans is critically important. However, we do not believe the best way to approach this issue is using a General Licence, other than in relation to **Feral pigeon** where we consider that control is necessary to address a likely risk of disease transmission to humans (for example through the contamination of human food). This means that the number of species which are covered by GL002 has been reduced to one species, namely **Feral pigeon**.
 - We have revised the purpose of General Licence GL004 to focus on the conservation of wild birds to better reflect the statutory purposes for which licences may be granted, as expressed in section 16(1) the Wildlife and Countryside Act 1981.
 - We have assessed the relationship between 'Birds of Conservation Concern' in Wales and the species listed on the General Licence (see Annex on GL004). Lethal action against **carrion crow, magpie, jackdaw and jay** can lawfully be taken only in the interests of conserving those species listed in the Annex, rather than for the conservation of all species of wild birds. There is more detail in Question 39 below.
 - The geographical area covered by the new General Licences has changed. While the new General Licences apply across the whole of Wales they cannot be used within 300 metres of a number of Sites of Special Scientific Interest (SSSIs) and European Sites (Special Protection Areas - SPAs - or Special Areas of Conservation - SACs). There is more detail in Questions 40-47 below.

20. Who can use the new General Licences?

The new General Licences can be used by anyone who comes within the definition of an 'authorised person'. This covers the owner or occupier of the land where the actions are to be taken, as well as any person authorised by an owner or occupier to control birds on their land.

An authorised person could also be a person who is authorised in writing by Natural Resources Wales, a local authority or a water or sewerage company.

21. How long will the new General Licences be valid?

Our General Licences are normally valid for a calendar year, from 1st January to 31st December. Although we have issued new General licences part way through 2019, we do

not want to break that pattern. Therefore, the new General Licences will be valid until 31 December 2019. Without prejudice to our position as the statutory licensing authority for Wales, we currently anticipate issuing new General Licences on 1 January 2020.

We also intend to instigate an annual review of the General Licence arrangements for wild birds in Wales and to establish a stakeholder group to help us in this.

22. Why aren't rooks included in the new General Licences?

Findings from the UK Breeding Bird Survey suggest that in Wales **rook** populations have significantly declined over both the long term (by 60% between 1995-2017) and in the short-term (by 50% between 2007-2017). Due to the significance of this population change, **rook** has not been included in the new General Licences.

23. Rooks are causing damage to my livestock, so what can I do?

You can still apply for a specific licence to control rooks. We will ask for evidence to support your application, including what steps you have taken to deter the birds and evidence of the damage they are causing or are likely to cause. This could be photographic or video evidence. Information on how to apply for a specific licence is available online at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>

24. Why is there no longer a General Licence for aviation safety?

Due to the small number of aerodromes and airfields in Wales, and the various species encountered at the different locations, we consider it unnecessary to issue General Licences to control birds for aviation safety, which is now subject to the specific licence application process.

25. What should I do if I need to control a species that is no longer included on a General Licence?

You will need to apply for a specific licence from NRW. Applications for specific licences can be made at any time.

We will ask for evidence to support your application, including what steps you have taken to deter the birds and evidence of the damage they are causing or are likely to cause. This could be photographic or video evidence. Information on how to apply for a specific licence is available online at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>.

26. How has NRW involved stakeholders?

We have shared information and tested our approach with both General Licence user and non-user stakeholder representatives. We have used information they have provided as part of our evidence base.

Acting under the new General Licences

27. Am I required to try, and keep trying, all alternative methods of non-lethal control before I can shoot?

Our assessment of alternative methods has concluded that there is no other satisfactory solution in relation to the species and situations covered by the new General Licences. Therefore, you do not need to carry out other methods as they have already been demonstrated to be ineffective or impractical. You are advised to keep a record of the approach you have taken in case you are challenged but there is no need to submit those records to us.

28. Do the new General licences have any requirements such as registering or recording information?

Licensees, under the General Licences, do not need to apply or register to use the General Licences, nor do they need to report the activity they have taken. However, users will need to show that they are complying with the terms and conditions of the General Licences if asked by an enforcement officer or a Police officer.

We advise users to keep a record of what they have done so they can demonstrate they are using the licence lawfully.

29. What does 'serious damage' mean?

There are two aspects to serious damage: the likelihood of damage occurring, and the extent of damage if it occurs.

On likelihood, it would not be considered serious damage if there is just a chance of damage. If damage is not yet apparent, past experience or other evidence should indicate that there is a high probability of serious damage if action is not taken.

On extent, it should concern serious damage to an economic interest of an individual or a business. It does not cover circumstances such as mere inconvenience or nuisance.

30. Do the new General Licences cover the use of Larsen traps (and similar clam-type traps)?

Yes. The new General Licences cover the use of legal trapping methods. They include specific conditions on the use of traps and users should ensure they comply with those conditions when using traps.

31. Can I consume or sell the birds I have killed?

Birds killed or taken under a licence may be eaten but, with the exception of **woodpigeon**, may not be sold for human consumption.

32. For bird species not covered by the new General Licences, can I still apply for a specific licence to undertake lethal control?

Yes. Applications for specific licences from NRW can be made at any time.

We will ask for evidence to support your application, including what steps you have taken to deter the birds and evidence of the damage they are causing or are likely to cause. This could be photographic or video evidence. Information on how to apply for a specific licence is available online at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>.

33. For purposes or reasons not covered by the new General Licences can I still apply for a specific licence to undertake lethal control?

Yes. Applications for specific licences from NRW can be made at any time.

We will ask for evidence to support your application, including what steps you have taken to deter the birds and evidence of the damage they are causing or are likely to cause. This could be photographic or video evidence. Information on how to apply for a specific licence is available online at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>.

NRW can only issue licences for one or more of the purposes set out in section 16(1) of the Wildlife and Countryside Act 1981 which includes:

- for the purpose of conserving wild birds;
- for the purpose of conserving flora or fauna;
- for the purpose of protecting any collection of wild birds;
- for the purposes of preserving public health or public or air safety;
- for the purpose of preventing the spread of disease; or
- for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters,

34. Do I need to have a copy of the new General Licences with me when I am shooting?

No. You are not required to carry a copy of a General Licence with you. However, it is a condition of all the new General Licences that you read and understand their terms and conditions. We recommend that you download the relevant licence, read it and make sure that you understand all the conditions with in it and then retain a signed and dated copy. Failure to comply with the terms of a General Licence is a criminal offence.

35. What happens if I my property lies partly in Wales and partly in England?

NRW is the species licensing authority for Wales, therefore our General Licences apply only to land in Wales, not in England. Land in England is subject to the species licensing arrangements made by Defra and Natural England. If you own or occupy land in Wales

and England, you need to comply with the relevant licence terms and conditions in each country.

36. Are the new General Licences free of charge?

Yes, there is no charge for using any of the General Licences. They can be downloaded from our website at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/general-licences-for-birds/?lang=en>

37. Does NRW charge for specific licenses?

There is no application fee for a specific licence.

38. Who do I contact if I have queries about the General Licences?

You can contact our NRW general enquiries line on 03000 653000 or send an email to specieslicence@naturalresourceswales.gov.uk

Birds of Conservation Concern

39. What do you mean by 'Birds of Conservation Concern'?

Using a well-established approach, based on quantitative assessments against standardised criteria, each species of regularly occurring wild bird in Wales is placed on one of three lists: 'Red' (highest conservation priority), 'Amber' (next most critical) or 'Green' (least critical) to indicate their level of conservation concern. By using such a simple 'traffic light' system, Birds of Conservation Concern (BoCC) provides a single, easily understood measure for each species which can be used to convey the level of concern about it from the point of view of its conservation and hence to help set priorities for conservation action. BoCC is a transparent and repeatable approach, based upon the best available monitoring and/or survey data, and conducted by a multi-partner group, and provides a robust assessment of the conservation status of all of the UK's wild bird species. The last UK assessment was BoCC4 (Eaton *et al* 2015)³ and for Wales BoCC3 (Johnstone & Bladwell, 2016).⁴

Protected sites

40. What do you mean by 'protected sites'?

Protected sites are areas which have been legally designated to protect and conserve biodiversity. Each protected site in Wales is designated for its particular species of wildlife, habitats or other nature conservation features.

³ Eaton, M., Aebischer, N., Brown, A., Hearn, R., Lock, L., Musgrove, A. Noble, D., Stroud, D. & Gregory, R. 2015. Birds of Conservation Concern 4: the population status of birds in the UK, Channel Islands and Isle of Man. *British Birds* **108**: 708-746.

⁴ Johnstone, I & Bladwell, S. 2016. Birds of Conservation Concern in Wales 3: the population status of birds in Wales. *Birds in Wales* **13**(1): 3-31

Sites of Special Scientific Interest (SSSIs) are designated under section 28 of the Wildlife and Countryside Act 1981 to protect species, habitats and geological features considered of national importance. There 1,077 SSSIs in Wales, covering about 12% of the land area.

European protected sites are sites with habitats or populations of species which are important at a European level. There are two types of European sites;

- **Special Protection Areas (SPAs)** which are designated under the EU Wild Birds Directive to conserve populations of rare, threatened and regularly occurring migratory bird species.
- **Special Areas of Conservation (SACs)** are designated under the EU Habitats and Species Directive to conserve habitat types and species of plants and animals other than birds.

SACs and SPAs together are called European sites or sometimes 'Natura 2000 sites'. There are 116 European sites in Wales (95 SACs and 21 SPAs), covering about 7% of the land area.

Ramsar sites are wetland areas of international importance designated under the international convention on wetland conservation (the Ramsar Convention). There are 10 Ramsar sites in Wales.

When referred to in this document, a protected site means an SSSI, a European site (a SPA or a SAC) or a Ramsar site. There is a considerable degree of overlap between these designations, for example all European sites and Ramsar sites on land in Wales are also designated as SSSIs, but not all SSSIs are European or Ramsar sites.

41. Do the new General Licences apply in protected sites?

The new General Licences apply within the majority of protected sites in Wales.

However, they do not apply in, or within 300 metres of, 198 of the SSSIs in Wales. In addition, for one protected site – the Dyfi Estuary SSSI and the Dyfi Estuary / Aber Dyfi SPA – the General Licences do not apply within 500 metres of the site boundary.

The exclusion of some protected sites from the scope of the General Licences is a precautionary measure to avoid the risk of activities carried out under the General Licences causing harm to certain species populations for which the excluded protected sites are of national or European importance. The main risk to some protected site features is disturbance of sensitive bird or mammal populations from shooting. For most protected sites (including all those which are designated only to protected habitat types, plants, invertebrate species or geological interests) there is no credible possibility of any activity authorised by the General Licences impacting on the sites' conservation interests, so those sites are included within the scope of the General Licences.

The list of protected sites where the General Licences do **not** apply can be found in an Annex at the end of each of the General Licences. The boundaries of these excluded protected sites can be found on the Welsh Government's 'Lle' website

<http://lle.gov.wales/catalogue/item/GeneralLicencesExcludedAreasWhereBespokeLicenceRequired?lang=en>

42. How does this differ from how the old General Licences dealt with protected sites?

The old General Licences included a condition which required anyone intending to use the licences in an SSSI to first obtain NRW's written permission by contacting the local NRW office. This meant that the General Licences could not be used in any of the 1,077 SSSIs in Wales without first seeking NRW's written permission.

The new General Licences can now be used in 879 (81%) of Wales' SSSIs without any requirement to first seek specific permission from NRW. In, or within 300 metres of the remaining 198 SSSIs (500 metres in the case of the Dyfi Estuary SSSI), specific licences will need to be applied for before wild birds may be taken or killed. Information on how to apply for a specific licence is available online at

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>.

43. How did NRW decide which protected sites to exclude from the General Licences?

We applied a systematic, precautionary approach, based on considering the sensitivity of particular features (species, habitats and geological features) for which each protected site in Wales is designated and whether it could be impacted by actions authorised by the General Licences. Only sites designated for one or more species that might be affected (through disturbance) by actions and/or activities taken under the General Licences were excluded from the General Licences. So, for example, we considered that SSSIs designated only for habitat types, plants or invertebrate species are highly unlikely to be affected by the activities associated with the new General Licences, so there is no reason why activities authorised by the General Licences should not be able to take place in or around such sites. On the other hand, in relation to sites designated to protect mammals, breeding **seabirds**, birds listed on Schedule 1 of the Wildlife and Countryside Act, and other breeding bird species sensitive to disturbance, particularly from shooting, such as breeding **heron** we considered it inappropriate for the General Licences to apply in such sites, or within 300 metres of their boundaries (500 metres in the case of the Dyfi Estuary). Carrying out lethal control of birds in these areas will therefore need to be subject to specific licence applications.

44. I need to control birds in an SSSI or European site. What should I do?

If you need to carry out control of birds on or generally within 300 metres of one of the protected sites where the General Licences do not apply (that is, a site listed in the Annex to the General Licences), you will need to apply to NRW for a specific licence. Information on how to apply for a specific licence is available online at:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/bird-licensing/?lang=en>

We will ask for evidence to support your application, including what steps you have taken to deter the birds and evidence of the damage they are causing or are likely to cause. This could be photographic or video evidence. We will also need to consider the potential impact, if any, of your proposed activities on the nature conservation interests of the protected site. Where the protected site is a European site (Special Area of Conservation or Special Protection Area), this will include a Habitats Regulations Assessment (HRA). Following such an assessment it may be necessary for us to issue the licence with additional conditions. We would expect that in many cases we will be able to issue a specific licence on very similar terms to the General Licence, where we can establish that your proposed actions will not cause damage or disturbance to protected site features.

If the protected site concerned is not listed in the Annex to the new General Licence and the actions you propose to take fall within the terms of a General Licence, you can carry out those actions within the protected site without needing to apply for a specific licence.

45. Do I need to obtain SSSI consent from NRW before I can commence an activity that is permitted by a General Licence within a SSSI?

No. If you are carrying out actions within the terms of a species licence (whether general or specific) which NRW has issued in accordance with all relevant legislation, you do not need to obtain a consent under section 28 of the Wildlife & Countryside Act (SSSI consent), as the species licence provides you with a 'reasonable excuse' for not seeking SSSI consent. However, the species licence only authorises the particular operations specified in the licence, for example the shooting of birds or the placement of traps or scaring devices. The species licence is not an authorisation to carry out other activities in connection with the licenced activity, such as use of vehicles to access the land, or removal or damage to vegetation. If these related activities would take place within an SSSI and are listed as 'notifiable operations' in the SSSI notification documents, they will require the owner or occupier of the land to separately seek SSSI consent from NRW.

46. What do I have to do if I want to use a General Licence on a protected site, but I don't own the land?

In the first instance you need the owner or occupiers' permission to control birds on the land. If the protected site is one of the 198 SSSIs listed in the Annex to the new General Licences, you will need to apply for a specific licence or be named on someone else's specific licence. If the protected site is not listed in the Annex as being excluded from the scope of the General Licence, you do not need to apply for a licence, but you will still need to be authorised to control birds by the owner or occupier of the land.

47. Why is the buffer distance different for the Dyfi Estuary SSSI, Dyfi Estuary /Aber Dyfi SPA?

The Dyfi Estuary SSSI and Dyfi Estuary / Aber Dyfi SPA is an important site for its small population of wintering **Greenland White-fronted geese**. The geese depend on land adjacent to the estuary but outside the boundary of the SPA/SSSI and are considered particularly sensitive to disturbance from shooting of other species. The larger buffer distance is intended to ensure we can best manage potential effects from disturbance that may be caused by shooting taking place under a General Licence.

Other issues

48. What do I do if I am not happy with the changes NRW has made?

We will be carrying out a review of bird control licences in 2020. You will be able to contribute to the review. More details will be published in Spring 2020.

49. Have you had a legal challenge from Wild Justice?

No. NRW has not received a legal challenge. However, the legal challenge against Natural England was in relation to compliance with the Wildlife and Countryside Act 1981 which is an England and Wales Act. Any legal repercussions arising from the legal challenge by Wild Justice would directly affect NRW so we sought our own legal advice on the lawfulness of our licences. In light of that advice we decided that we needed to make changes to our General Licences, as described in this document.

50. What is happening in England, Scotland and Northern Ireland?

Scottish Natural Heritage launched a 12-week consultation on General Licences in July 2019. In England, Defra launched a 12-week consultation in September 2019. To date we understand that the position in Northern Ireland has not changed.

51. Will EU Exit have any impact on General Licences?

We don't think so. The legislation under which General Licences are issued is within a UK Act of Parliament (section 16 of the Wildlife and Countryside Act 1981, as amended) and as such is not being amended in connection with EU Exit. NRW is not aware of any proposals to amend the statutory basis of General Licences in Wales.

52. Where can I find information on non-lethal measures?

There are various techniques depending on the species and problem. A fact sheet can be found on our web site at:

<https://cdn.naturalresources.wales/media/675823/deterring-birds-fact-sheet.pdf?mode=pad&rnd=130976733150000000>