

Review of NRW's approach to regulating the shooting and trapping of wild birds:

Our decisions in relation to general licences

April 2022

About Natural Resources Wales

Natural Resources Wales' purpose is to pursue sustainable management of natural resources. This means looking after air, land, water, wildlife, plants and soil to improve Wales' well-being, and provide a better future for everyone.

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List of abbreviations

APHA	Animal and Plant Health Agency
BBS	Breeding Bird Survey
BoCC	Birds of Conservation Concern
BTO	British Trust for Ornithology
Defra	Department for Environment, Food and Rural Affairs
FEB	Fish-eating birds
GL	General licence
INNS	Invasive non-native species
IUCN	International Union for the Conservation of Nature
The Act	The Wildlife and Countryside Act 1981, as amended

Introduction

All wild birds in Wales have legal protection. Natural Resources Wales has a number of powers under which we can authorise others to kill or take particular species of wild birds, eggs and nests for certain purposes, for example in order to prevent serious damage to crops, livestock or fisheries, to protect public health or safety or to conserve other species of wildlife.

We have been undertaking a review of how we exercise these powers. The review has looked at the different types of permissions that we offer and the processes used to deliver these activities to seek to make improvements.

The review has included a call for evidence (December 2020 to January 2021), the commissioning of a number of technical reports to address key evidence requirements, a series of informal engagement sessions with a range of stakeholder organisations to inform the development of our thinking and the preparation of detailed proposals and supporting rationale.

A public consultation formed a key part of the review. The consultation was open for 12 weeks from the 19th August 2021 until the 11th November 2021. The consultation sought views on proposals for NRW's approach to regulating the shooting and trapping of wild birds in Wales and the destruction of eggs and nests. It asked a series of questions about a range of specific proposals, together with a number of more open questions. The proposals and questions were set out in a detailed consultation paper which included background information and links to other relevant documents.

We received 621 responses to the consultation, from private individuals and organisations representing a broad spectrum of interests and expressing a wide range of views on how NRW should regulate the lethal control of wild birds. The consultation paper and a report summarising the responses we received to the public consultation, together with other relevant documents, is available [HERE](#).

Purpose of this report

This document sets out the decisions we have come to concerning general licences for the lethal control of wild birds, and addresses all the proposals that we consulted on which relate to those licences.

Our decisions relating to specific licences and to the lethal control of fish-eating birds will be reported separately.

Our overall approach to granting general licences

Summary

- We will retain general licences as part of our regulatory toolkit.
- Our approach to granting general licences will be guided by a set of high level principles for deciding in which situations a general licence allowing the lethal control of wild birds is appropriate, rather than requiring specific licences to be applied for:
 - there is an apparent and genuine need to control species X for purpose Y;
 - there is a reasonable expectation that lethal control of species X will be effective at addressing purpose Y;
 - there are no satisfactory solutions other than to grant a general licence;
 - a general licence is a proportionate measure, given the frequency / scale / severity of problem or need;
 - the inclusion of a target species on a general licence will not threaten its own conservation status;
 - action authorised by a general licence will not threaten conservation status of any species other than target species;
 - the general licence can be framed in legally compliant, clear and enforceable terms.
- We will establish a formal review process for general licences, to take place at six yearly intervals, intended to coincide with the periodic publication of Birds of Conservation Concern (BoCC) assessments and supported by an independent advisory panel comprising a broad range of stakeholders.
- We will continue to issue general licences annually and update key stakeholder organisations in advance.

We will retain general licences as part of our regulatory toolkit

Respondents were strongly divided on whether or not general licences should be used at all, with views expressed both for and against the principle of issuing general licences.

Respondents in favour of general licences described them as enabling the lawful control of certain species of wild bird that are known to cause widespread economic damage to agricultural interests, pose risks to human health and safety and threaten the conservation status of other wildlife. General licences were seen in particular as a necessary and proportionate alternative to specific licences, removing the need for individual licence applications to be made, which is often seen as a burdensome, bureaucratic and time-consuming process.

Those disagreeing expressed opposition to general licences arguing that they allow and encourage the widespread killing of wild birds by anyone, without reliable evidence that the species concerned cause the scale or types of harm attributed to them, and without any requirement on licensees to demonstrate that lethal control is necessary or proportionate in particular circumstances. A frequent criticism in consultation responses was the anonymity and perceived lack of accountability of general licence users, in particular the fact that NRW does not require general licence users to identify themselves to NRW or to provide any information on what licensable actions have been undertaken.

Having successfully defended the lawfulness of a number of our general licences in a legal challenge in 2020, we know that general licences are a lawful approach to authorising the lethal control of wild birds. They are a light-touch approach to regulation intended to be used in common, widespread and low risk situations where the need to carry out lethal control is well established. However, we recognise that there are concerns about the way in which general licences are used and while our current general licences are lawful we recognise that that does not mean there is no scope for improvement. Therefore as a key outcome of this review we intend to keep general licences as part of NRW's regulatory tool kit, but to be more selective about when and where we consider this to be an appropriate mechanism.

Our approach to granting general licences will be guided by a set of high level principles for deciding in which situations a general licence allowing the lethal control of wild birds is appropriate, rather than requiring specific licences to be applied for

There was a range of views expressed by respondents on our proposed principles for deciding in which situations a general licence allowing the lethal control of wild birds is appropriate. Those agreeing with our proposals supported having a framework for general licensing set out in high level principles while those disagreeing criticised the detail or disagreed with all or some of the principles. We remain of the view that there needs to be a clear basis for deciding whether and when a general licence is appropriate.

A number of responses from organisations representing general licence user groups highlighted that general licences allowing lethal control have been granted and relied upon by many users for many years. Therefore as a point of principle, it was argued, NRW should continue to grant general licences in their current form unless and until there is sufficient evidence and justification for making any changes to them. We are not persuaded by that argument. Any decision to grant a licence, including a general licence, is a derogation from a regime of statutory protection. Therefore we consider that the onus on NRW as the licensing authority must be on establishing a need for lethal control of a given species for a given purpose.

Notwithstanding the concerns expressed in some consultation responses we consider that the principles constitute a sound framework to guide our approach to granting general licences. We intend to use them as high level guiding principles rather than as hard and fast rules or a 'tick box' exercise. We agree with respondents who suggested that the practical application of the principles needs to be addressed in a pragmatic way in relation to individual licensing decisions and that they will require the exercise of judgement based on available evidence. We will also keep the approach under review. The principles are set out in Appendix 1.

We will establish a formal review process for general licences, to take place at six yearly intervals and supported by an independent advisory panel comprising a broad range of stakeholders

There was widespread agreement in consultation responses that general licences should be subject to periodic review, but views differed widely on the practical details.

Advisory panel

Many of those in favour of keeping general licences under review also supported the proposal for an independent advisory panel. However, there were concerns about particular interests having an undue influence on the process, whether that be persons/organisations who carry out control of wild birds, or those opposed to lethal control of wild birds. We intend to establish an advisory panel and will ensure that it has a broad and balanced membership covering a range of perspectives. We also intend it to have clear and agreed terms of reference and for its working to be transparent, including in particular through the publication of its recommendations to NRW.

Public consultation

Some respondents suggested that general licences, and any changes to them, should be subject to full public consultation rather than the recommendations of an advisory panel with a select membership. We are not persuaded by those arguments. It remains our intention to use an advisory panel with a broad and balanced membership, which we think will be a more effective and resource efficient way to conduct regular reviews of our approach to general licences, than repeated public consultations. However the advisory panel arrangement would not preclude the option of wider consultation being considered in future, for example if very significant changes were being considered.

Review frequency

Respondents variously suggested that our proposed three year review interval was both too long and too short. Some of those saying that three years is too infrequent, pointed to our intention to continue to grant general licences annually and that therefore, since each decision to grant a general licence must be justified by the evidence, in effect there will need to be some form of 'review' each year. On the other hand, arguments made by those who felt that three years was too frequent, included concerns about the resource implications (for NRW, and for other bodies participating in the review process), and also about the uncertainty that a frequent review process could create for licence users. In light of these comments, we intend to:

- Carry out a formal review of any general licences authorising lethal control of wild birds in Wales every six years, designed to coincide with updated Birds of Conservation Concern (BoCC) assessments for Wales. The review will be supported by an advisory panel as outlined above. The next BoCC assessment for Wales is expected to be published late in 2022. On this basis our 'year zero' and first advisory panel assessment will be held in 2023.
- Continue to make an annual decision on whether to renew a general licence, in accordance with our statutory obligations. This will be an opportunity for us to consider whether any changes are warranted in light of any new evidence that has emerged during that year. In other words the six yearly reviews will not be the only point at which changes can be made, but the presumption will be that each year a general licence would be re-issued without substantive change unless there are sound reasons to make any changes.

Evidence base for reviewing general licences

Some consultees were concerned that there will be a weak evidence base for reviews, particularly given the lack of data gathered on the use of general licences. It was argued that NRW should not rely on evidence that happens to emerge opportunistically, but should proactively commission a programme of work to address key evidence gaps. We recognise this concern and intend that the advisory panel will itself have a role in identifying gaps in the evidence base around general licences and making recommendations on the priorities for work to address those gaps. We will also consider the scope for addressing key evidence gaps around general licensing when establishing priorities in NRW's wider evidence programmes.

We will continue to issue general licences annually and update key stakeholder organisations in advance

Suggestions from respondents for how long general licences should be valid for varied from less than a year to one, two, three, five, ten and 25 years, or indefinitely.

Two years is the maximum period allowed in the Wildlife and Countryside Act 1981, as amended (the Act) for any licences authorising action in relation to wild birds. The main arguments from those advocating two year general licences are that they would provide longer term certainty for licence users and reduce regulatory burden. However there was also support for retaining annual general licences, with respondents pointing out that this has been the approach for many years and that it is very familiar to users.

We do not consider that the process of issuing general licences annually is overly burdensome in administrative terms. Also, there are seasonal patterns to the way in which general licences are used which we consider makes it logical to grant them annually. We remain of the view that annual general licences, matching the licence term to the calendar year (1st January to 31st December), is clear, logical and familiar to users in Wales.

Respondents also highlighted the importance of a reasonable lead in time for new general licences. We intend to continue with the practice of publishing new licences in advance of the old ones expiring and updating key stakeholder organisations. Where there are significant changes we will endeavour to provide a longer lead in time.

The question of whether action under annually granted general licences should be restricted to particular times or seasons within the year is addressed in relation to particular licensing purposes later in this document.

How general licences are used

Summary

- We will advise and issue guidance that before carrying out lethal control of wild birds under a general licence, users should take reasonable steps to address the problem using alternative non-lethal methods, and should continue to take such steps.
- We will advise users to keep records of their licensed actions, but we will not introduce a requirement to register or provide reports to NRW.
- We will advise any person who carries out wild bird control under a general licence on behalf of a land owner / occupier, to have the owner / occupier's authorisation in writing.
- We will publish general licences in HTML format, but also make PDF versions available.
- We will clarify NRW's role in wildlife law compliance and enforcement, including in relation to general licences.

We will advise and issue guidance that before carrying out lethal control of wild birds under a general licence, users should take reasonable steps to address the problem using alternative non-lethal methods, and should continue to take such steps

There was broad support from respondents for the principle that lethal control should not be seen as an action of first resort. However views were sharply divided on the necessity and practicality of a general licence condition requiring users to first try to solve problems using legal non-lethal alternatives and to continue to do so.

It is not a statutory requirement for someone intending to rely on a general licence, to establish absence of other satisfactory solutions. The statutory requirement as regards absence of other satisfactory solutions applies to NRW's decision on whether to grant the general licence. Having satisfied ourselves that the granting of a general licence is the only satisfactory solution, there is no additional statutory requirement on licensees to try to address the problem using non-lethal means before resorting to lethal control.

We remain of the view that general licence users should make reasonable efforts to address the problem or need concerned using non-lethal methods, and to resort to lethal control only where necessary. In the consultation paper we proposed making this a mandatory licence condition. Respondents who disagreed with this proposal raised concerns about its practical interpretation in relation to all the different circumstances in which general licences might be used. For example, there were concerns about what would constitute 'reasonable steps' in a given situation and how in practice a licence user would be expected to comply, and be able demonstrate compliance, with such a condition, including an obligation to 'continue' to take such steps.

General licences are granted where the control of wild birds may be necessary in a wide range of individual circumstances. We recognise that it may not be practical to define all the individual circumstances in which a general licence may be used, and therefore it

would be equally impractical for NRW to prescribe in licence conditions what non-lethal alternative means should be tried and at what interval before resorting to lethal control, or prescribe what would constitute reasonable steps to address the problem or need. General licence users need to exercise their judgement as to what would be reasonable and practical in a given situation. With such reliance needing to be placed on the judgement of licence users, we are persuaded that addressing this point as advice in general licences, supported by guidance, is appropriate, in order to encourage users to try using legal non-lethal alternatives, rather than including a licence condition requiring them to do so.

We will advise users to keep records of their licensed actions, but we will not introduce a requirement to register or provide reports to NRW

There was substantial support for this proposal. A number of organisations representing general licence users stated that record keeping is the norm and is generally considered as best practice, and that having it reinforced by advice on the licences is helpful. However many respondents said that they felt that such record keeping is unnecessary bureaucracy.

We are not persuaded that this proposal represents unnecessary bureaucracy. We consider that record keeping by users of any general licences is best practice and reflects the fact that a general licence is a statutory authorisation to carry out otherwise unlawful actions. We also believe that record keeping by general licence users demonstrates a commitment to act in accordance with licence terms and conditions, and would be helpful to general licence users should they be asked by NRW or the Police to provide evidence of their licensed activity. It is not our intention to prescribe the content or format of such record keeping, which does not need to be particularly onerous or time consuming.

A criticism of general licences in consultation responses was that there is no requirement for licence users to provide their details to NRW and no obligation to provide reports to NRW on what activities they carry out. By definition, having followed the principles described above, NRW will grant a general licence only where the problems that particular wild birds are causing are well established and there is a clear and widespread need to control wild birds, where licensed activity is carried out by large numbers of users and where it presents a low risk to the conservation status of the target species. We remain of the view that the value of the information we might obtain from a user registration and reporting system for general licences would not be justified by the costs, practicalities and burden on users of introducing and administering such arrangements.

We will advise any person who carries out wild bird control under a general licence on behalf of a land owner / occupier, to have the owner / occupier's authorisation in writing

In the consultation paper we proposed that any person other than the landowner or occupier who carries out wild bird control under a general licence on behalf of a landowner/occupier, should have authorisation in writing. We further proposed that this should be a condition, in the interests of consistency with the requirement that anyone acting under a general licence on behalf of a public body, as opposed to a private landowner, needs to have written authorisation.

While there was support for this proposal, many respondents questioned its practical necessity, arguing that NRW should follow the statutory definition of 'authorised person' in section 27 of the Act, which does not require a person acting on behalf of a private landowner to have written authorisation. Views were also expressed that there was no evidence of an actual problem here needing to be addressed, and that NRW should not make this a licence condition simply in the interests of consistency. It was also argued that this proposal was disproportionate, with some respondents pointing out that there is no requirement in law generally for contracts or agreements to be in writing.

We remain of the view that, as a matter of best practice, persons acting under a general licence who are not the owner or occupier of the land in question, should wherever possible have written authorisation from the owner or occupier. However in light of consultation responses we have been persuaded that introducing this provision as a licence condition is on balance not justified. Therefore we will include it as advice in any general licences we grant, rather than as a condition.

We will publish general licences in HTML format, but also make PDF versions available

In common with other public bodies, and in response to statutory requirements concerning the accessibility of information, NRW is moving to a greater use of HTML in our electronic publications, and reducing the use of PDF documents across website. As electronic publications, general licences fall within the scope of that work.

However in consultation responses, many general licences users cited practical advantages of retaining general licences in PDF form, for example for ease of printing and also to enable electronic copies to be downloaded and held on electronic devices which can be carried in the field in areas where internet access to online HTML versions is limited or non-existent.

Although we consider that these issues can be as easily addressed with HTML documents as with PDF documents, in light of user feedback, alongside publishing the general licences as HTML pages on our website, there will be the option to print each licence as a PDF document which can then be downloaded or saved to the user's device.

We will clarify NRW's role in wildlife law compliance and enforcement, including in relation to general licences

Some respondents raised the issue of compliance with the terms and conditions of general licences, and were critical of the lack of compliance monitoring and enforcement undertaken for general licences. Specifically, the absence of any requirement on general licence users to register or to provide reports was seen as a fundamental weakness of general licences from the point of view of compliance and enforcement.

The Police, rather than NRW, are the enforcement body for wildlife offences, which may include breaches of the terms and conditions of licences granted under section 16 of the Act, including general licences.

As the licence issuing authority we see our priority as being to make general licences as clear as possible to ensure licence users understand their terms and conditions and that they can easily be enforced. It is reasonable to expect, as with any type of licence or permission that we issue, that users will adhere to all terms and conditions. Failure to do so may result in offences being committed, and whether any actual offences are committed is a question that has to be proven in individual cases.

Some consultation responses included claims that general licences are widely misused and that they allow or even encourage unlawful activity, although there was no evidence provided to support such claims. Any suspected breaches or offences should be brought to the attention of the Police, and NRW will assist and support the Police in any subsequent investigation.

Target species on general licences

Summary

- We consider that any species of wild bird which is of conservation concern, should not be subject to lethal control under general licences, but that any lethal control of such species for any purpose should take place under specific licences.
- We will use BoCC Wales (red and amber listing) to inform our consideration of whether a species is suitable for inclusion on general licences. The next BoCC assessment for Wales is anticipated later in 2022.
- We will not include cormorant or goosander on general licences for the purpose of preventing serious damage to fisheries or for conservation purposes, but will continue to authorise the control of these two species of fish-eating birds through specific licensing.
- We will not include any additional species on any general licences at this time, but the scope of general licences will be kept under review.

We consider that any species of wild bird which is of conservation concern, should not be subject to lethal control under general licences, but that any lethal control of such species for any purpose should take place under specific licences

The proposal that any species of wild bird which is of conservation concern should not be subject to lethal control under general licences, attracted a large number of comments from respondents. The main reason given for agreeing with our proposals on this issue was similar to the rationale we gave in our consultation paper, namely that since general licences do not set limits on the numbers of birds which may be killed, allowing control of a species which is itself of conservation concern under a general licence poses an unknown level of risk to its conservation status. Some respondents went further and said that allowing the control of any species under a general licence poses an unacceptable risk to its conservation status.

The main reasons given for disagreeing with this proposal were related to the use of BoCC assessments as the basis for determining whether a species' conservation status rendered it suitable for inclusion on general licences. It was argued that BoCC amber/red listing is not an appropriate basis for this, particularly in relation to species which, although they may be showing evidence of decline and are thus BoCC amber listed, are still abundant and present in numbers greater than historic population levels. Magpie was specifically referred to by some respondents as an example of such a species. Therefore, it was argued, allowing them to be controlled under a general licence would not realistically put their conservation status at risk.

The IUCN 'risk of extinction' categorisation was proposed as an alternative suggestion by some respondents as a more appropriate basis to identify species which are/are not suitable for inclusion of general licences in terms of their own conservation status.

We remain of the view that if a species is of conservation concern it should not be included on a general licence. There may of course be a range of circumstances where lethal action against such a species is needed for one or more of the purposes listed in the Act, but we consider that specific licences are the appropriate regulatory mechanism.

We are not persuaded by the arguments that the IUCN 'risk of extinction' categorisation would be a better measure of conservation concern in the context of a species' suitability for inclusion on general licences. BoCC is robust, independent, applies a standardised set of criteria and is widely relied upon to determine UK and Wales' bird conservation priorities. It also provides a Wales specific assessment. BoCC assessments look at long-term trend changes (more than 25 years) in numbers and range. In contrast the IUCN red list assessment focuses on species with very small numbers, restricted range or rapid recent declines and has a shorter term focus. Some species which are currently BoCC red or amber listed have a GB IUCN categorisation of 'least concern', for example skylark, song thrush and linnet.

We will use BoCC Wales (red and amber listing) to inform our consideration of whether a species is suitable for inclusion on general licences

Under the BoCC framework, there are a range of criteria according to which a species may be red or amber listed, including decline in numbers and range, rarity and international significance of the UK population. We will use the BoCC red, amber or green listings for Wales, to inform our assessment of which target species of wild bird are suitable for inclusion as a target species on a general licence. The next BoCC assessment for Wales is expected to be published late in 2022. Our 'year zero' and first panel assessment will be held in 2023.

The population status of Magpie

In the most recent BoCC assessment for Wales (Johnstone and Bladwell, 2016), magpie are green listed, that is they are not of conservation concern. We highlighted in our consultation paper that magpie are experiencing significant population decline in Wales. According to the most recent breeding bird survey assessment for Wales (Harris *et al.*, 2020), between the period 1995 to 2018, magpie have undergone significant population decline, the reasons for which are unknown. Magpie have the potential to cause damage to livestock and negative impacts on other species, and have been listed on a number of general licences in Wales for many years and we understand are subject to widespread lethal control.

Consultation responses were highly polarised on the question of whether magpie is suitable for inclusion on general licences, in view of the evidence of its population decline in Wales.

Many respondents questioned the reliability of the evidence showing declining magpie populations and said, on the basis of personal observations and anecdotal evidence, that they believe that magpie populations are stable or even increasing. There were also comments that magpie populations may be declining in some parts of Wales but increasing in others and that presenting an overall position of a declining population was misleading. Others argued that even if magpie are currently showing signs of population

decline, they are still an abundant species with UK populations well above historic numbers, and that they continue to cause significant damage to livestock and continue to pose a significant threat to the conservation status of vulnerable species of birds on which they prey.

In contrast there was support from consultees for the principle that if magpie are indeed declining sufficiently to qualify for BoCC amber listing, any control of magpie for the purpose of preventing serious damage or for conservation purposes, should be regulated under specific licensing rather than general licensing, which would better enable NRW to monitor and manage the numbers authorised to be killed. Many of these respondents stated that magpie should be removed from general licences immediately owing to evidence of their decline, rather than waiting for the next BoCC assessment for Wales.

There is no historical long term population trend data for Magpie for Wales and it is not appropriate to assume that the long term UK population trend is mirrored in Wales. Recent published Welsh population estimates for magpie are 79,500 pairs (Hughes *et al.*, 2020) and 61,700 pairs (Noble *et al.*, 2022).

We remain of the view that the BoCC red, amber or green listings for Wales, provide a sound basis to inform our assessment of whether a species of wild bird is suitable for inclusion as a target species on general licences.

Magpie are currently green listed. The next BoCC assessment for Wales is expected to be published late in 2022 after which we will review which species of wild bird, including magpie, are suitable for inclusion as a target species on general licences.

We will not include cormorant or goosander on general licences for the purpose of preventing serious damage to fisheries or for conservation purposes, but will continue to authorise the control of these two species of fish-eating birds through specific licensing

Consultation responses varied on whether or not these two species of fish-eating birds (FEBs) should be listed on general licences. Respondents who felt these species should be controlled under general licences referred to the healthy population status of these species in Wales and how this is in stark contrast to the very depleted state of salmonid populations in Welsh rivers which are subject to cormorant and goosander predation.

In contrast, those opposed to a general licence for fish-eating birds expressed many of the arguments made against general licences more broadly, including that they are too widely drawn and open to being misused for the unnecessary killing of wild birds. Respondents also argued that the localised distribution and habitat-specific nature of FEB predation means that specific licensing is a proportionate and effective regulatory approach.

In light of these comments and against the background of all of our principles for general licensing, we remain of the view that lethal control of fish-eating birds should continue to be subject to specific licensing. Firstly, cormorant is BoCC amber listed in Wales and secondly, whilst we acknowledge that goosander is green listed, the healthy state of a population of a given species is not a sufficient basis to grant a general licence allowing its lethal control. We receive fewer than 20 specific licence applications per year across the

whole of Wales to control cormorant and goosander. We consider that this small number of applications indicates that a general licence would be unnecessary and not a proportionate response.

Furthermore, an NRW-led FEB Advisory Group is currently reviewing approaches to FEB control in Wales, including proposals for the introduction of area based licensing (where FEB control is authorised under a specific licence which applies, for example, across a river catchment), and whether there should be a requirement for licence applications to include management plans detailing a mix of lethal and non-lethal measures to address the problems that FEBs may be causing. Such measures would be very difficult if not impossible to introduce if lethal control of FEBs was allowed under a general licence.

We will not include any additional species on any general licences at this time, but the scope of general licences will be kept under review

In the consultation paper we asked an open question about whether any other species which are not already included on one or more general licences, should be considered for inclusion as a target species on general licences for the lethal control of wild birds. In response the following bird species, not already listed on one of more of our general licences, were mentioned by one or more respondents:

- Corvids: rook, raven.
- Collared dove.
- Gulls: gulls generally, common gull, herring gull, lesser black-backed gull, great black-backed gull.
- Starling.
- Fish-eating birds: heron, cormorant, goosander, red-breasted merganser, scoters, saw billed ducks generally.
- Geese and ducks: greylag goose, hybrid geese and ducks.
- Other non-natives: all non-native species, Egyptian goose, ring-necked parakeet, Mandarin duck.
- Raptors: raptors generally, common buzzard.
- Game birds: pheasant, red-legged partridge.

We have considered each of these species or groups of species in light of our principles for granting general licences and have concluded that at this stage there is not a sufficient basis for any of them to be included on any general licences. The main reasons for this are one or more of the following (noting that our position with respect to FEBs is described above):

- We consider the species to be of conservation concern, for example starling, certain gull species and red-breasted merganser;
- NRW receives only small numbers of specific licence applications, or in some cases none, to control the species, and/or there is little or no evidence demonstrating a genuine and apparent need for it to be subject to widespread lethal control and therefore inclusion on a general licence would be disproportionate, for example birds of prey and scoters;
- A licence to kill or take the species is not necessary or not possible. In the case of killing or taking of pheasant and red-legged partridge, outside the close season a

licence is not needed. Conversely, during the close season NRW is not legally empowered to grant licences allowing the killing or taking of either of these species.

Therefore we will not be including any additional species of wild bird on any of our general licences at this time. That position will remain subject to review.

Some respondents also expressed the view that NRW should grant general licences authorising the lethal control the following mammal species:

- fox, grey squirrel, mink, badger, rabbit.

The lethal control of any species other than birds was outside the scope of the consultation and not part of our review. In Wales, a licence is not required to kill or take a fox, a grey squirrel, a mink or a rabbit, so there is in any event no basis on which NRW would grant any form of licence authorising the lethal control of these species. Badgers are protected under the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992, the latter of which establishes a licensing framework for the killing or taking of badgers.

General licences and protected sites

Summary

- We will retain our current approach of excluding from the scope of general licences, SSSIs notified for species which may be sensitive to disturbance from licensed activities, together with a buffer zone around each site.
- We have reviewed how our approach to identifying potentially sensitive protected sites was applied in 2019 and have reduced the number of sites where the general licences will not apply from 198 to 141.

We will retain our current approach of excluding from the scope of general licences, SSSIs notified for species which may be sensitive to disturbance from licensed activities, together with a buffer zone around each site

SSSIs notified for species which may be sensitive to disturbance from licensed activities

Some respondents disagreed with our proposals and encouraged us to follow the approach in England, where general licences may be used in and around all SSSIs, but subject to further conditions, including a requirement for the owner/occupier of land within an SSSI where the licenced action would take place, to also have any necessary consents from Natural England under section 28E of the Act. This approach was seen by some as less of a regulatory burden for users. The argument was also made that NRW would not be able to quickly process large number of specific licence applications on all these excluded sites.

Those respondents supporting our proposal said that it was essential to avoid risks of disturbance to sensitive species on protected sites.

We remain of the view that our approach is clear and in line with NRW's obligations towards protected sites when granting any form of authorisation. Furthermore since the majority of SSSIs in Wales are included within the scope of our general licences, we do not consider that our approach is significantly more burdensome in regulatory terms than the approach in England. In most protected sites (SSSIs and European sites) in Wales, general licences may be used and no SSSI consent is required to carry out any action which is duly authorised under a general licence.

We understand concerns that predator control is necessary to further the conservation of some SSSI features in some cases. Where this is the case, for example in relation to nest predation by corvids on rare breeding bird species, specific licences for the purpose of conservation can be applied for. Since October 2019, when 198 SSSIs in Wales were removed from the scope of general licences, we have received 25 specific licence applications for activity which was previously covered by the general licences.

Buffer zones

In the consultation paper we proposed to retain a standard 300 metre buffer zone around any protected sites excluded from the scope of application of general licences. The main reasons given by respondents who disagreed with this proposal included that the use of general licences does not pose any risk to protected sites and that therefore buffer zones are unnecessary. It was also argued that rather than a standard buffer zone distance, bespoke buffer zones of varying sizes should be identified on a case by case basis, according to the noise sensitivity of different species.

We are not persuaded by this argument and remain of the view that a standard distance of 300 metres is a pragmatic approach which strikes the appropriate balance between simplicity and being sufficiently precautionary in relation to the range of potentially sensitive bird and mammal SSSI features.

We have reviewed how our approach to identifying potentially sensitive protected sites was applied in 2019 and have reduced the number of sites where the general licences will not apply from 198 to 141

Several consultation responses queried whether some SSSIs had been unnecessarily excluded from the scope of general licences, on the basis that they were not notified for any of the features we had identified as potentially sensitive to incidental disturbance from operations carried out under the general licences.

We have revisited the analysis we carried out to identify the excluded sites, and found a number of sites which, on the basis of the methodology we used for identifying sites, had been unnecessarily excluded from the scope of application of the general licences. We also found a smaller number of sites included within the scope of the general licences, which according to our methodology should have been excluded.

We have accordingly reduced the list of excluded SSSIs from 198 to 141. The full list of sites can be found in Appendix 2. Each general licence will continue to include a list of the excluded sites and a condition making clear that the licence does not authorise any action within those sites or their buffer zones. The licences will continue to include a link to online information on the boundaries of the excluded areas.

Methods used for the lethal control of wild birds

Summary

- We will not allow the use of any lethal methods that are prohibited by section 5 of the Act, unless there are good reasons why use of a prohibited method should be authorised.
- Unless there are good reasons not to, we will allow the use of any method which is not prohibited by section 5 of the Act.
- We will continue to allow the use of semi-automatic weapons.
- We will continue to allow the use of cage traps, subject to a number of additional conditions.
- We will allow the use of hand nets and artificial lighting to take target species inside buildings.
- We will keep under review the methods allowed / not allowed for the lethal control of wild birds.

We will not allow the use of any lethal methods that are prohibited by section 5 of the Wildlife and Countryside Act 1981, unless there are good reasons why use of a prohibited method should be authorised

We think that any method used for the control of wild birds should be effective in terms of achieving its purpose, humane (minimising distress to the target species and, in the case of traps using live decoys, minimising distress to the decoy) and avoid, as far as possible, incidental harm to other species through disturbance or bycatch, or to the environment more generally, such as through release of toxic substances. Many of the methods prohibited by section 5 of the Act are prohibited for one or more of these reasons, so any decision by NRW to allow them needs to be justified by evidence of their effectiveness, necessity, acceptable level of risk to other wildlife and in terms of animal welfare.

There was widespread support for this principle, although some respondents argued that effectiveness of a method should be the primary or even the only consideration in deciding whether to authorise it. Others argued that the humaneness of a method should be the primary or even the only consideration when deciding whether to authorise its use.

We remain of the view that as a principle, statutorily prohibited methods of killing or taking wild birds should not be authorised by licences unless their use can be clearly justified.

Unless there are good reasons not to, we will allow the use of any method which is not prohibited by section 5 of the Wildlife and Countryside Act 1981

Under the Act, if a licence is granted allowing the killing or taking of a wild bird, any method may be used if its use is not proscribed as a condition of the licence and if it is not one of the prohibited methods listed in section 5 of the Act.

There was widespread agreement from respondents with the principle that if a method is not prohibited by section 5 of the Act, it should be allowed to be used under section 16 licences. Some respondents also expressed the view that licences should provide flexibility to licensees in this respect, enabling them to choose from as wide a range of methods as possible to suit particular circumstances.

In contrast some respondents were concerned that by allowing anything that is not expressly prohibited, novel techniques and technological developments not foreseen when the legislation was enacted would be lawful and could present serious issues in terms of animal welfare, bycatch or other harms. It was suggested that licences should therefore specify exactly which methods can be used, rather than simply allow any non-prohibited method.

Section 5 of the Act lists a wide range of prohibited methods of taking or killing wild birds, including in the interests of animal welfare, avoiding indiscriminate killing or capture of animals and avoiding harmful incidental effects on the environment or public health. Given the breadth of these prohibitions, we are not persuaded that allowing any non-prohibited method is unacceptably risky in relation to novel methods having unforeseen adverse consequences. No specific examples were given of such methods. Furthermore, should any novel or unforeseen methods be developed and start to be used, their acceptability in terms of welfare and incidental impacts can be considered and provisions included in licences, as necessary, to prohibit or condition their use.

In the consultation paper we asked for views on whether any currently non-prohibited methods should be prohibited for use against wild birds. Concerns were expressed from an animal welfare point of view about the use of air weapons to shoot wild birds, noting that such weapons are generally less powerful than other firearms and thus may present a greater risk of inflicting injury on targeted birds rather than achieving a clean kill. We recognise the concern, but air weapons are not a prohibited method and we understand that they are widely used. We would need to better understand the implications of restricting or prohibiting their use before doing so. However we will include a condition in licences requiring that a firearm is only used to shoot birds that are within the firearm's effective range.

We will continue to allow the use of semi-automatic weapons

The use of semi-automatic firearms is prohibited by section 5 of the Act, so the use of this method to kill wild birds is lawful only if expressly authorised under licences. Licences (general and specific) authorising their use have been granted for many years and it is clear from consultation responses that this method is considered effective by licence users and is widely used. Some stakeholders have described semi-automatic rifles as a 'weapon of choice' for many land managers carrying out lethal wildlife management.

Aside from some respondents who expressed the view that NRW should not licence the killing of wild birds at all, there were no substantive arguments specifically disagreeing with the proposal that NRW should continue to allow the use of semi-automatic weapons. In particular no evidence or arguments have been provided to us showing that semi-automatic weapons compare unfavourably with other types of firearm in terms of effectiveness, animal welfare or risks to non-target species. Therefore we will continue to licence their use as a method for killing wild birds.

We will continue to allow the use of cage traps, subject to a number of additional conditions

The use of traps (of any kind) is prohibited by section 5 of the Act, so the use of this method to kill wild birds is lawful only if expressly authorised under licences. Licences (general and specific) authorising their use have been granted for many years and it is clear from consultation responses that this method is considered effective by licence users and is widely used.

Many respondents said that NRW should not authorise the use of cage traps, considering them to be inhumane, particularly those that involve the use of a live decoy bird confined within the trap, often for a considerable length of time, in order to attract target birds into the trap. The other main objection to cage traps expressed in consultation responses was the risk of unintentional capture or injury of non-target species, including other species of wild birds, wild mammals or domestic pets. We recognise these concerns but we also recognise that cage trapping is an effective and widely used method of controlling some species of wild birds when used correctly. Therefore we remain of the view that we should continue to allow the use of cage traps, but that their use will be subject to a number of additional conditions and advice, as set out in the next section.

We will allow the use of hand nets and artificial lighting to take target species inside buildings

Using any form of net to take wild birds is prohibited under section 5 of the Act, as is the use of any device for illuminating or dazzling a target bird.

A number of respondents told us that these methods can be needed for the effective capture or killing of birds inside buildings where other methods are impractical or ineffective. We recognise these concerns and therefore, where relevant, we intend to allow these methods to be used for the killing or taking of birds inside buildings, including under GL001 (preventing serious damage) and GL002 (preserving public health or public safety).

We will keep under review the methods allowed / not allowed for the lethal control of wild birds

It is clear from responses to both our consultation and call for evidence, as well as discussions with stakeholders, that there are significant gaps in the evidence base regarding the effectiveness of different methods of lethal control, their implications for animal welfare and the risks of unintended impacts such as disturbance, injury or bycatch of non-target species. For example, concerns were raised in consultation responses about the use of air weapons to shoot wild birds, particularly the greater risk, in comparison with other more powerful types of firearm, of inflicting injury rather than securing a clean kill. However at this stage we are not aware of any robust evidence of the actual nature of this risk, or on what would be the implications if we were to decide that using air weapons - which are currently not a prohibited method - should no longer be allowed on licences to kill wild birds.

As new or improved evidence emerges over time, we believe that it should be taken into account in deciding whether additional methods should be authorised, or whether the use of currently authorised methods should be curtailed or subjected to further conditions.

It was suggested by some respondents that before any new or innovative method for lethal control of wild birds is authorised, it should be assessed by an independent panel which is competent to consider its effectiveness, humaneness and risks to other wildlife or the wider environment. In this context comparison was made with the robust processes in place for approval of any new methods or types of equipment used for handling of live birds for scientific purposes. We agree that there is no justification for not adopting similar rigour when considering use of novel methods for lethal control, so we will further consider appropriate arrangements for this. Because of the need for specialist expertise, particularly in relation to animal welfare, we think those arrangements should be separate from the six-yearly framework we intend to put in place for reviewing general licences, as outlined earlier in this document.

The use of cage traps to control wild birds

Summary

- In any specific or general licence we grant allowing the use of cage traps for lethal control, we will specify the types of cage traps that may be used.
- We will continue to allow the use of meat feed for decoy birds, but we will require (as a licence condition) that if meat feed for decoys is used, it must be diced.
- We will advise that meat bait should not be used unless absolutely necessary.
- We will require (as a licence condition) that any captured birds of the target species are killed out of sight of other birds, except in relation to multi-catch traps.
- We will advise that users of multi-catch traps should always make all reasonable efforts to kill birds out of sight of other birds. However, we will allow discretion to kill trapped birds within sight of other birds, where users consider that any additional delay and handling caused by moving out of sight to kill each bird would cause more distress.
- We will require (as a licence condition) that captured birds of the target species are killed as soon as practicable after discovery.
- We will specify (as a licence condition) that the maximum permitted interval between cage trap inspections is 25 hours and advise that traps should wherever possible be inspected more frequently, and in daylight.
- We will specify (as a licence condition) the matters that must be attended to at each cage trap inspection, including the presence of any live or dead birds in the trap, release of any bycatch, the operation of the trap and the welfare of decoy birds.
- We will not authorise any form of tethering, blinding or maiming (including wing-clipping) of decoy birds.
- We will advise that to reduce the risk of by-catch, trap location needs to be carefully considered.
- In any specific or general licences we grant which authorise the use of cage traps for lethal control, we will include a full set of standard conditions covering the use of cage traps, rather than issue a separate standalone licence or set of conditions.
- We do not intend to introduce mandatory cage trap registration at this time, but we will continue to keep a watching brief on the needs and benefits of doing so.

We will implement a series of measures to strengthen the regulation of the use of cage traps to control wild birds, including specifically those that use live decoys, to reduce risk of bycatch and for animal welfare reasons.

In any specific or general licence we grant allowing the use of cage traps for lethal control, we will specify the types of cage traps that may be used

There was little or no disagreement with our proposal to specify the types of cage traps that may be used in any specific or general licence we grant allowing the use of cage traps for lethal control. It was however suggested that the types of traps which may be used should be subject to regular review and that there should be a clear and transparent process for adding new or innovative designs to the list of approved methods, based on

robust evidence about their efficacy, welfare implications and risk of bycatch. We agree. As with any other method of killing or taking wild birds, the approval of any new or innovative trap types or designs would be informed by the advice of the independent panel referred to in the previous section.

The types of trap we will permit are as follows:

- walk-in multi-catch cage traps;
- Larsen traps (with some restrictions explained below);
- Larsen mate traps (also known as clam traps);
- Larsen pod traps; and
- pigeon traps.

We will exclude from the definition of Larsen traps, any traps where the capture compartment is mounted directly above the decoy compartment.

Use of any trap design other than those listed above will require applying for a specific licence.

We will continue to allow the use of meat feed for decoy birds, but we will require (as a licence condition) that if meat feed for decoys is used, it must be diced

The reason for requiring meat feed for decoys to be diced is to reduce its attractiveness to birds of prey which may get caught in the trap as unintended bycatch.

The main objections to this proposal were that it was too complicated and could lead to confusion, and that decoy birds should be allowed to feed as naturally possible and therefore undiced meat, including carrion, should be allowed for use as food for decoys.

However we remain of the view that requiring any meat based decoy food to be diced achieves the right balance between the welfare of decoy and reducing risk of bycatch of birds of prey. We are not persuaded by the argument that this will be too complex or confusing to include as a condition. We will carefully consider the way in which the condition is expressed to ensure it is as clear an unambiguous as possible.

Neither are we persuaded by consultation responses which argued that provision of undiced meat or carrion as feed for the decoy is necessary for the welfare of the decoy. All the species which are typically used as decoys are generalist feeders with a naturally varied diet, and we do not believe they would experience additional distress by being provided with diced meat or non-meat feed rather than undiced meat or carrion.

We will advise that meat bait should not be used unless absolutely necessary

There was some support from consultation responses for our proposal to prohibit the use of meat based bait in cage traps, mainly in the interests of minimising the risk of bycatch, especially of raptor species. However other consultees were concerned that banning meat based baits completely was disproportionate and unnecessary. Concerns were also

expressed that it could significantly reduce the effectiveness of cage traps, particularly those which do not use a decoy, and particularly at times of year when the target species will be looking for meat rather than other types of food, for example in winter before eggs are naturally available.

Although we remain of the view non-meat based bait is preferable in terms of minimising bycatch risk, we accept that there may be circumstances where use of meat based bait is necessary, including for example in order to catch a bird to be used as a decoy. Therefore we will include advice in licences that meat based bait should be used only where necessary. As with the use of meat based feed for decoy birds, to reduce the attractiveness of bait to raptor species, we will require as a condition that if meat based bait is used, it must be in diced form.

We will require (as a licence condition) that any captured birds of the target species are killed out of sight of other birds, except in relation to multi-catch traps

Respondents' views varied on the necessity of this proposal from animal welfare perspective.

No strong arguments or evidence were provided in support of the position that intelligent birds such as corvids do not suffer additional distress from witnessing other birds, including of the same species, being killed by humans. One respondent pointed out that under the UK Government's code of practice for the use of animals in scientific procedures, wherever practicable and appropriate, killing of animals should take place away from the immediate presence of other animals¹. Therefore on balance we remain of the view that, in the absence of clear evidence either way, killing the captured birds out of sight of the decoy is likely to reduce unnecessary distress to the decoy.

Some consultees felt this was an impractical requirement and could increase distress to the captured bird if the process of removing it from the sight of the decoy prolonged the handling time. However we consider that for single catch traps being used competently, it should be possible to quickly remove a captured bird from the trap, turn away from the decoy and dispatch the bird immediately.

We will advise that users of multi-catch traps should always make all reasonable efforts to kill birds out of sight of other birds. However, we will allow discretion to kill trapped birds within sight of other birds, where users consider that any additional delay and handling caused by moving out of sight to kill each bird would cause more distress

There were no arguments or evidence provided in any consultation responses which changes our view that for multi-catch traps, requiring each captured bird to be dispatched out of sight of other birds could in some situations cause more rather than less distress to the decoy and to remaining captured birds, because of the increased handling time. Therefore we will allow trap users discretion to decide the best approach to take. However,

¹ [Code of Practice: Animals \(publishing.service.gov.uk\)](https://publishing.service.gov.uk), see page 78.

we consider that animal welfare and minimising the distress to both captured birds and any decoys are paramount considerations in this context and we believe that even in multi-catch traps there may be scope for concealing from the remaining birds the act of killing each bird. Therefore while we will not impose a condition, we will issue advice that in all use of multi-catch traps, reasonable efforts should be made to dispatch birds out of sight of other birds.

We will require (as a licence condition) that captured birds of the target species are killed as soon as practicable after discovery

Although some consultation respondents disagreed with our proposal that captured birds of the target species should be killed as soon as practicable after discovery, there were no consultation responses which gave any reasons for disagreeing.

In agreeing with the proposal, some respondents from the pest control industry noted that this is already best practice and therefore that it would be helpful for it to be included as a licence condition.

Taken together with the other measures we intend to implement concerning the dispatch of captured birds (see above), we think it this is an important measure in minimising the distress experienced by captured birds.

Some respondents suggested that NRW should define the meaning of “as soon as practicable”. However we do not think it would be practical to define this in the licence given the wide range of situations to which general licences apply. We consider that this needs to be left to the discretion of the licence user in their specific circumstances.

We will specify (as a licence condition) that the maximum permitted interval between cage trap inspections is 25 hours and advise that traps should wherever possible be inspected more frequently, and in daylight

The main reason given in consultation responses for disagreeing with our proposal to specify as a licence condition that the maximum permitted interval between cage trap inspections is 25 hours, was that there could be a wide range unforeseen circumstances, outside the control of the licensee, which could make compliance with this condition extremely difficult or not possible. Examples include severe weather, vehicle breakdown or illness. Some responses stated the view that the frequency of inspections should be at the licensee’s discretion rather than specified as a condition.

Other consultation responses disagreed with this proposal on the basis that 25 hours is too long an interval and that traps should be inspected more frequently, for animal welfare reasons.

We agree that situations could arise where despite the licensee’s best intentions, inspecting a trap within the stipulated 25 hour interval is problematic. However we suspect that such incidences would be relatively infrequent. Also, if there was a failure to comply with this condition, extenuating circumstances would be taken into account if in any proceedings or action were taken against the user. We consider that this would be a more appropriate approach than simply not specifying a maximum inspection interval. We also

consider that cage trap users should make all reasonable efforts to ensure that they will be able to comply with this condition.

In relation to the view that cage traps should be inspected more frequently than every 25 hours, we agree that more frequent inspections are desirable and will include advice to that effect in the licences. However we are not persuaded that more frequent inspections should be mandatory. Requiring trap users to inspect traps more than once per day could be impractical and unreasonably burdensome for many users and would be likely to lead to many more breaches of the condition due to extenuating circumstances. Furthermore we believe that the main reason for setting a maximum inspection interval is in the interests of animal welfare. We consider that the other measures we are taking in relation to the use of cage traps should help mitigate the distress caused to decoys and captured birds.

We will specify (as a licence condition) the matters that must be attended to at each cage trap inspection, including the presence of any live or dead birds in the trap, release of any bycatch, the operation of the trap and the welfare of decoy birds

Consultation responses which were in agreement with our proposal to specify the matters that must be attended to at each cage trap inspection, as well as supporting the reasoning we gave in the consultation paper, also drew attention to Defra's standard set of conditions for the use of cage traps to control wild birds (GL33²) and argued that NRW should adopt a similar condition relating to cage trap inspections.

Some of those who disagreed with our proposal stated that it was unnecessary because the obligations of cage trap users towards the welfare of both decoys and captured birds are already sufficiently set out in legislation, specifically the Animal Welfare Act 2006. It was further argued that most trap users are familiar with these requirements and comply with them, so therefore conditions are unnecessary.

The Animal Welfare Act 2006, which we agree applies to birds held in cage traps, establishes general obligations not to cause unnecessary suffering to animals which are under the control of people, and to ensure their welfare. However we do not think that these statutory provisions make it unnecessary to include specific conditions governing the use of cage traps, including requirements to ensure that cage trap inspections are carried out sufficiently thoroughly to ensure that the distress experienced by birds or other animals caught in the traps is minimised as much as possible. Furthermore even if it is the case that most trap users comply fully with animal welfare legislation (and we are not aware of evidence to support or disprove that claim), we do not believe that it renders conditions relating to animal welfare unnecessary. In fact we take the opposite view: where good practice is common and promoted by responsible organisations, but possibly not universally applied, mandatory conditions can be helpful in extending the application of good practice.

² [Trapping wild birds: standard licence conditions \(GL33\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Therefore in any licence we grant which authorises the use of cage traps we intend to include a condition specifying that the following matters must be addressed at each inspection:

- whether any animal or bird has been trapped;
- the species and physical condition of any trapped animal or bird;
- the condition of any decoy bird held in the trap;
- whether any decoy bird held within the trap has access to a suitable perch and to food and water of sufficient quantity and condition;
- whether the trap is operating effectively.

We will not authorise any form of tethering, blinding or maiming (including wing-clipping) of decoy birds

Many consultation responses agreed with our proposal that NRW should not allow the use of wing clipped decoy birds. It was pointed out that wing clipping is a form of maiming and that use of maimed birds as decoys is prohibited under section 5 of the Act, and so is unlawful unless expressly authorised under licences. It was argued that maiming of decoy birds serves no useful purpose in terms of the effectiveness of cage trapping, while significantly increasing the distress suffered by the decoy bird, although some respondents argued that wing clipping calms the decoy bird and reduces the risk of it injuring itself while in the trap.

As with the question of whether birds experience distress if they witness people killing other birds, we are not aware of any robust evidence on the welfare impacts of maiming or tethering of birds. However, the use of maimed birds as decoys is prohibited unless authorised and, in the absence of evidence either way, we believe it is reasonable to consider that any form of maiming or tethering of decoy birds in a trap is more likely to increase distress than to reduce it. Since these practices have no apparent benefits in terms of cage trap effectiveness, we do not consider their use to be justified. Therefore, in line with our principle that a prohibited method should be allowed only where justified, we intend not to authorise the use of maimed (including wing clipped) or tethered decoy birds.

We will advise that to reduce the risk of by-catch, trap location needs to be carefully considered

A number of respondents raised points about the location of traps and how careful placing could minimise the risk of capturing or harming non-target species, and damage to or interference with the trap by animals or people.

We agree with these comments. However given the wide range of circumstances and locations in which traps may need to be used, we consider that it would be impractical to include licence conditions concerning trap location. We also believe that responsible trap users will in any event want to minimise the risk of bycatch and damage or interference with traps, in the interests of maximising their effectiveness at catching the target species. We will therefore advise in licences that the location of traps should be carefully considered so as to reduce the risk of bycatch and damage or interference with traps.

In any specific or general licences we grant which authorise the use of cage traps for lethal control, we will include a full set of standard conditions covering the use of cage traps, rather than issue a separate standalone licence or set of conditions

In our consultation paper we proposed to adopt a similar approach to that operated in England, and issue a standalone document including all conditions and advice concerning the use of cage traps for lethal control of wild birds, which would apply alongside any licence authorising the use of cage traps.

Although many respondents agreed with this proposal there was also disagreement, with concerns expressed about the burden of additional documentation, and the preference from a licence user's perspective for all conditions to be contained in each licence so that material was all in one place.

We are not persuaded that a separate standard set of conditions regulating cage trap use would create significant additional burden or complexity for licence users compared to including all required cage trap conditions and advice in each licence. However, since the latter approach appeared to be the preferred option among licence users, we are content to set out conditions of use for cage traps in each licence where relevant. This will mean that each licence we grant which authorises the use of cage traps to control wild birds will include all the detailed conditions and advice concerning cage trap use which we consider necessary to include for reasons of animal welfare and avoidance of bycatch.

We do not intend to introduce mandatory cage trap registration at this time, but we will continue to keep a watching brief on the needs and benefits of doing so

In the consultation paper we explained that until recently, general licences in Wales included a recommendation (rather than a condition) that cage trap operators should contact their local police wildlife officer to obtain a unique identification code and attach tags to traps bearing code and the wildlife officer's contact details. In practice, there appeared to have been very little uptake of this and we are not aware that any of the police forces in Wales have an operational scheme in place. The recommendation was removed from most of the licences in 2019.

We sought views in the consultation on whether traps used to control wild birds should be required to be registered. Views were sharply divided. Those in favour cited the importance of being able to identify trap users in any enforcement proceedings relating to careless or intentional misuse of traps. Those against a mandatory registration scheme argued that there was no evidence of widespread improper use of traps and therefore no evidence that there was a problem sufficient to justify introduction of what was seen as unwelcome additional bureaucracy.

We consider that in Wales at the current time there is insufficient evidence of a problem to which a system of cage trap registration would be an appropriate solution. Non-compliance with licence conditions and unlawful use of traps are frequently cited as the justification for cage trap registration, but it is not clear how registration would address these problems, for

example if persons who are already prepared to use cage traps unlawfully simply failed to comply with registration requirements.

We remain of the view that the best approach at this point is to maintain a watching brief on the trap registration scheme currently operating in Scotland.

Additional points on the use of cage traps

Trap tethering

A number of respondents raised concerns about the dangers of cage traps being dragged away if non-target species become caught. This applies specifically to Larsen mate and Larsen pod traps.

We share those concerns and therefore we intend to include a licence condition requiring that Larsen mate and Larsen pod traps be secured in place to reduce the risk of them being dragged away if non-target species become caught.

Competence of trap users

A number of respondents referred to the skills and competence needed to operate cage traps safely and humanely.

All cage trap users are already subject to animal welfare legislation. However we recognise the risks, particularly to animal welfare, if cage traps are not used properly. For this reason we intend to be more prescriptive about cage trap use, by including a range of additional licence conditions and advice.

Timing of trap use

A number of respondents raised concerns about the welfare of decoys and trapped birds or animals during extreme weather conditions.

We agree that the welfare of decoys and any trapped birds or animals should be a key consideration for anyone using cage traps. Several of the new measures described above are intended to mitigate the potential adverse animal welfare impacts associated with use of traps, such as the provision of food and water for decoys, the requirements relating to trap inspection and the method of dispatching captured birds. In relation to the additional welfare concerns around the use of traps during periods of extreme weather, we do not consider that it would be practical to prescribe in licence conditions the weather conditions in which traps may or may not be used. We will however advise that traps should not be used during periods of extreme hot or cold weather, or when such conditions are anticipated, and that traps should not be used in areas which are at risk of flooding.

Licensing the lethal control of wild birds for the purposes of preventing serious damage or spread of disease to livestock, livestock foodstuffs, crops, vegetables or fruit

Summary

- We will continue to grant a general licence authorising the lethal control of wild birds for the purpose of preventing serious damage.
- We will define the particular species-to-purpose combinations where lethal control is authorised for the prevention of serious damage.
- We will not specify particular times of year when the general licence for the prevention of serious damage can be used.
- In the context of the general licence for preventing serious damage, we will continue to interpret 'kept' in the definition of livestock, as including captive reared animals or birds that are unconstrained but remain significantly dependent on people.

We will continue to grant a general licence authorising the lethal control of wild birds for the purpose of preventing serious damage

Many respondents, including organisations representing farmers and landowners, expressed the view that the damage which some species of wild birds cause to farming and horticulture is significant and that being able to control wild birds under a general licence is essential to the profitability and viability of many businesses across Wales. Concerns were also raised that not having the lawful means to prevent species such as carrion crow and magpie from physically attacking vulnerable livestock such as new born lambs, would be detrimental to animal welfare.

The main challenge to this proposal in consultation responses was that there is insufficient published peer reviewed evidence on the extent or severity of the impact of wild birds on crops and livestock to justify granting a general licence, and that any control of birds for this purpose should be subject to specific licensing. It was further argued that NRW should not grant a general licence for this purpose on the basis of anecdotal evidence, and that the extent of damage that wild birds cause to livestock and crops is far less than the anecdotal views of farmers and landowners would suggest. There was also disagreement from consultees who expressed opposition to the principle of granting general licences at all.

We remain of the view that a general licence allowing the control of certain species of wild birds for the purpose of preventing serious damage, meets our principles for granting general licences. In reaching this view we are not relying only on anecdotal evidence. There is substantial published evidence showing that some species of birds cause damage to crops and livestock, and where published evidence is lacking or inconclusive, there is considerable weight of anecdotal evidence.

We will define the particular species-to-purpose combinations where lethal control is authorised for the prevention of serious damage

GL001 currently authorises the control of six species of birds (carrion crow, jackdaw, magpie, woodpigeon, feral pigeon and Canada goose) for the purpose of preventing a number of different types of serious damage. Not all of these species cause all of the types of damage listed in the licence, and the user is responsible for ensuring that any lethal action against of these six species is genuinely taken for the purpose of addressing one or more of the types of damage stated in the licence.

Respondents in favour of keeping GL001 unchanged in this respect argued that there was a need for maximum flexibility and simplicity in the licence, preferring continued reliance on the licence user to judge when the use of the licence is appropriate. It was also argued that since GL001 in its current form has been ruled lawful by the High Court, the change being proposed by NRW is unnecessary in any event.

In contrast, other respondents expressed concern that GL001 is currently too widely drawn and vague in what it does and does not allow, and is therefore open to misuse by those wishing to control wild birds for spurious purposes. Some argued that NRW should issue a series of general licences for each species-purpose combination where there was sufficient evidence of damage, to reduce the scope for interpretation and potential misuse by users.

Responses in support of the proposal for defining species-purpose combinations drew comparisons with Defra's GL42 in England³, which defines the species-to-purpose combinations where lethal control is authorised, and suggested that NRW should adopt a similar approach.

We consider that continuing to grant a single general licence for the purpose of preventing serious damage is preferable to granting many separate licences, which could impose significant additional complexity for licence users needing to control different species to prevent different types of serious damage. However, we consider that including a matrix which clearly defines which species may be killed or taken for which purpose will be a significant improvement, and addresses the concerns expressed by some respondents about GL001 currently appearing to allow the control of birds for inappropriate reasons. As with all licences (specific or general), it is ultimately the licence user's responsibility to understand and comply with the licence terms and conditions or risk committing an offence. A series of single species-purpose general licences would be no different in this respect.

Our consideration of which particular species can cause which particular types of damage is based on contemporary evidence set out in the report of a review carried out by the Animal and Plant Health Agency (APHA, 2020), Newson *et al.* (2019) and anecdotal evidence provided to Defra (Defra, 2019) and NRW (NRW, 2021).

Some consultation responses challenged details of the species-to-purpose table we proposed to include in GL001. It was argued that there is no published scientific evidence that jackdaw cause serious damage to crops, vegetables or fruit. It was also argued that

³ [Wild birds: licence to kill or take to prevent serious damage \(GL42\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/wild-birds-licence-to-kill-or-take-to-prevent-serious-damage-gl42)

inclusion of magpie, jackdaw and carrion crow on GL001 in relation to preventing spread of disease to livestock and livestock foodstuffs is not justified, since although these three species carry pathogens which are harmful to livestock there is no evidence of actual transmission of disease.

In relation to jackdaw and serious damage to crops, the work carried out by APHA (2020) concluded that there is a medium strength of evidence for the impact of jackdaw on crops. Therefore we will continue to include jackdaw on GL001 for the purpose of preventing serious damage to crops.

In relation to magpie, jackdaw and carrion crow and the spread of disease, we acknowledge that there is a lack of published scientific evidence of disease transmission either directly to livestock or indirectly through faecal contamination of foodstuffs. APHA (2020) assessed the strength of evidence for spread of disease to livestock from jackdaw as medium, and from carrion crow and magpie as medium-low.

We have taken into account the findings of APHA, the likelihood that these species carry harmful pathogens common to livestock, anecdotal evidence submitted to Defra (Defra 2019 and 2021) and the frequency with which many types of livestock will encounter these species and thus be exposed to risk of disease transmission. We remain of the view that all three species should continue to be included on GL001 for the purpose of preventing the spread of disease to livestock or livestock foodstuffs.

The species-to-purpose combinations which will be included in GL001 are given in Appendix 3.

We will not specify particular times of year when the general licence for the prevention of serious damage can be used

The main reason given by respondents who were in favour of including seasonal restrictions on the control of wild birds under GL001, was to make the licence more explicit and less open to user interpretation about what the licence authorises. Some pointed out that there are strong seasonal patterns to the types of damage that wild birds can cause to farming interests and that that seasonality should be reflected in the terms of the licence.

The main reasons given by respondents opposed to the inclusion of seasonal limits were that different types of damage happen at different times year, which can also be difficult to accurately predict, and that including time limits which are applicable to each type of damage would render the licence too complex and unwieldy. Some respondents also argued that, regardless of when damage tends to occur, year round control of wild birds needs to be lawfully possible, to enable landowners and rural businesses to take preventive action.

Whilst for some species-purpose combinations it might be possible in principle to define the particular times of year when the problems are likely to occur, on balance we do not think that a general licence for the prevention of serious damage or spread of disease to crops, livestock and foodstuffs should restrict control of wild birds to particular times of year. Different types of damage typically occur at different times of year and we agree that including such restrictions would greatly increase the complexity of the licence, to the extent that it would not meet our principle that general licences should be clearly framed

and understandable by users. Furthermore some types of damage within the scope of GL001 can happen at any time of year, including damage to livestock foodstuffs and spread of disease. Similarly in relation to direct livestock attack, although lambing normally occurs from late winter until the end of spring, other young livestock can be vulnerable to attack throughout the year, for example poultry.

In the context of the general licence for preventing serious damage, we will continue to interpret 'kept' in the definition of livestock, as including captive reared animals or birds that are unconstrained but remain significantly dependent on people

Livestock is defined in section 27 of the Act as including any animal which is kept for the provision of food, wool, skins or fur, for the purpose of its use in the carrying on of any agricultural activity, or for the provision or improvement of shooting or fishing.

The term 'kept' is not defined in the legislation. In response to requests for advice about what we mean by 'kept' we have, since 2019, added our interpretation of 'kept' into GL001. Our interpretation is that, for the purposes of a general licence for the prevention of serious damage, 'kept' includes animals falling into one or more of the categories listed in the statutory definition of livestock, that are either physically constrained (for example within fences or a pen), or which are unconstrained but remain significantly dependent on people. In the consultation we sought views on this interpretation.

The reasons given by respondents who disagreed with this proposal focused on the position with respect to captive-reared gamebirds, arguing that once released into the wild for the purpose of being shot, gamebirds should be regarded as wild birds not livestock.

We remain of the view that in some circumstances an animal falling into one or more of the categories of livestock set out in section 27 of the Act, may continue to be regarded as 'kept' even when it is not physically constrained. For example where a captive reared bird (such as free-range poultry or gamebird) is unconstrained but remains in close proximity to an enclosure, pen or housing to which it returns for shelter or to roost at night, and is significantly dependent on food provided by people, then it may reasonably be regarded as livestock.

Some respondents also expressed the view that 'livestock' should be restricted to animals which are reared for the provision of food, clothing or other essential goods, rather than for the provision of a recreational activity such as the shooting of gamebirds. However the statutory definition of livestock explicitly includes animals reared for shooting, and it would not be appropriate for NRW to define livestock more narrowly than in legislation.

Licensing the lethal control of wild birds for the purpose of conserving wild birds, flora or fauna

Summary

- We consider that when licensing the lethal control of wild birds for conservation purposes:
 - the action must be necessary to improve the status of species or habitats of conservation concern;
 - the intended conservation benefit can be defined at different geographic scales;
 - the intended conservation benefit should be sufficiently evidenced;
 - other conservation measures besides lethal control of wild birds should be considered.
- We consider that a general licence allowing lethal control of wild birds for the conservation of wild birds should identify the species intended to benefit from such action, and that the beneficiary species of a general licence for the control of wild birds should be limited to BoCC red or amber listed species which breed in Wales and which are considered vulnerable to egg or chick predation by the target species on the general licence.
- We will continue to grant a general licence for the conservation of wild birds, authorising lethal control of carrion crow only for the purpose of conserving species vulnerable to egg or chick predation by carrion crow.
- Magpie, jackdaw and jay will no longer be included, so that control of these species for the purpose of conserving wild birds will be subject to specific licensing.
- The purpose of the general licence will be to conserve eggs and chicks of the beneficiary species and it will authorise lethal control between 1st February and 31st August.

Our overall approach to licensing the lethal control of wild birds for conservation purposes

We consider that when licensing the lethal control of wild birds for conservation purposes:

- the action must be necessary to improve the status of species or habitats of conservation concern;
- the intended conservation benefit can be defined at different geographic scales;
- the intended conservation benefit should be sufficiently evidenced;
- other conservation measures besides lethal control of wild birds should be considered.

Respondents who said that they agreed with these principles also expressed a range of views on the practical details. Whilst there was acceptance that there needs to be a sound framework for deciding when intervention in the form of wild bird control is necessary or appropriate, some argued that the principles should be flexible and allow exercise of pragmatism and judgement in individual decisions rather than be applied as a rigid set of criteria to be met.

There were divergent views on the standard of evidence that should be applied when assessing a situation against these principles. Some argued that it was sufficient to establish on a balance of probability that the control of a species will deliver a conservation benefit, and that requiring 'proof' is unrealistic. In contrast, other respondents argued that justifying the lethal control of wild birds for conservation purposes, particularly under a general licence, should require a high degree of certainty that the action will be effective.

A wide range of views were expressed by respondents who disagreed with the principles. Some responses focussed on the control of corvids for conservation purposes, arguing that the principles were too restrictive, and that corvid control was beneficial to the conservation of all wild birds in Wales and therefore justified the grant of a general licence. Others disagreed with the way the principles were expressed. Some respondents said that the principles were too vague and open to interpretation. As with the responses from those who agreed with the principles, views were sharply divided on what should be the standard of evidence required to justify lethal control of wild birds for conservation purposes.

All wild birds are legally protected. We consider that as a responsible regulator any derogations from that protection, in the form of licences granted under section 16 of the Act, must be justified and clearly fall within one or more of the purposes defined in the Act. We remain of the view that when licensing the lethal control of wild birds for the purpose of conservation, the action must be necessary to improve the status of species or habitats of conservation concern, the intended conservation benefit should be sufficiently evidenced and other conservation measures besides lethal control of wild birds should be considered.

It is our view that the existence of predation by one species of wild bird on another species of bird or animal does not establish a conservation justification for lethal control of the predator species. In the context of predator control, for a general licence to be considered as an appropriate regulatory tool for the purpose of conservation, the main questions which arise for us as the licensing authority are: for which predator-prey relationships do we have sufficient evidence of a genuine conservation purpose or need; which are sufficiently common across all parts of Wales; and for which is there sufficient evidence of the likely effectiveness of lethal control, such that a general licence, rather than specific licensing, is a proportionate and effective approach to addressing that conservation purpose?

We remain of the view that that the principles set out in the consultation paper constitute a sound framework to guide our approach to licensing for conservation purposes. We intend to use them as high level guiding principles rather than as hard and fast rules. We will also keep the approach under review. The principles are set out in Appendix 4.

We will continue to grant a general licence for the conservation of wild birds, authorising lethal control of carrion crow only for the purpose of conserving species vulnerable to egg or chick predation by carrion crow

In the consultation paper we said that we consider the evidence of the impact of carrion crow on wild bird populations to be sufficiently strong to support granting a general licence allowing the control of carrion crow. Specifically, in light of a review carried out by APHA

(APHA, 2020), we said that there is a **high-medium** strength of evidence of a **moderate** likelihood of a **high** effect of predation by carrion crow on wild bird populations.

Responses were divided on whether they agreed with our assessment of the evidence, and whether it was sufficient to justify including carrion crow on a general licence. However those who disagreed did not provide any additional evidence to lead us to change our assessment. Also, the basis for some respondents' disagreement appeared to be a view that general licences are not an appropriate form of licence in any event, rather than specifically addressing the question of evidence of impact.

We do not consider that sufficient reasons were provided in any consultation responses to change our position in respect of carrion crow. We therefore remain of the view that the evidence of impact of carrion crow predation on other wild bird species is sufficiently strong to retain carrion crow on a general licence for conservation of wild birds.

Magpie, jackdaw and jay will no longer be included, so that control of these species for the purpose of conserving wild birds will be subject to specific licensing

Jackdaw

In the consultation paper we said that a **medium-low** strength of evidence of **some** likelihood of **some** effect of predation by jackdaw on wild bird populations suggests that it is unlikely that jackdaw predation has a significant impact on other species of wild birds. Therefore, we considered that the strength of evidence does not support the inclusion of jackdaw on a general licence for the purpose of conserving wild birds in Wales.

Consultation responses were divided on this issue. Respondents who agreed that jackdaw should not be included on a general licence for conserving wild birds agreed that the evidence was not sufficient to justify a general licence and said that specific licences could be used to control jackdaw in locations where there was evidence of a conservation need to do so. Respondents who considered that jackdaw should be included on a general licence argued that there is some evidence of the impact of jackdaw predation on other wild bird species and NRW should adopt a precautionary approach in favour of the prey species of jackdaw. It was also stated that jackdaw populations have increased significantly in Wales and that this has contributed to the decline of other wild bird species.

We do not consider that sufficient reasons were provided in any consultation responses to change our position in respect of jackdaw. We therefore remain of the view that the evidence of impact of jackdaw predation on other wild bird species is not sufficiently strong to justify granting a general licence to control jackdaw for the purpose of conserving wild birds. Anyone intending to control jackdaw for this purpose should apply for a specific licence, providing evidence of harm and the anticipated benefit to the conservation of identified beneficiary species.

Magpie and Jay

As we stated in the consultation paper, there is a **medium-high** strength of evidence of **some** likelihood of a **high** effect of predation by magpie and jay on populations of wild birds. This means that there is evidence of their impact on other wild bird species. This

could justify the inclusion of either of these species on a general licence for the conservation of wild birds. However, we consider the evidence is in the 'middle ground' of the strength of evidence categories in the APHA (2020) report.

Consultation responses on the inclusion of magpie and jay were highly polarised.

Respondents who said that jay and magpie should continue to be included on GL004 argued that the scientific evidence shows beyond any doubt that they are significant predators of the eggs and chicks of BoCC red and amber listed species breeding in Wales. It was also argued that both magpie and jay are abundant and that populations would increase if levels of control were reduced as a result of changes to GL004.

Respondents who said that jay and magpie should not be included on a general licence for conserving wild birds, argued that even though they are known to prey on chicks and eggs, there is little or no evidence that they have a significant impact on populations of wild bird. There was feedback from nature conservation organisations that they do not use general licences on land they own or manage, to control either jay or magpie for conservation of other species of wild birds.

We have considered how precautionary we want to be, both for the target species and the beneficiary species, given the strength of evidence and the principles we have developed for deciding if a general licence is appropriate: common, widespread and low risk situations, where there is a genuine need to control birds and where a general licence is a proportionate approach, given the frequency, scale and severity of the problem or need.

On the basis of the above we have made a policy decision that neither magpie or jay will be included on GL004. Anyone intending to control magpie or jay for the purpose of conserving wild birds should apply for a specific licence, providing evidence of harm and the anticipated benefit to the conservation of identified beneficiary species. We anticipate that in many cases, the requirement to undertake lethal control of magpie or jay for the purpose of improving the conservation status of one or more beneficiary species, can reasonably be anticipated in advance, for example as part of a planned conservation project or strategy which also entails other measures to support the conservation of the species in question. As such, we believe it is reasonable to expect prospective licensees to allow for the time taken to obtain a specific licence when planning their activities.

Considering the implications of changes to GL004

Some respondents expressed the view that before removing any species from GL004, NRW should carry out an assessment of the impacts of doing so on other species. It was argued, particularly in relation to magpie, that removal of a species included on previous general licences should be clearly justified, the implication being that a species should remain on a general licence unless and until there is sufficient justification to remove it.

We do not share this interpretation of our statutory obligations as the licensing authority for Wales. All wild birds, including magpie, are protected species. We consider that our key obligation under section 16 of the Act is to be able to clearly justify the granting of a licence, including a general licence, allowing a species of wild bird to be subject to lethal control.

Furthermore our decision not to include jackdaw, jay and magpie as target species on GL004, does not constitute a decision that we will not allow these three species to be subject to lethal control for the purpose of conserving wild birds. Rather it is a decision that any such control should be subject to specific licensing rather than authorised under a general licence, and will be considered on a case by case basis, based on the information and evidence submitted as part of licence applications. Assessing the implications (for the beneficiary species) of changing the type of licence under which control of the predator species takes place, would in any case be extraordinarily challenging, since under either arrangement, the decision on whether to actually carry out any control of the predator species is entirely at the discretion of licensees.

We do not consider that our decision not to include three corvid species on GL004 is subject to any formal assessment process or obligation. However we have carefully considered the available evidence on the impact of the three species concerned on other wild birds, as described above. Since the evidence does not clearly point to nest predation by jackdaw, magpie or jay significantly impacting on populations of other species of wild bird, we believe that the more cautious approach of specific licensing is appropriate, rather than granting a general licence authorising lethal control.

We consider that a general licence allowing lethal control of wild birds for the conservation of wild birds should identify the species intended to benefit from such action, and that the beneficiary species of a general licence for the control of wild birds should be limited to BoCC red or amber listed species which breed in Wales and which are considered vulnerable to egg or chick predation by the target species on the general licence

In the consultation paper we proposed that in granting a licence for the purpose of conserving wild birds it must be reasonable to conclude – in light of the available evidence - that controlling one species will indeed benefit the conservation of another species. A prey species which has no substantive ecological link with a predator species, for example because there is little or no spatial overlap in their territories, clearly cannot reasonably be expected to benefit from lethal control of the predator species.

Many consultation responses referred to some of the target species currently on GL004, particularly corvids, as ‘pest species’ or ‘vermin’ and argued that NRW’s proposed approach is placing too much emphasis on defining which particular species are intended to benefit from their control. It was argued by some respondents that controlling corvids, particularly the four species listed on GL004, is inherently beneficial to wildlife conservation and is justified because of their abundance, wide distribution and known predatory behaviour.

We are not persuaded by that argument. All species of wild birds are protected under the Act and licences may only be granted for particular purposes. Whilst particular wild birds, including some corvids, can and do cause problems, including in some cases for the conservation of other species, we consider that the general characterisation of any such species as ‘pests’, is contrary to the statutory position. Similarly we do not agree that licensing the control of corvids for the purpose of conservation can be justified without any reference to the intended beneficiaries of such action. Therefore we remain of the view

that any licence we grant for conservation purposes, including a general licence, should clearly identify as part of the definition of that purpose, which species are intended to benefit from the action authorised by the licence. This is an essential requirement of any specific licences we grant for conservation purposes and we see no reason why general licences should differ in this respect.

As described in the previous section, consultation responses expressed divergent views on the standard of evidence we should use to determine whether a licence allowing lethal control will further a genuine conservation purpose. We remain of the view that the appropriate standard of evidence to support control of wild birds for the purpose of conservation, is that it should be reasonable to consider that lethal control will contribute to addressing a conservation purpose. Requiring 'proof' or 'certainty' is not required by the legislation, and is an unrealistic evidence threshold due to the complexity of predator to prey interactions and the well-recognised difficulties in disentangling the impacts of predation by wild birds from predation by other, non-avian predators and from other pressures, such as disturbance or habitat modification. We do not believe that it would be appropriate for NRW to apply an evidence standard that would make it impossible in practice to grant licences for conservation purposes.

Some consultation responses argued that BoCC green listed species were in a favourable conservation status because of the historic control of corvids carried out under general licences, and that GL004 should continue to be able to be used to conserve green listed species. In line with our principles for conservation licensing, we do not believe that a species which is not of conservation concern, can reasonably be considered to require a general licence for controlling any of its predator species. We accept that there may well be particular situations where lethal control of predatory birds may be justified in the interests of conserving a species which is BoCC green listed, but we consider that the justification for such an intervention should be addressed through specific licence applications.

We commissioned the British Trust for Ornithology (BTO) to assess the vulnerability of BoCC red and amber listed species which breed in Wales, to nest predation by four corvid species (carrion crow, jay, jackdaw and magpie). Using the findings from that work (Taylor *et al.*, 2022) we have identified a list of 53 wild bird species which we consider to be vulnerable to predation by carrion crow. These are set out in Appendix 5 and will be listed in an Annex to GL004 as the beneficiary species of the control of carrion crow.

The purpose of the general licence will be to conserve eggs and chicks of the beneficiary species and it will authorise lethal control between 1st February and 31st August

Eggs and chicks

In the consultation paper we proposed to continue to limit GL004 to the conservation of eggs and chicks, because the available scientific peer-reviewed evidence shows predation by the species of corvid that are currently listed on GL004 on other species of wild birds is generally limited to predation of eggs and chicks. There is little published scientific evidence that any of these species of corvid prey upon healthy adult wild birds of any species. Although some consultation responses stated that corvids such as carrion crow

do prey on adult birds, we are not aware of evidence demonstrating that such predation occurs to any significant degree.

We are not persuaded that sufficient reasons were put forward in any consultation responses to change our position on this issue. Therefore the purpose of the general licence for conserving wild birds will continue to be limited to the conservation of eggs and chicks of the beneficiary species.

Time period for lethal control

Since the proposed purpose of GL004 is to conserve the eggs and chicks of beneficiary species, we believe that lethal control should be limited to the main bird breeding season and to the period immediately prior to the breeding season when carrion crows are pair bonding and establishing their own breeding territories, which is an effective time to carry out control.

In consultation responses there was support for this approach, otherwise the logic of the licence applying only to eggs and chicks of the species being conserved does not follow.

Respondents who were against this proposal expressed concern about the welfare of chicks of target species. We are of the view that allowing control from as early as the 1st February will enable control of carrion crow to start before they themselves breed, thus mitigating to some degree the impact on chick welfare. Advice in some good practice guidance is that corvid trapping effort should be carried out in spring and summer. This is the period of maximum prey vulnerability and the time when corvid cage traps are most effective at removing territorial birds.

Licensing the lethal control of wild birds for the purposes of public health, public safety and air safety

Summary

- We will continue to grant a general licence allowing lethal control of feral pigeon for the purpose of preserving public health or safety and preventing the spread of disease.
- The licence will specify that it may be used to address the three particular types of hazard posed by feral pigeons to public health and safety, namely: spread of disease to humans, slips and falls, and issues caused by nesting and roosting birds.
- We will not issue a general licence for public health / safety purposes authorising the lethal control any species other than feral pigeon. Lethal control of any species of gull for this purpose will continue to be authorised through specific licences.
- We will continue to regulate the lethal control of wild birds for air safety purposes through specific licensing, rather than reverting to a general licence.

We will continue to grant a general licence allowing lethal control of feral pigeon for the purpose of preserving public health or safety and preventing the spread of disease

Respondents who agreed with this proposal stated that feral pigeons are known to pose a risk to public health, particularly through spread of disease, and that since this is a common and widespread problem, a general licence is appropriate.

Opposing views were expressed by respondents who said that lethal control was not a long term solution and that a better approach was to use non-lethal deterrents and to address the factors that drive increases in the pigeon population, such as feeding and littering.

We remain of the view that a general licence is appropriate, allowing the lethal control of feral pigeon for the purpose of preserving public health or safety and preventing the spread of disease. APHA (2020) suggests that there is medium-high strength of evidence for the impact of feral pigeon on public health. This largely relates to pigeons carrying harmful pathogens which are common to humans, with little evidence of actual rates of transmission to people. However our decision to retain a general licence allowing the control of feral pigeon for public health purposes takes into account the common occurrence of feral pigeon in urban settings and the frequency and proximity of encounters between feral pigeons and people.

Concerns were also raised about the risk of general licence users not being able to distinguish feral pigeons and woodpigeons. GL002 authorises control of feral pigeon only. If a person kills a bird of a different species for the purpose of public health or safety, that action is not covered by the general licence and would constitute an offence. It is the responsibility of any licensee to correctly identify the target species and to comply with all licence terms and conditions.

The licence will specify that it may be used to address the three particular types of hazard posed by feral pigeons to public health and safety, namely: spread of disease to humans, slips and falls, and issues caused by nesting and roosting birds

We remain of the view that GL002 should make clear the types of risk to public health and public safety that action taken under the licence should address. This is consistent with our approach to the other general licences (GL001 and GL004) where we are defining more clearly the purpose of the licence by being more specific about the particular harms or benefits that control of the target species on each licence is intended to address.

We will not issue a general licence for public health / safety purposes authorising the lethal control any species other than feral pigeon. Lethal control of any species of gull for this purpose will continue to be authorised through specific licences

In the consultation paper we explained that we were not aware of evidence to suggest that other species are suitable for inclusion on a general licence for the purpose of preserving public health and preventing the spread of disease and therefore we did not propose to include any other species on a general licence for public health or safety purposes (currently GL002).

There were contrasting views in consultation responses. Many respondents stated that the scope of general licences should not be extended to include any additional species. However in other responses there were a number of suggestions for additional species to be included on GL002, namely Canada goose, rook, jackdaw, magpie, starling, carrion crow, and gulls (various species). The main reasons given were risk of disease transmission to humans (direct or through contamination of foodstuffs), hazards from accumulation of droppings in public spaces and, in the case of gulls specifically, direct attacks and aggression towards people.

We have reviewed the various species suggested by consultation respondents against our principles for granting general licences, and we do not intend to include any further species on a general licence for the purpose of preserving public health or public safety.

Firstly, there is little or no evidence of any of the species listed above posing a significant risk of disease transmission to people. While some consultation respondents pointed to the droppings of wild birds covering floors, being trodden into public buildings or contaminating water sources, that does not mean that the birds pose an actual risk, to the extent of justifying the grant of a general licence allowing their lethal control.

Secondly, in relation to all of the species that were suggested, with the exception of certain species of gull, we have received very few, and in some cases we have never received, applications for specific licences to control them for public health or safety purposes. Therefore we consider that to grant a general licence would not be a proportionate response. If lethal control of any of these species is considered necessary in specific circumstances to address a public health or safety concern, whether related to disease

transmission or hazards posed by droppings or by nesting, and which cannot be addressed using non-lethal alternative means, specific licences can be applied for.

Thirdly, a number of these species, including certain gull species, are currently BoCC red or amber listed in Wales due to evidence of their population decline. In light of our principles for granting general licences, we consider that their lethal control should continue to be regulated under specific licences.

We will continue to regulate the lethal control of wild birds for air safety purposes through specific licensing, rather than reverting to a general licence

Although some respondents expressed support for a general licence for air safety, the main reason given was the necessity for aerodrome managers to be able to control birds that present a significant risk to air safety, rather than expressing any arguments that general licences were preferable to specific licences in this context. It was also recognised that there are only a small number of aerodromes in Wales, and we did not receive any consultation responses from the aviation sector which disagreed with the continued use of specific licences for air safety purposes.

We therefore remain of the view that a general licence for this purpose is not appropriate.

Licensing the lethal control of invasive non-native species of wild birds

Summary

- We will continue to grant a general licence authorising the lethal control of ruddy duck for conservation purposes.
- We will continue to grant a general licence authorising the lethal control of Canada goose for the purpose of preventing serious damage to crops.
- We will consider granting general licences authorising the lethal control of other invasive non-native species of wild birds as and when the need for lethal control of such species is formally identified through the Welsh Government led invasive non-native species contingency plan process.

We will continue to grant a general licence authorising the lethal control of ruddy duck

Respondents agreeing with the retention of a general licence for controlling ruddy duck (GL005) said that the species is close to being eradicated from the UK and retaining the general licence will help ensure this.

Respondents who disagreed argued that control of ruddy duck and other invasive non-native species (INNS) should take place under specific licences, and only where there is evidence of a problem. Disagreements with the continuation of GL005 were also expressed as objections to general licences in principle, and criticism that they lack any reporting or accountability.

The official policy objective in Wales in relation to the control of ruddy duck is to eradicate the species from the wild. Some respondents pointed out – and we agree – that efforts towards that aim in Wales and elsewhere in the UK have been largely successful. However until it is confirmed that the species has been eradicated, we consider that a general licence allowing its lethal control remains appropriate.

We will continue to include in GL005 a condition requiring anyone who uses the licence, to report to NRW on the number of birds killed under the licence. We consider that this measure is useful in the context of monitoring progress towards the goal of eradication of ruddy duck in the UK.

We will continue to grant a general licence authorising the lethal control of Canada goose for the purpose of preventing serious damage to crops

Although Canada goose is regarded as an INNS, our approach to authorising its lethal control is dealt with above in relation to the general licence for preventing serious damage to crops.

We will consider granting general licences authorising the lethal control of other invasive non-native species of wild birds as and when the need for lethal control of such species is formally identified through the Welsh Government led invasive non-native species contingency plan process

Consultation respondents who agreed with this proposal, gave reasons similar to those we put forward in the consultation paper.

However some respondents expressed concern that this approach is not sufficiently proactive, arguing that action should be taken as early as possible after the arrival of an INNS, to control its spread. Several INNS bird species are already recorded as present in England and Wales, including Egyptian goose and ring-necked parakeet, therefore it was argued that a general licence should be granted now to enable such species to be culled.

We are not persuaded by that argument. The lethal control of a species under a general licence is one of the tools available for the control of an INNS, should such control be deemed to be required, and is not necessarily the best or most effective means for targeted eradication. For example, a general licence simply allows individual birds of a species to be killed, it does not direct any such action to where it is required or would be most effective. When general licences were first granted throughout the UK for the control of ruddy duck, it was in the context of a government-led national eradication programme, and a particular purpose of the general licences was to enable the lawful control of the species by officially contracted agents, as well as by members of the public acting on their own volition.

There is a Welsh Government led contingency planning process in place for establishing the need in Wales for measures to be taken to control INNS, which may include lethal control. To date that process has not determined that any INNS bird species other than ruddy duck requires a programme of lethal control. We therefore consider that to grant a general licence at this time authorising lethal control of any further INNS bird species would pre-empt the policy process. For example the policy objective for some INNS may be containment or localised control rather than eradication, or it may include mitigation or adaptation to the impacts of the species, in which case a general licence may or may not be an effective or appropriate regulatory response.

If and when a case for lethal control of a species is confirmed as formally agreed under the INNS contingency planning process, the appropriateness of a general licence can be determined and a general licence issued rapidly if required.

Other aspects raised in consultation

A class licence for the purpose of conservation

A number of respondents said that NRW should consider the introduction of class licences, in particular as a potential approach to licensing the control of wild birds for conservation purposes.

A class licence can be defined as a form of licence which, unlike specific licences, does not require applications to be submitted, but which authorises action by a more limited range of users, or 'class' of persons, than a general licence, and which may include additional conditions or restrictions that are not included in general licences.

Earlier in this document we have set out our approach to granting a general licence for the purpose of conserving wild birds. If a class licence for this purpose took the form of simply requiring users to register with NRW in order to use the licence, we do not consider that it would not differ significantly from general licences and in particular would not resolve the question of whether the evidence of a genuine conservation need was sufficient to justify such a widely drawn licence.

A class licence system might entail, as well as user registration, the consideration of licensees' competence, where prospective users have to provide evidence of their competence (qualifications or experience) to control birds for conservation purposes, and where only those satisfying minimum competency criteria would be allowed to become registered licensees. Those criteria would need to be appropriately robust and clearly defined.

We are not proposing to introduce any class licences at this time, but we may consider doing so in future if evidence emerges that they could provide a useful basis for licensing wild bird control in particular contexts, including wild bird conservation.

Allowing wild birds to be killed

Many respondents to the consultation expressed the view that NRW should not authorise the control of wild birds at all, under any form of licence. The reasons given included arguments that as protected wildlife, there is no justification for allowing wild birds to be killed given that there is a nature emergency, that the problems caused by wild birds are exaggerated, and that where wild birds do pose a risk to agriculture, public health and safety or the conservation of other wildlife, better alternatives to lethal control are available and should be pursued.

The Act expressly empowers NRW to grant licences allowing wild birds to be killed or taken, where such action is for one or more of the purposes defined in section 16 of the Act, and where we are satisfied as regards those purposes that there is no other satisfactory solution. In our view there is considerable amount of evidence that some wild birds can and do cause problems and that in some situations there is no satisfactory alternative way of addressing those problems other than lethal control.

We will therefore continue to operate a licensing system for the lethal control of wild birds.

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Appendix 1. Principles for deciding when general licences are appropriate

Principle 1: There is an apparent and genuine need to allow the killing or taking of the species of wild bird in question, or to take or destroy their eggs or nests, in order to further one or more of the purposes outlined in section 16 of the Act.

All wild birds are protected by law, and derogations from that protective regime may only be granted for particular purposes.

Principle 2: Allowing the lethal control of birds of the species concerned under general licence can reasonably be expected to contribute to resolving the problem or meeting the need.

Even if Principle 1 is satisfied, we consider lethal control of wild birds should only be authorised if, on the basis of available evidence, it is reasonable to consider that such action will contribute to meeting the need for resolving the problem concerned.

Principle 3: There are no satisfactory solutions that would resolve that problem or address the need in question, other than to grant a general licence allowing the killing or taking of the wild bird species concerned.

NRW is permitted by the legislation to authorise lethal control of wild birds for specified purposes but only where we are satisfied as regards those purposes that there is no other satisfactory solution. Therefore, we need to be satisfied that granting a general licence is the only satisfactory way to address the problem or satisfy the purpose in question, and that the purpose cannot satisfactorily be addressed by using only non-lethal methods, or through granting specific licences on application.

Principle 4: Allowing lethal control of the species in question under general licence, rather than only under specific licences subject to individual applications, is a proportionate response, given the frequency, scale and severity of the problem or need.

General licences are appropriate only where it would be impractical or disproportionately burdensome on users, and on NRW, to regulate the killing or taking of birds or destruction of eggs and nests for that purpose, through requiring specific licences. For example a general licence may be appropriate where NRW would otherwise receive a very large number of applications for specific licences, all seeking authorisation to carry out the same types of actions against the same species for the same purposes.

Principle 5: Allowing lethal control of a target species under a general licence will not risk putting it into an unfavourable conservation status.

General licences do not specify limits on the number of birds that may be taken, and do not require licence users to report how many birds they have taken under the licence. In order to ensure that allowing the lethal control of a species under a general licence does not jeopardise its conservation status, there are limited circumstances under which a species can be included on a general licence. We consider that the only species suitable for inclusion on a general licence are those which are not of conservation concern. We will

use the 'Birds of Conservation Concern' (BoCC) green/amber/red listings for Wales, to inform our assessment of which target species of wild bird are of conservation concern.

Principle 6: No action authorised by a general licence will adversely affect the conservation status of any species other than the target species.

In addition to considering the impact of a general licence on the target species (under Principle 5 above), we will not grant a general licence if we consider that any action taken under that licence would place the conservation of other species at risk. It may be necessary to include conditions in a general licence in order to satisfy this principle, including in particular in relation to the potential impact on protected sites.

Principle 7: The general licence can be framed in terms which are clear to all users, compliant with all relevant legal requirements, and enforceable.

We consider that NRW should not issue a general licence unless we are satisfied that the purpose or purposes for which the licence may be used, and the circumstances and conditions under which it may be used, can be set out sufficiently clearly for all users to understand.

Appendix 2. Protected sites where the general licences do not apply

Sites of Special Scientific Interest

Aberarth - Carreg Wylan
Aberdunant
Afon Cleddau Dwyreiniol/Eastern Cleddau River
Afon Cleddau Gorllewinol/Western Cleddau River
Afon Dyfrdwy (River Dee)
Afon Eden - Cors Goch Trawsfynydd
Afon Gwyrfai a Llyn Cwellyn
Afon Irfon
Afon Llynfi
Afon Teifi
Afon Tywi
Afon Wysg (Isafonydd) / River Usk (Tributaries)
Allt y Gaer
Allt y Main Mine
Arfordir Abereiddi
Arfordir Gogleddol Penmon
Bach Howey Gorge
Beech Cottage, Waterwynch
Benarth Wood
Berwyn
Borth - Clarach
Bryn y Gwin Isaf
Bryngwyn Hall Stables and Coach House
Buckland Coach House & Ice House
Cadair Idris
Caeau Coed Mawr (Coedmawr Fields)
Carew Castle
Carreg y Llam
Castell y Waun a'i Barcdir/Chirk Castle and Parkland
Castlemartin Range
Cemlyn Bay
Ceunant a Thyrrau Trefgarn/Treffgarne Gorge and Tors
Chwarel Cambrian/Cambrian Quarry, Gwernymynydd
Cilcenni Dingle
Ciliau
Coed Aberdulas
Coed Aberedw
Coed y Crychydd
Coed y Gopa
Coedydd a Cheunant Rheidol (Rheidol Woods & Gorge)
Coedydd Beddgelert a Cheunant Aberglaslyn
Coedydd De Dyffryn Maentwrog
Coedydd Dyffryn Alwen

Coedydd Dyffryn Ffestiniog (Gogleddol)
Coedydd Nanmor
Colwyn Brook Marshes (North & South)
Cors Caron
Corsydd Llangloffan
Craig yr Aderyn (Bird's rock)
Creigiau Pen y graig
Creigiau Rhiwledyn/Little Ormes Head
Cwm Doethie - Mynydd Mallaen
Dale and South Marloes Coast
De Porth Sain Ffraidd / St Bride's Bay South
Dee Estuary / Aber Afon Dyfrdwy
Dolorgan Barn
Duhonw
Dyfi
Elenydd
Erwood Dingle
Eryri
Felin Llwyngwair
Ffynnon Beuno and Cae Gwyn Caves
Flat Holm
Foxwood
Ganllwyd
Garth-eryr
Glannau Aberdaron
Glannau Rhoscolyn
Glannau Ynys Gybi/ Holy Island Coast
Glascoed, Meifod
Glaslyn
Glyn Cywarch
Glynllifon
Gower Coast: Rhossili to Porteynon
Graig Fawr
Grassholm / Ynys Gwales
Gronant Dunes and Talacre Warren
Gwernydd Penbre
Gweunydd Esgairdraenllwyn (Esgairdraenllwyn Pastures)
Gweunydd Nant y Dernol
Gwlyptiroedd Casnewydd/Newport Wetlands
Hendre, Llangedwyn
Leighton Bat Roosts
Llanddulas Limestone and Gwrych Castle Wood
Llangovan Church
Migneint-Arenig-Dduallt
Milford Haven Waterway
Morfa Harlech
Mwyngloddfa Mynydd-Bach
Mwyngloddiau a Chreigiau Gwydyr
Mwyngloddiau Llanfrothen
Mwyngloddiau Wnion a Eglwys Sant Marc

Mynydd Llangatwg (Mynydd Llangattock)
Mynydd Penarfynnydd
Newborough Warren - Ynys Llanddwyn
Newton Court Stable Block
Orielson Stable Block and Cellars
Park House Outbuildings, Stackpole
Pen y Gogarth / Great Ormes Head
Pengelli Forest and Pant-teg Wood
Penmaenuchaf Hall
Penrice Stables and Underhill Cottage
Penygarnedd Mine
Plas Maenan
Porth Ceiriad, Porth Neigwl ac Ynysoedd Sant Tudwal
Puffin Island
Pwll-y-wrach
Ramsey / Ynys Dewi
Rhagnentydd Gwy Uchaf / Upper Wye Tributaries
Rhos Llawr Cwrt
River Ithon
River Lugg
River Teme
River Usk (Lower Usk)/Afon Wysg (Wysg Isaf)
River Usk (Upper Usk) / Afon Wysg (Wysg Uchaf)
River Wye (Lower Wye) / Afon Gwy (Gwy Isaf)
River Wye (Tributaries)/Afon Gwy (Isafonydd)
River Wye (Upper Wye) / Afon Gwy (Gwy Uchaf)
Rose Cottage, Llethrid
Ruperra Castle and Woodlands
Shotton Lagoons and Reedbeds
Siambre Ddu
Skokholm
Skomer Island and Middleholm
Slebech Stable Yard Loft, Cellars & Tunnels
St. David's Peninsula Coast
St. Margaret's Island
Stackpole
Stackpole Courtyard Flats and Walled Garden
The Offshore Islets of Pembrokeshire / Ynysoedd Glannau Penfro
The Skerries
Twyni Lacharn - Pentywyn / Laugharne - Pendine Burrows
Ty Bach Ystlumod
West Llangynog Slate Mine
Wye Valley
Ynys Enlli
Ynys Feurig
Ynysoedd y Gwylanod, Gwylan Islands
Ysbyty Bron y Garth
Yr Eifl

Special Protection Areas

Anglesey Terns / Morwenoliaid Ynys Môn
Berwyn
Burry Inlet
Castlemartin Coast
Craig yr Aderyn (Bird's Rock)
Dyfi Estuary / Aber Dyfi
Elenydd-Mallaen
Glannau Aberdaron ac Ynys Enlli / Aberdaron Coast and Bardsey Island
Glannau Ynys Gybi / Holy Island Coast
Grassholm
Liverpool Bay / Bae Lerpwl
Migneint-Arenig-Dduallt
Mynydd Cilan, Trwyn y Wylfa ac Ynysoedd Sant Tudwal
Ramsey and St David's Peninsula Coast
Severn Estuary
Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro
The Dee Estuary
Traeth Lafan / Lavan Sands, Conway Bay
Ynys Seiriol / Puffin Island

Special Areas of Conservation

Afon Eden-Cors Goch Trawsfynydd
Afon Gwyrfaï a Llyn Gwellyn
Afon Teifi / River Teifi
Afon Tywi / River Tywi
Afonydd Cleddau / Cleddau Rivers
Cardigan Bay / Bae Ceredigion
Carmarthen Bay and Estuaries / Bae Caerfyrddin ac Aberoedd
Coedydd Derw a Safleoedd Ystlumod Meirion / Meirionnydd Oakwoods and Bat Sites
Cors Caron
Dee Estuary / Aber Dyfrydwy
Glynllifon
Limestone Coast of South West Wales / Afordir Calchfaen De Orllewin Cymr
Mwyngloddiau Fforest Gwydir / Gwydyr Forest Mines
North Pembrokeshire Woodlands / Coedydd Gogledd Sir Benfro
Pembrokeshire Bat Sites and Bosherton Lakes/ Safleoedd Ystlum Sir Benfro a Llynnoedd
Bosherton
Pembrokeshire Marine / Sir Benfro Forol
Pen Llŷn ar Sarnau / Llyn Peninsula and the Sarnau
River Dee and Bala Lake / Afon Dyfrydwy a Llyn Tegid
River Usk / Afon Wysg
River Wye / Afon Gwy
Tanat and Vyrnwy Bat Sites / Safleoedd Ystlumod Tanat Ac Efyrnwy
Usk Bat Sites / Safleoedd Ystlumod Wysg
Wye Valley and Forest of Dean Bat Sites / Safleoedd Ystlumod Dyffryn Gwy
Wye Valley Woodlands / Coetiroedd Dyffryn Gwy

Appendix 3. Species-to-purpose matrix for the serious damage general licence

	Prevent serious damage to livestock through direct attack	Prevent serious damage to livestock foodstuffs	Prevent serious damage to crops, vegetables or fruit	Prevent spread of disease to livestock or livestock foodstuffs
Canada goose	No	No	Yes	No
Feral pigeon	No	Yes	Yes	Yes
Woodpigeon	No	No	Yes	Yes
Magpie	Yes	No	No	Yes
Jackdaw	No	Yes	Yes	Yes
Carrion crow	Yes	Yes	No	Yes

Appendix 4. Principles for conservation licensing

'Conservation' is not defined in the Wildlife and Countryside Act 1981, but as the licensing authority under section 16 of the Act, NRW should have a clear and transparent approach to deciding when the lethal control of wild birds is justified on conservation grounds, since all wild birds are protected under the Act.

Principle 1: Only species which are of conservation concern should be the intended 'beneficiaries' of lethal wild bird control

The first question that needs to be addressed in considering licensing the control of wild birds for conservation purposes is: Which species, or which particular population of a species, is intended to benefit from the licensed action? More specifically, we need to establish that the beneficiary species or population is one that is in need of such intervention. If a species of bird, other animal or plant is in a favourable conservation status or is otherwise not of conservation concern, despite potentially being subject to predation or other impacts by one or more species of wild birds, then as a general principle we do not consider that intervention in the form of wild bird control is justified on conservation grounds.

Therefore, a beneficiary species of any wild bird control licences granted for conservation purposes under the Act should be one of the following:

- If it's a species of wild bird, it should be red or amber listed on the current list of Birds of Conservation Concern (BoCC) for Wales. Controlling wild birds for the purpose of conserving a BoCC green listed species is not ruled out on principle, for example if a green listed species undergoes significant decline within the six yearly cycle of BoCC updates. However the conservation justification for any proposal to control wild birds for the purpose of conserving only green listed species would need to be fully set out in a specific licence application.
- If it's a species other than a wild bird, it should demonstrably be of conservation concern. Since all licences granted for this purpose are specific licences, the licence application needs to demonstrate that there is a genuine conservation purpose which requires the lethal control of wild birds.
- Any species which constitutes one of the features for which a protected site has been designated, could also be the beneficiary of a licence to control wild birds, since such action may be necessary or desirable in order to further the conservation objectives of the protected site concerned. Protected sites in this context include Sites of Special Scientific Interest (SSSIs), European sites (Special Areas of Conservation and Special Protection Areas) and designated wetlands of international importance (Ramsar sites).

Principle 2: Lethal control of wild birds for conservation purposes should only take place where such action is considered necessary to maintain or improve the conservation status of a 'beneficiary species'

Wild birds in Wales, and indeed wild birds anywhere, exist as part of an ecosystem, consisting of plants and animals together with the habitats they depend upon. Predation by some species on others is a natural and essential part of the healthy functioning of ecosystems.

Therefore, the existence of predation by one species of wild bird on another species of bird or animal does not imply the predator species should be controlled. Intervention in the form of wild bird control should be licenced only where it is considered necessary in order to improve the conservation status of one or more beneficiary species (for example to increase its abundance or range), or to prevent a decline in the population of a beneficiary species.

Principle 3: The intended conservation benefit of lethal wild bird control can be defined at different geographic scales

The conservation status of the beneficiary species of a licence for the control of wild birds for conservation purposes can legitimately be considered at different spatial scales. For example, benefit to a local population can in principle be a legitimate conservation purpose justifying wild bird control, as well as improving the conservation status of a species considered at a national or international scale. Similarly improvement in the conservation status of a designated species feature of an individual protected site can in principle constitute a legitimate conservation purpose justifying wild bird control.

Principle 4: There should be sufficient evidence that lethal control of a target species is likely to further a conservation purpose

Interactions between species are complex, and our knowledge of predator-prey relationships is imperfect, including in relation to relatively well-studied species of wild birds. Understanding the impacts of an individual predator species on a given prey species is difficult, since the prey species will often be subject to a range of other pressures, including predation by other species, competition with other species, various forms of disturbance from human activity and changes in the quality of its habitat.

Against this background we have considered what is the appropriate level of evidence we should apply when deciding whether the lethal control of wild birds will genuinely further a conservation purpose. We do not consider that wild bird control should be licensed only where it is possible to 'prove' that the lethal control of target species X will result in a corresponding improvement in the conservation status of beneficiary species Y. We think that setting such a high standard of evidence is impractical and would make it difficult if not impossible to grant licences for conservation purposes.

We consider that it should be reasonable to conclude that controlling a particular wild bird species is likely, on the balance of available evidence, to contribute to either an improvement in the local or national conservation status of another species (which, following principle 1 above, should be a species of conservation concern), or is likely to contribute to the achievement of the conservation objectives of one or more protected sites.

Principle 5: Lethal control of wild birds is more likely to deliver a conservation benefit if deployed alongside other conservation measures

We consider that wherever possible wild bird control should be considered as part of the solution to addressing a defined conservation purpose, alongside dealing with other factors which may be affecting the intended beneficiary species, including other predators, other (non-predation) pressures and habitat management.

Appendix 5. Species which we consider to be vulnerable to predation by carrion crow in Wales

Adapted from: Taylor, R.C., Noble, D., Calladine, J., Newson, S.E. and Bowgen, K.M. (2022). Assessment of the vulnerability to predation by carrion crow, magpie, jackdaw and jay of Red and Amber-listed Birds of Conservation Concern in Wales. Natural Resources Wales Evidence Report Series (No. 599).

Red listed		Amber listed	
Common name	Scientific name	Common name	Scientific name
1. Arctic tern	<i>Sterna paradise</i>	1. Bearded tit	<i>Panurus biarmicus</i>
2. Black grouse	<i>Lyurus tetrix</i>	2. Bittern	<i>Botaurus stellaris</i>
3. Black-headed gull	<i>Chroicocephalus ridibundus</i>	3. Black guillemot	<i>Cepphus grylle</i>
4. Bullfinch	<i>Pyrrhula pyrrhula</i>	4. Chough	<i>Pyrrhocorax pyrrhocorax</i>
5. Cuckoo	<i>Cuculus canorus</i>	5. Common tern	<i>Sterna hirundo</i>
6. Curlew	<i>Numenius arquata</i>	6. Cormorant	<i>Phalacrocorax carbo</i>
7. Grasshopper warbler	<i>Locustella naevia</i>	7. Dartford warbler	<i>Sylvia undata</i>
8. Great black-backed gull	<i>Larus marinus</i>	8. Eider	<i>Somateria mollissima</i>
9. Grey partridge	<i>Perdix perdix</i>	9. Fulmar	<i>Fulmarus glacialis</i>
10. Herring gull	<i>Larus argentatus</i>	10. Gannet	<i>Morus bassanus</i>
11. Kittiwake	<i>Rissa tridactyla</i>	11. Goldcrest	<i>Regulus regulus</i>
12. Lapwing	<i>Vanellus vanellus</i>	12. Greenfinch	<i>Chloris chloris</i>
13. Linnet	<i>Carduelis cannabina</i>	13. Grey heron	<i>Ardea cinerea</i>
14. Redshank	<i>Tringa tetanus</i>	14. Grey wagtail	<i>Motacilla cinerea</i>
15. Ring ouzel	<i>Turdus torquatus</i>	15. Guillemot	<i>Uria aalge</i>
16. Ringed plover	<i>Charadrius hiaticula</i>	16. Hawfinch	<i>Coccothraustes coccothraustes</i>
17. Roseate tern	<i>Sterna dougallii</i>	17. Honey buzzard	<i>Pernis apivorus</i>
18. Spotted flycatcher	<i>Muscicapa striata</i>	18. Lesser black-backed gull	<i>Larus fuscus</i>
19. Turtle dove	<i>Streptopelia turtur</i>	19. Lesser redpoll	<i>Acanthis cabaret</i>
20. Whitethroat	<i>Sylvia communis</i>	20. Long-eared owl	<i>Asio otus</i>
21. Woodcock	<i>Scolopax rusticola</i>	21. Meadow pipit	<i>Anthus pratensis</i>
22. Yellow wagtail	<i>Motacilla flava flavissima</i>	22. Mistle thrush	<i>Turdus viscivorus</i>
23. Yellowhammer	<i>Emberiza citronella</i>	23. Osprey	<i>Pandion haliaetus</i>
		24. Red kite	<i>Milvus milvus</i>
		25. Reed bunting	<i>Emberiza schoeniclus</i>
		26. Sandwich tern	<i>Thalasseus sandvicensis</i>
		27. Shag	<i>Phalacrocorax aristotelis</i>
		28. Skylark	<i>Alauda arvensis</i>
		29. Song thrush	<i>Turdus philomelos</i>
		30. Tree pipit	<i>Anthus trivialis</i>