Consultation

General and Class licences under wildlife legislation in England

February 2014

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Introduction

1. Natural England is the government's adviser on the natural environment. We provide practical advice, grounded in science, on how best to safeguard England's natural wealth for the benefit of everyone.

2. Our remit is to ensure sustainable stewardship of the land and sea so that people and nature can thrive. It is our responsibility to see that England's rich natural environment can adapt and survive intact for future generations to enjoy.

3. Natural England's regulatory duties are based on a range of legislation relating to the natural environment and covering both national and international obligations. We perform some regulatory functions on behalf of government and some under Natural England's own statutory duties, and our regulatory role also supports government policy.

4. Regulation is one of a number of important means by which we can fulfil our organisational purpose of conserving and enhancing the natural environment and thereby contributing to sustainable development. It is one of the ways that we work with and through others to achieve our purpose.

5. Natural England seeks to deliver our remit whilst complying with other drivers such as the Government-wide better regulation agenda. The broad purpose of this agenda is to ensure that regulatory bodies undertake their activities in ways which are: consistent, proportionate, transparent, targeted, and accountable. The *Regulators' Code*[1] ('the Code') in effect enshrines adherence to the better regulation principles by placing a statutory duty on all bodies with regulatory functions, including Natural England, to 'have regard' to the Code and the principles within it.

6. Issuing derogations under wildlife legislation (commonly referred to as licences) is one of our regulatory functions, and Natural England is authorised to exercise this power in accordance with an agreement made with the Secretary of State under section 78 of the Natural Environment and Rural Communities Act 2006. These licences permit actions or activities that would otherwise be unlawful, and are issued under the following legislation:
    - Wildlife and Countryside Act 1981 (as amended)
    - Conservation of Habitats and Species Regulations 2010 (as amended)
    - Protection of Badgers Act 1992
    - Deer Act 1991 (as amended)
    - Conservation of Seals Act 1970
    - Destructive Imported Animals Act 1932

1 . *The Regulators' Code* replaces the *Regulators' Compliance Code: Statutory Code of Practice for Regulators*, and comes into force in April 2014.
See http://www.bis.gov.uk/brdo/regulators-code/regulators-code-publicationstools

7. Licences are only issued for specified purposes which are set down in the relevant legislation and only if certain specific criteria are met. Natural England applies five general principles to all its licensing activities; these are:

   a. There is a genuine problem to resolve or need to satisfy for which a licensing purpose is applicable;

   b. There are no satisfactory alternatives;

   c. The licensed action will contribute to resolving the problem or meeting the need;

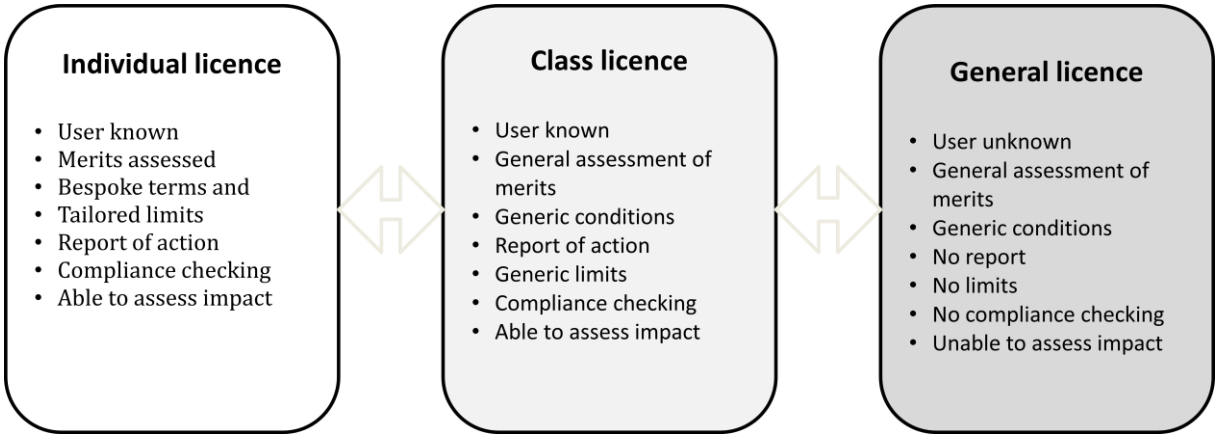
   d. The action to be licensed is proportionate to the scale of the problem or need;

   e. The licensed action will not have an adverse effect on the favourable conservation status of any habitat type or species within its natural range.

8. The provision of derogations (principally in the form of licences) is well established in international law and is enshrined in the European Directives and conventions which UK wildlife law transposes (i.e. the Birds Directive, Habitats Directive and The Bern Convention). The licensing regime operated by Natural England ensures that the conservation status of all native species subject to licensing is not adversely impacted by activities carried out under these licences.

9. Licences can be issued to individuals, organisations, projects and, under some legislation, to a wider category of people whereby any person satisfying certain stated criteria may rely on the licence. These more widely applicable licences are typically referred to as either ‘General’ or ‘Class’ licences. The key features of the principal licence types are summarised in Box 1.

Box 1 – The key features of the principal licence types



10. The default licence type is the ‘individual’ licence (incorporating personal, organisational and project type licences). Class and General licences are typically used for commonly licensed activities following an analysis of:

a. ***The desired level of oversight of the licensed activity***. This will consider both the level of risk of harm to the protected species or risk of non-compliance with the terms of the licence

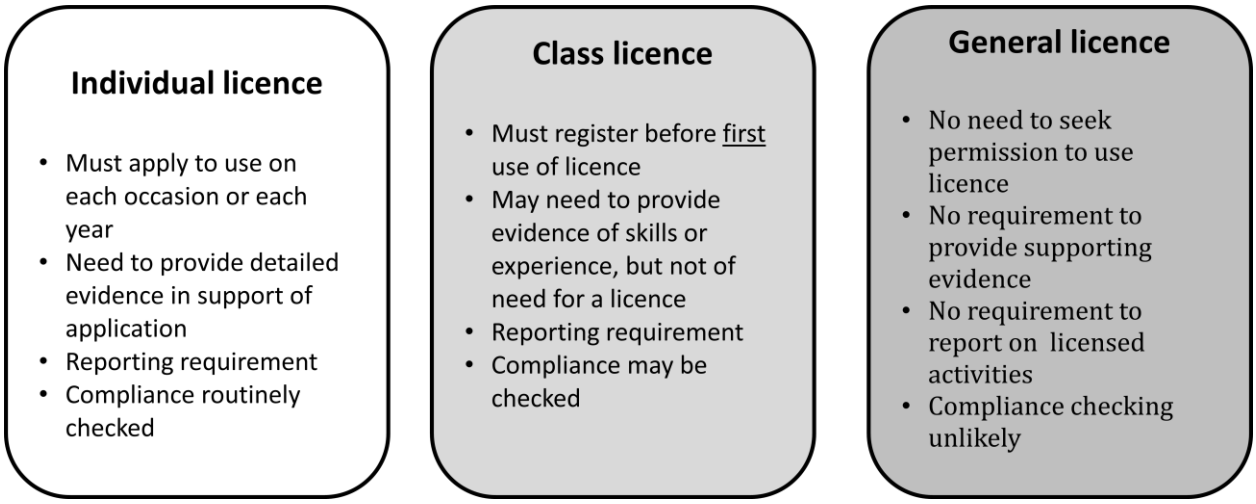
   - *where both risks are low then the activity may be judged suitable for a Class or General licence*

b. ***The likelihood that a licence will be issued***. This will consider whether evidence is needed to justify the action on a case by case basis or not, and whether licences users need to demonstrate specific skills or experience.

   - *where an activity would routinely be approved it may be judged overly burdensome and bureaucratic to asked people to apply for an individual licence*

11. The different licence types make different requirements on people seeking permission to use a licence. Typically, the administrative effort required to obtain and act under a licence declines from Individual to General Licence. This is summarised in Box 2.

Box 2 – Differences in requirements for licence users



12. The status of UK bird species is periodically assessed against a set of objective criteria to place species on one of three lists – green, amber and red – indicating an increasing level of conservation concern. The most recent assessment was published in 2009[2]. These assessments are used to inform licence decision making. There is no fixed approach to listings, for example, the Red listing of a species does not preclude its inclusion on a General Licence, although this is less likely. References to green, amber and red listing in the consultation document relate to the assessment in 'Birds of Conservation Concern 3'.

[2] Eaton MA, Brown AF, Noble DG, Musgrove AJ, Hearn R, Aebischer NJ, Gibbons DW, Evans A and Gregory RD (2009) Birds of Conservation Concern 3: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man. British Birds 102, pp296-341

13. We last comprehensively reviewed the General Licences in 2008[3]. This review led to a number of changes, in particular relating to non-native species, large gull species, a new Class Licence for food premises, consolidation of bird sales General Licences and a number of clarifications to improve understanding of the conditions attached to the licences. Since then we have introduced a number of new Class Licences. This consultation reflects our commitment to continuous regulatory review and improvement.

14. A full list of Natural England general licences (with links to each) is available online[4]. A full list of Natural England Class Licences (with links to each) is available online[5].

Scope

15. Wildlife licensing is a devolved matter and this consultation concerns only the arrangements for licensing in England. Natural England undertakes licensing in England in its own name or on behalf of the Secretary of State for the Environment, Food & Rural Affairs.

Consultation Purpose

16. Natural England is committed to regulating in a proportionate way that reflects the aims of the legislation, and takes account of the risk of the activities licensed and the conservation status of the species concerned. In meeting our obligations we seek to strike a balance that ensures the protection of species and sites whilst reducing any unnecessary burdens on those we regulate. To this end we are committed to an ongoing process of review and improvement.

17. The purpose of this consultation is to seek the views of consultees and others on the issues listed in Table 1 relating to the General and Class Licences issued by Natural England under wildlife legislation. The issues include both changes to the licences which we are proposing, and also topics upon which we are simply seeking views to inform our future proposals. We would expect to consult again on any further proposals, unless there is a broad consensus of views or the changes are minor for licence users. We will take account of all responses received when deciding what changes, if any, will subsequently be implemented, and may amend the detail of proposals to take account of issues raised by stakeholders where this is appropriate. It should be noted that while we will take account of all responses received in our decision making, this does not necessarily mean that we will follow the most popular option and the final decision will be taken by Natural England as the regulator.

[3] Further information about the 2008 consultation are available from our website: www.naturalengland.org.uk/ourwork/consultations/generallicencefollowup.aspx
[4] General licences: www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx
[5] Class licences: www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/classlicences.aspx

Assessing Regulatory Impact

18. As part of this consultation we have undertaken an initial assessment of regulatory impact, i.e. the impact proposed changes would have on businesses. This is part of our commitment under Accountability for Regulator Impact[6]. Natural England is aware that changes it makes can have cost implications. Sometimes, changes involving additional costs are unavoidable but we are committed to understanding and being transparent about those, and will seek as far as possible to minimise them. The impact is assessed both in terms of time and financial cost, using a number of average costings and assumptions. Details of our assessment, including these costings and the assumptions used can be found in Annex C.

19. It is possible to make such estimates where changes are proposed to activities currently covered by individual or Class Licences, based on applications, registrations and reported information. Estimates are more difficult for activities currently carried out under General Licence, where information on use of the licence is not reported to us.

20. In either case, it should be noted that our assessment is an estimate. We hope that the consultation responses will provide more detailed information to help us better understand the impacts, and we encourage respondents to quantify any change in costs (positive or negative) that proposed changes may have. If extra cost is likely to be involved, introduction of the change may still be unavoidable, but we will make clear the level of additional cost and why this is required.

Consultation Instructions

21. Natural England would welcome your comments on the proposals set out in Table 1 of this consultation paper. The consultation period will last 12 weeks, closing on 19 May 2014.

22. The consultation paper and supporting documents are available online at www.naturalengland.org.uk/consultations and www.gov.uk.

23. In line with Natural England's Access to Information Statement (http://www.naturalengland.org.uk/Images/NEAccesstoInformationStatement_tcm6-4934.pdf) we may publish at the end of the consultation period all information contained in your response, however this is received, for others to see. If you want the information that you provide to be treated as confidential, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an

[6] Accountability for Regulator Impact: www.naturalengland.org.uk/ourwork/regulation/betterregulation/ari-scheme.aspx

assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, in itself, be regarded as binding on Natural England.

24. We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

25. We have formulated a consultation response form (in Microsoft Word format – see Annex B) which we would be grateful if you could complete and return to us.

26. Please send responses to: wildlife.consultation@naturalengland.org.uk. We would prefer responses to be submitted electronically but if you wish to respond in writing please submit your response to: Natural England General Licence Consultation, c/o Wildlife Licensing, Natural England, Temple Quay House, 2 The Square, Bristol BS1 6EB. Please note that there is no need to post a hard copy of responses submitted by e-mail, and that posted responses will not be acknowledged unless an acknowledgement is specifically requested.

27. If you have any comments or complaints about the consultation process, as opposed to the content in the consultation paper, please e-mail Kay Shuard, Regulatory Improvement and Specialist Services Manager, Natural England (kay.shuard@naturalengland.org.uk).

The Consultation

28. The proposals and topics upon which we are requesting views are set out in Table 1 below. Please use the reference numbers given in the first column when providing comments.

29. We would also like feedback from people who use General and Class Licences, such as how often you refer to them and how easy you find them to understand. If you use any of the General or Class Licences, please answer the following questions:

Consultation Question(s)

Question 0(a): How often do you read the General or Class licence(s) that you use?

Question 0(b): How do you find out if any changes are made to a licence that affect whether you can use it?

Question 0(c): Do you find it easy to understand the General / Class Licence(s) you use?

Question 0(d): Do you have any suggestions for how these licences could be made easier to understand?

TABLE 1

Ref	Licence catalogue number (if applicable)	Proposals and requests for views
THEME: Managing Conflict Species		
1	WML-GL04 WML-GL06	**General Licences for the purposes of preventing serious agricultural damage or disease, and conserving flora and fauna** **Summary**: Proposal to add new species to the General Licences permitting action for the purposes of preventing serious agricultural damage or disease, and conserving flora and fauna. We are also seeking views on the continued inclusion of a number of species on these licences. **Explanation and Rationale**

		Greylag geese. Greylag geese are not a species of conservation concern (see Natural England's supporting evidence paper at Annex E), and regularly cause agricultural damage. A modest number of licences are issued each year (30 in 2012), and few are refused (none in 2012). We are proposing thus that this species is added to the agricultural damage General Licence WML-GL04. Egyptian geese. Although only a low number (one in 2012) of individual licences are issued permitting control of Egyptian geese for the purpose of preventing agricultural damage, this is a non-native species with the potential to cause agricultural damage and it is unlikely that an application would be refused; for this reason we are proposing that the species is added to the agricultural damage General Licence WML-GL04. Sacred ibis. The Invasive Non-Native Species bird control group has requested that this species is added to the conservation General Licence WML-GL06 to allow timely action if control of this invasive species is required in England. The GB Non-Native Species Secretariat (NNSS) risk assessment for this species concludes that a breeding population of this species is likely to establish in Britain and, should this be the case, the increase and spread of the population is predicted to be rapid (as has been seen in France). Establishment of this species would pose a predation threat to native species. The full risk assessment for '*Threskiornis aethiopicus* (Sacred ibis)' can be downloaded from the NNSS website. Indian house-crow. The Invasive Non-Native Species bird control group has requested that this species is added to the conservation General Licence WML-GL06 to allow timely action if control of this invasive species is required in England. The GB Non-Native Species Secretariat (NNSS) risk assessment for this species concludes that there is a reasonable likelihood of this species arriving by ship, and also of any arriving birds establishing in England (although the frequency of arrivals is likely to be minimal). Establishment of this species would pose a predation and harassment threat to native bird species. The full risk assessment for '*Corvus splendens* (Indian house-crow)' can be downloaded from the NNSS website. Other species. We are seeking evidence of the need for the continued inclusion of a number of species on the agricultural damage and conservation General Licences. These species are jackdaw, jay and collared dove (note the collared dove is currently listed on the agricultural damage General Licence, but not the conservation General Licence). All these species have a good conservation status, with stable or increasing populations and all are Green listed under *Birds of Conservation Concern*. However to justify their inclusion on the General Licences we need to be satisfied that the severity and frequency with which they cause problems justifies routine licensed action. A desk study by the Food and Environment Research Agency (now the Animal Health and Veterinary Laboratories Agency) found little evidence of jays causing problems. (Report WM0415 Annex A available from the

		GOV.UK website.) **Proposal(s)** 1(a) Add the following species to General Licence WML-GL04 permitting action to prevent serious agricultural damage or disease: • **Greylag goose** (*Anser anser*) • **Egyptian goose** (*Alopochen aegyptiacus*) (Note: this species is already included on General Licence WML-GL06, for the purpose of conserving flora and fauna). 1(b) Add the following species to General Licence WML-GL06 permitting action for the purpose of conserving flora and fauna: • **Sacred ibis** (*Threskiornis aethiopicus*) • **Indian house-crow** (*Corvus splendens*) **Consultation Question(s):** *Question 1(a): Are you aware of any reasons why the change outlined in Proposal 1(a) should not be made?* *Question 1(b): Are you aware of any reasons why the change outlined in Proposal 1(b) should not be made?* *Question 1(c): What is your view on the continued inclusion of the following species on General Licence WML-GL04 (preventing serious agricultural damage or disease):* • *Collared dove (Streptopelia decaocto)* • *Jackdaw (Corvus monedula)* • *Jay (Garrulus glandarius)* *Please provide reasons and any available evidence to support of your view.* *Question 1(d): What is your view on the continued inclusion of the following species on General Licence WML-GL06 (conserving flora and fauna):* • *Jackdaw (Corvus monedula)* • *Jay (Garrulus glandarius)* *Please provide reasons and any available evidence to support of your view.*

2	WML-GL05	**General Licence for the purpose of preserving public health and safety** **Summary**: Proposal to add two further species to paragraph 2(ii) of General Licence WML-GL05, which would permit action against nests and eggs of these species for the purpose of preserving public health and safety. There are three further species where we are seeking views on their addition to this same paragraph. **Explanation and Rationale** Greylag geese and mallard. These species are regularly reported to cause public health and safety concerns, and a number of individual licences are issued for this purpose each year (in 2012: 12 licences for greylag geese and 7 for mallard). Neither species is of conservation concern. Other species. We are seeking views on permitting under General Licence WML-GL05 the taking, damaging and destroying of nests and eggs of three other species, which present a potential hazard by their nesting locations (e.g. in ventilation flues). These species are **pied wagtail**, **robin** and **starling**, for which we issued 1, 5 and 4 licences, respectively in 2012. Adding these species to the General Licence – solely in respect of nests and eggs - will facilitate more timely action in situations where nests pose a potential health and safety hazard. There is no conservation concern regarding pied wagtails or robins; starlings are Red listed due to population declines, although they remain numerically abundant. We are confident that the very small number of nests potentially affected by licensing currently does not, and will not under a general licence arrangement, have a discernable impact on the populations of any of these species. **Proposal(s)** 2(a) Add the following species to paragraph 2(ii) of General Licence WML-GL05 permitting taking, damaging and destroying of nests, and taking and destroying of eggs, for the purpose of preserving public health and safety: • **Greylag goose** (*Anser anser*) • **Mallard** (*Anas platyrhynchos*) **Consultation Question(s):** *Question 2(a): Are you aware of any reasons why the change outlined in Proposal 2(a) should not be made?* *Question 2(b): What is your view on pied wagtail, robin and/or starling being added to paragraph 2(ii) of General*

		Licence WML-GL05 permitting taking, damaging and destroying of nests, and taking and destroying of eggs, for the purpose of preserving public health and safety?
3	New Class Licences WML-GL04 WML-GL05 WML-GL06	**Large gulls** **Summary**: We are inviting views on the creation of two new Class Licences covering the killing and taking of **herring gulls** and **lesser black-backed gulls** for the purposes of preserving public health and public safety, and conservation of flora and fauna (including wild birds). The introduction of such Class Licences would harmonise the licensing of the two gull species, which is currently split between General Licences (all lesser black-backed control plus control of nests and eggs belonging to herring gulls for health and safety purposes) and individual licences (all other herring gull control). A draft Class Licence is available at Annex D, to give an example of what such a licence would look like. Licensed control for the purposes of preventing agricultural damage would be authorised via individual licence for both species (currently, control of lesser black-backed gulls is authorised by a General Licence). **Great black-backed gulls** are also routinely controlled under licence. Since 2010, all control has been authorised under individual licences. We intend to continue to regulate the control of this species via individual licence since the number reported to have been shot under General Licence prior to 2010 represented a very large proportion of the recorded population in England. This position may be revisited in future if we can be more confident about the national population of this species and the significance of licensed control. **Explanation and Rationale** The lesser black-backed gull is currently Amber listed due to the historic concentration of the recorded breeding population at a small number of sites (approximately ten), and a decline in the British breeding population (see Natural England's supporting evidence paper at Annex E). Concern has been raised regarding the conservation status of this species, and its continued inclusion on General Licences. We are therefore reviewing whether the inclusion of lesser black-backed gulls on the General Licences remains appropriate. Irrespective of its conservation status, in certain circumstances this species has potential for causing conflicts with human interests. Regulating the control of the lesser black-backed gulls via a Class licence rather than a General Licence for the purposes of conservation and preserving public health and safety would allow Natural England to closely monitor the numbers killed to manage conflicts while maintaining a suitably light touch licensing system for licence users.

In 2012, 109 individual licences were issued to take action against herring gull (a Red listed species) for the purpose of conservation. No such licences were refused. Given the similarities in breeding behaviour and habitat requirements of herring gulls and lesser black-backed gulls it is likely that where herring gulls are being controlled then lesser black-backed gull control will also be required. We therefore anticipate a similar level of demand for licences to control lesser black-backed gulls as that experienced for herring gulls.

In 2012, 34 individual licences were issued to take action against herring gulls for the purpose of preserving public health and safety (a further 20 licence applications were rejected, although many of these rejections were due to the action already being covered by the General Licence.) Similarities between the two species again suggest a comparable demand for lethal control of lesser black-backed gull adults and chicks as seen for herring gulls. If action against lesser black-backed gulls and herring gull nests and eggs was no longer permitted under the health and safety General Licence a significant increase in the number of individual licences being issued for this purpose would be anticipated.

In 2012 only 2 licences were issued to take action against herring gull for the purpose of preventing agricultural damage. We believe that the requirement for action against lesser black-backed gulls for this purpose would be similar and thus the need for a Class Licence for this purpose is not apparent.

On the basis of this evidence we envisage that control of herring gulls, lesser black-backed gulls and great black-backed gulls for the purpose of preventing agricultural damage would continue under individual licence.

Moving to a Class Licence for conservation and health and safety purposes for both herring gulls and lesser black-backed gulls would simplify the current situation for licence users. Currently each species is licensed differently (lesser black-backed via General Licence, and herring gull via a combination of individual and General Licence depending on the purpose and activity). Class Licences would provide information on licensed activities that are currently covered by General Licence (and hence not reported on), but under a more streamlined licensing system than individual licences.

The following table provides a summary of the licensing arrangements for lesser black-backed gulls (LBBG) and herring gulls (HG) as they are currently and under the potential changes described above:

Licensing purpose	Conservation		Preserving public health and safety			Preventing agricultural damage	
	LBBG	HG	LBBG	HG: nests &	HG: other	LBBG	HG

					eggs	action		
Current regime	General	Individual	General	General	Individual	General	Individual
Suggested approach	Class	Class	Class	Class	Class	Individual	Individual

SSSI consents

When applicants apply to Natural England for an individual licence, where the activity takes place on a Site of Special Scientific Interest (SSSI), then the application can also be treated as request for a consent to carry control in respect to landowner obligations under section 28E of the Wildlife and Countryside Act 1981 (as amended). In these cases, where a licence is issued the licence also acts as a consent. If control activities were to be authorised by Class Licence it would the responsibility of the landowner to separately seek consent from Natural England (unless a relevant consent were already in place). The level of burden of this change (from applying for an individual licence to applying for consent for activities covered by Class Licence on SSSIs) should be taken into consideration when giving your views on the introduction of such Class Licences.

Consultation Question(s):

*Question 3(a): What is your view on removing lesser black-backed gulls from the **conservation** General Licence (WML-GL06) and introducing a Class Licence to permit control of herring gulls and lesser black-backed gulls for the purpose of conserving flora and fauna?*

*Question 3(b): What is your view on removing lesser black-backed gulls from the **public health and safety** General Licence (WML-GL05) and introducing a Class Licence to permit control of herring gulls and lesser black-backed gulls for the purpose of preserving public health and safety?*

*Question 3(c): What is your view on the removal of lesser black-backed gulls from the General Licence for the purpose of **preventing serious agricultural damage and disease** (WML-GL04)? If you consider there is a need for this species to remain on this General Licence, please provide evidence of this need.*

4	WML-GL04 WML-GL05 WML-GL06 WML-CL-12	**Crow species** **Summary**: Proposal to clarify that 'crow (*Corvus corone*)' on the wild bird control General Licences and the air safety Class Licence refers to the carrion crow, and hence clarifying that hooded crows (*Corvus cornix*) are not covered by the General or Class Licences.

		Explanation and Rationale Prior to 2002, carrion crow and hooded crow were considered to be separate races of the same species (*Corvus corone*). Since 2002, the British Ornithologists' Union (BOU), who publishes the official list of British birds, has listed carrion crow and hooded crow as two separate species (*Corvus corone* and *Corvus cornix* respectively). Therefore, since this change the Latin (or scientific) name *Corvus corone* has referred solely to the carrion crow. This is important as in the event of a dispute or proceedings, the common name will not be taken into account and the court will refer to the Latin name of a species. The General and Class Licences permitting action against the 'crow' have always listed the species as *Corvus corone*. Therefore, since 2002 the General and Class Licences have permitted action against carrion crows but not hooded crows. We are therefore proposing to clarify what is currently permitted by General Licence by more correctly using 'carrion crow' as the common name for *Corvus corone*. Where suitably justified, Natural England can issue licences to permit the control of hooded crows for one of the licensable purposes listed in the Wildlife and Countryside Act 1981, as amended (e.g. preventing damage to livestock, preserving air safety). Natural England considers need for such licences to be low due to the extremely low numbers of hooded crows present in England and proposes that unless there is good evidence of a wider need that any requirement is regulated via individual licensing (Note: no application for a licence to take action against hooded crows is recorded as having been received since 2002). Further detail on the legal and conservation status of these species can be found in Natural England's supporting evidence paper at Annex E. **Proposal(s)** 4(a) Change the wording '**Crow *Corvus corone***' to '**Carrion crow *Corvus corone***' at paragraphs 2(i)(a) and 6 in following General and Class Licences: • WML-GL04 (preventing serious agricultural damage or disease) • WML-GL05 (preserving public health and safety) • WML-GL06 (conservation of flora and fauna) • WML-CL12 (preserving air safety)
		Consultation Question(s): *Question 4(a): Are you aware of any reasons why the change outlined in Proposal 4(a) should not be made?*
5	WML-CL-12	**Air safety Class Licence**

Summary: Proposal to require existing and new users of this Class Licence to register to use this licence and enhanced reporting requirements. We are also proposing to add a number of species to the Class Licence.

Explanation and Rationale

Registration and reporting. The requirement to register prior to use will bring this licence in line with other Class Licences. There is already an annual reporting requirement but no requirement to register. Currently, however the number of reports received annually is low despite the fact that evidence suggests that the licence is widely relied upon. A registration requirement and a requirement to make an annual report of licence use (including if the licence has not been used) will encourage compliance with reporting requirements and allow Natural England to undertaken compliance checks. Compliance with reporting requirements is important as airports and aerodromes are allowed to controlled a number of species not normally covered by Class or General Licences and the impact on these species needs to be monitored. The information is also required for annual reports to the European Commission (see Ref. 29).

Species covered.

We propose to add the following additional species to the air safety Class Licence:

- Stock dove (5 licences issued in 2012)
- Greylag goose (29 licences issued in 2012)
- Curlew (30 licences issued in 2012)
- Oystercatcher (10 licences issued in 2012)
- Egyptian goose (No licences issued in 2012)

The numbers of individual licences issued to take action against these species for the purpose of air safety are given above (no licence applications have been refused). Given the severe nature of any risk to air safety, it is proposed to add the above species to the Class Licence, on the basis of being either regularly licensed on an individual basis or (in the case of Egyptian geese) where we would be unlikely to refuse a licence to control a non-native species for this purpose.

Proposal(s)

5(a) To make prior registration a requirement for users of the air safety Class Licence WML-CL12.

5(b) To introduce the requirement to provide nil returns, as part of the reporting requirement for all persons registered to use the air safety Class Licence WML-CL12.

5(c) Add the following species to Class Licence WML-CL12 permitting action for the purpose of preserving air safety:

		• **Stock dove** *(Columba oenas)* • **Greylag goose** (*Anser anser*) • **Curlew** (*Numenius arquata*) • **Oystercatcher** (*Haematopus ostralegus*) • **Egyptian goose** (*Alopochen aegyptiacus*) ***Consultation Question(s):*** *Question 5(a): Are you aware of any reasons why the change outlined in Proposal 5(a) should not be made?* *Question 5(b): Are you aware of any reasons why the change outlined in Proposal 5(b) should not be made?* *Question 5(c): Are you aware of any reasons why the change outlined in Proposal 5(c) should not be made*
6	WML-CL03	**Food premises Class Licence** **Summary**: Proposal to add a number of additional species to this Class Licence, which permits birds of certain species to be live trapped within food premises and immediately released away from the premises as a measure to preserve public health and / or public safety. **Explanation and Rationale** We are proposing to add the following species to the food premises Class Licence: • Pied wagtail (4 licences issued in 2012) • Blue tit (1 licences issued in 2012) • Great tit (No licences issued in 2012) • Dunnock (No licences issued in 2012) • Song thrush (No licences issued in 2012) While few individual licences are typically issued to permit cage trapping the above species each year, there are records of each being trapped and when this happens action needs to take place swiftly and requests are normally approved. Furthermore, this is a low impact activity, as birds are released unharmed. The Organisational Licence issued to a number of supermarket chains already includes these species so this proposal would harmonise the Organisational and Class licences issued to food premises. **Proposal(s)** 6(a) Add the following species to Class Licence WML-CL03 permitting trapping and release of birds from food premises for the purpose of preserving public health and safety:

		• **Pied wagtail** (*Motacilla alba*) • **Blue tit** (*Cyanistes caeruleus*) • **Great tit** (*Parus major*) • **Dunnock** (*Prunella modularis*) • **Song thrush** (*Turdus philomelos*) ***Consultation Question(s):*** *Question 6(a): Are you aware of any reasons why the change outlined in Proposal 6(a) should not be made?*
THEME: Trapping and welfare		
7	WML-GL04 WML-GL05 WML-GL06 WML-GL21 WML-CL03 WML-CL-12	**Trapping Code of Practice** **Summary**: We are inviting views on a draft Code of Practice (Annex F) on the live trapping of birds under General or Class Licence. It is envisaged that this Code would be appended to the relevant General or Class Licence, as a substitute for some of the existing licence conditions and to provide additional advice on the conduct of trapping operations under the authority of a licence. **Explanation and Rationale** Providing a Code of Practice will allow more detailed advice to be provided, whilst reducing the number of licence conditions attached to the relevant General or Class Licence. It is envisaged that it will be a condition of these licences to adhere to the Code, which highlights the compulsory requirements. Beyond the compulsory requirements, the Code explains how we expect people to conduct licensed trapping operations. The Code also addresses a number of welfare and clarification issues that have been raised by stakeholders, including: • A generic specification for traps using decoy birds • A definition of birds classed as decoy birds • Suitability of supplied food and water • Dealing with non-target species • Adverse weather conditions (when traps should not be used) • How traps should be 'physically' inspected.
		Consultation Question(s): *Question 7(a): What is your view on the use of a Code of Practice to replace some licence conditions and showing*

		best practice? *Question 7(b): What are your views on the draft Code of Practice at Annex F?*
8	WML-GL04 WML-GL05 WML-GL06 WML-CL-12	**Keeping trapped birds as decoys** **Summary**: We are inviting views on whether there should be a limit on the time decoy birds are: (i) kept in traps (e.g. should they have periods in larger aviaries?), and (ii) kept for use as decoys. We are also inviting views on limiting the options for birds caught under General and Class Licence to dispatching, releasing or keeping as a decoy for a certain period of time. This would prevent birds being kept in captivity for purposes other than use as a decoy (for example, as pets) without specific permission. **Explanation and Rationale** Welfare concerns have been raised regarding the keeping of decoy birds in traps for long periods of time, the keeping of decoy birds in captivity over winter for use the following year, and the keeping of birds in captivity for purposes other than use as a decoy. We are therefore gathering views on this issue before deciding whether there are grounds to limit the use of birds caught under licence. ***Consultation Question(s):*** *Question 8(a): In your view, should there be a maximum time for which decoy birds can be continuously kept within a trap? If yes, what time limit would you consider to be appropriate, and how soon could the bird be returned to a trap?* *Question 8(b): In your view, should there be a maximum time period for which birds can be retained as decoys? If yes, what should this time period be?* *Question 8(c): In your view, should the options for birds caught under General or Class Licence be restricted to dispatch, release or keeping as a decoy?*
9	WML-GL04 WML-GL05 WML-GL06 WML-GL21 WML-CL-12	**Referenced tagging system for traps** **Summary**: We are inviting views on the merit of a referenced tagging system for traps set under General or Class Licence, and on how it could be organised. Such a system is already in place in Scotland, where the Police issue individually referenced tags to be attached to traps. This provides a means of tracing the person who set the trap (and is responsible for it) without their identify being apparent to members of the public.

		Explanation and Rationale Requests for a system such as that in use in Scotland have been received. We are interested to know the level of interest in such a system, and to hear suggestions as to how this could be organised and what the costs and benefits would be. ***Consultation Question(s):*** *Question 9(a): In your view, is there merit in the use of a referenced tagging system for traps set under General or Class Licence? If yes, how do you suggest that such a system would be organised? What do you consider the costs and benefits to be?*
10	WML-GL04 WML-GL05 WML-GL06 WML-CL-12	**Use of Larsen-Mate Type Traps (also known as 'Clam' or 'Butterfly' Traps)** **Summary**: We are inviting views on the inclusion or exclusion of the use of this type of trap under General or Class Licence. **Explanation and Rationale** These traps have been developed to either operate in conjunction with a Larsen Trap or as an alternative to it. No approach has been made by manufacturers of these traps to either Natural England or Defra regarding the legality of the traps. Consequently, while it was not intended that the licences cover use of this type of trap, the current wording is ambiguous and they could be regarded as being covered and thus lawful. We are now seeking views on the appropriate approach to their use under licence, which could include allowing their use under the current General Licences, authorisation via Class or Individual Licence or even adopting a presumption against authorisation. We are also interested in views on potential conditions of use, such as specifying suitable bait (e.g. no carrion, as this is likely to attract non-target species such as raptors, foxes and badgers) as stipulated in Scottish Natural Heritage's General Licences.

		Example of a Larsen Mate trap:   *Set Larsen Mate trap* *Sprung Larsen Mate trap* *Photographs © Natural England* ***Consultation Question(s):*** *Question 10(a): In your view, should Larsen-Mate traps be specifically permitted for use under relevant General and Class Licences? If yes, what restrictions would be appropriate regarding use of this type of trap? If possible, please estimate what cost (in time and/or financial) these restrictions would have.* *Question 10(b): If the use of Larsen-Mate traps was not permitted under General and Class Licences, do you consider that there are situations where their use could be justified under individual licence? Please give details of these situations.*
11	WML-GL04 WML-GL05 WML-GL06	**Humane dispatch** **Summary**: Proposal to include a recommendation in relevant General and Class Licences that birds which are shot

	WML-GL21 WML-CL-12	and injured are then pursued and humanely dispatched where practicable. **Explanation and Rationale** Anyone shooting a bird, under General or Class Licence or otherwise, should be sufficiently competent to achieve a humane kill with a single shot. However, there will inevitably be occasions where a bird is injured and will require appropriate follow-up action. Currently, there is no requirement under General or Class Licence to dispatch birds that are injured as a result of shooting. Although a matter of good shooting practice, the absence of advice on this issue could be misinterpreted as implying (quite wrongly) that the welfare of 'pest birds' is unimportant. **Proposal(s)** 11(a) To add the recommendation: "All reasonable precautions must be taken to ensure that unnecessary suffering of birds is avoided. Wounded birds are to be pursued and humanely despatched where practicable." to the following General and Class Licences: • WML-GL04 (preventing serious agricultural damage or disease) • WML-GL05 (preserving public health and safety) • WML-GL06 (conservation of flora and fauna) • WML-GL21 (control of ruddy ducks for the purpose of conservation of flora and fauna) • WML-CL12 (preserving air safety) ***Consultation Question(s):*** *Question 11(a): Are you aware of any reasons why the change outlined in Proposal 11(a) should not be made?*
THEME: Sales and exhibition		
12	WML-GL18	**Live bird sales** **Summary**: Proposal to add waterfowl species to Appendix 2 of General Licence WML-GL18, which permits the sale of certain captive bred species of live bird. The appendix lists birds that do not need a ring to be sold under the General Licence. **Explanation and Rationale** Species listed at Appendix 2 of this licence are all waterfowl species for which there are welfare issues with attaching a close ring over the foot onto the leg. The waterfowl species listed are commonly kept and occur in a wild state in Europe (i.e. require a licence to be sold). It appears that a number of species were accidentally left off

		this General Licence at its reissue in 2011, requiring individual licence applications to sell these species since this date. We are therefore proposing to reinstate species which were previously omitted from Appendix 2 of WML-GL18. These species are: mandarin duck, Carolina duck, Canada goose, barnacle goose and ruddy shelduck. We are also proposing to clarify that the 'teal' species listed on Appendix 2 of this General Licence is the 'common teal'. Blue-winged teal and green-winged teal are kept as captive bred species but also occur in England in a wild state (as frequently occurring vagrants). We are therefore proposing that they are treated the same as similar 'native' wildfowl species and included on Appendix 2 of this General Licence. Similarly, red breasted geese are commonly kept as captive bred birds, and have an increasing range within Europe. We are therefore also proposing to add this species to Appendix 2. **Proposal(s)** 12(a) Add the following species to Appendix 2 of General Licence WML-GL18 permitting the sale of certain captive bred species of live bird: • **Mandarin duck** *(Aix galericulata)* • **Carolina duck** *(Aix sponsa)* • **Canada goose** *(Branta canadensis)* • **Barnacle goose** *(Branta leucopsis)* • **Ruddy shelduck** *(Tadorna ferruginea)* • **Blue-winged teal** *(Anas discors)* • **Green-winged teal** *(Anas carolinensis)* • **Red breasted goose** (*Branta ruficolis*) 12(b) Specify the 'teal' species *(Anas crecca)* listed on Appendix 2 of General Licence WML-GL18 as **common teal**.
		Consultation Question(s): *Question 12(a): Are you aware of any reasons why the change outlined in Proposal 12(a) should not be made?* *Question 12(b): Are you aware of any reasons why the change outlined in Proposal 12(b) should not be made?* *Question 12(c): Are you aware of any other commonly kept and sold species of waterfowl that should be added to Appendix 2 of General Licence WML-GL18?*

13	WML-GL17	**Dead bird sales – defining 'small numbers'** **Summary**: Proposal to define the 'small numbers' of specimens permitted to be sold under WML-GL17 as being up to 25 'General Licence species' specimens and up to 5 'non-General Licence species' specimens per year. Sale of more than this is permissible by people registered under the Taxidermy Class Licence (see Ref 20 below), or under individual licence. **Explanation and Rationale** There is currently no definition of 'small numbers' given in the General Licence, and we understand that some people are selling relatively high numbers of specimens under the licence; we therefore propose to clarify what should be interpreted as 'small numbers' more precisely. 'General Licence species' are any species permitted to be killed or taken under General Licences WML-GL04, WML-GL05 or WML-GL06. All other species are 'Non-General Licence species'. **Proposal(s)** 13(a) Add to WML-GL17 a licence condition stating: 'The small number of birds that can be sold under this licence is defined as an annual maximum of 25 specimens of 'General Licence species' and 5 specimens of all other species. ('General Licence species' are any species permitted to be killed or taken under General Licences WML-GL04, WML-GL05 or WML-GL06.) Sale of higher numbers may be permitted under individual licence or the Taxidermy Class Licence WML-CLXX as appropriate. For further information on applying or registering for individual or Class Licences, please see http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/default.aspx'. ***Consultation Question(s):*** *Question 13(a): Are you aware of any reasons why the change outlined in Proposal 13(a) should not be made?*
14	WML-GL17	**Species exempt from sale of dead birds General Licence** **Summary**: Proposal to remove 'Schedule 2' species from the list of birds that are exempt from being sold under WML-GL17 (which permits the sale of dead birds and parts of dead birds). **Explanation and Rationale** General Licence WML-GL17 permits the sale of dead birds and parts of dead birds, with a number of listed exemptions. These exemptions include birds listed on a certain Schedules of the Wildlife and Countryside Act 1981

(as amended) ["the Act"]. The net result is that most species can be sold dead, either under this General Licence or under exceptions given in the Act.

There are, however, a small number of species listed that cannot be sold dead under either provision; these are listed below.

(i) Species which are listed on Part I of Schedule 2 but not Part III of Schedule 3, namely
- **Gadwall** (*Anas strepera*)
- **Goldeneye** (*Bucephala clangula*)
- **Goose, Canada** (*Branta Canadensis*)
- **Goose, Greylag** (*Anser anser*
- **Goose, Pink-footed** (*Anser brachyrhynchus*)
- **Goose, White-fronted** (*Anser albifrons*)
- **Moorhen** (*Gallinula chloropus*)

and

(ii) Species which are specifically excluded from this General Licence, namely:
- **Goose, barnacle** *(Branta leucopsis)*
- **Goose, white-fronted goose (Greenland race)** *(Anser albifrons flavirostris)*

It is proposed to allow sale of dead specimens of the species listed at (i) above under General Licence WML-GL17 all year round, thus contributing to greater harmonisation of the regulation of sales of dead birds.

It should be noted that it is a condition of this General Licence that the licence does not permit sale of birds for human consumption (only species listed on Schedule 3 and sold under the exception in the Act can be sold for human consumption). Therefore, we do not consider that permitting additional species to be sold dead carries a significant risk of an increased number of birds being killed to satisfy demand.

We also intend to improve the clarity of this General Licence, to make clear that the combined effect of this General Licence and the exceptions relating to species listed on Schedule 3 (Parts II and III) is that all species of wild bird, with the exception of barnacle geese and white-fronted geese (Greenland race), can be sold all year round.

Proposal(s)

14(a) Amend paragraph 2(iii)(a) of WML-GL17 from:
"birds listed on Part I of Schedule 2 or on Parts II or III of Schedule 3 to the Act..."

		to: “birds listed on Parts II or III of Schedule 3 to the Act...” ***Consultation Question(s):*** *Question 14(a): Are you aware of any reasons why the change outlined in Proposal 14(a) should not be made?*
15	WML-GL17	**Sale of dead mute swans** **Summary**: Proposal to exclude mute swans and derivatives of mute swans from sale under WML-GL17 (which permits the sale of dead birds and parts of dead birds), and instead assess individual applications on their own merits. **Explanation and Rationale** Concern has been voiced regarding the sale of mute swan derivatives for profit. Her Majesty’s Swan Marker wishes to decide whether or not to exercise the Crown Prerogative (ownership of all wild mute swans) on a case by case basis, an outcome which would be enabled by a requirement to make individual licence applications. **Proposal(s)** 15(a) Add to WML-GL17 an exclusion preventing the sale of dead **mute swans** (or parts of dead mute swans) under this General Licence. ***Consultation Question(s):*** *Question 15(a): Are you aware of any reasons why the change outlined in Proposal 15(a) should not be made?*
16	WML-GL23	**Sale of black-headed gull eggs (taken under separate individual licence)** **Summary**: Proposal to extend the last date of sale from 31 May to 30 June. **Explanation and Rationale** We are advised that suitably refrigerated eggs can be kept fresh for long enough to be sold into June. We are therefore proposing to extend the sale period permitted under the WML-GL23 to allow legally collected eggs to be sold during June. **Proposal(s)**

		16(a) Amend licence condition 6 of WML-GL23 from 'No egg may be sold under this licence after 31 May in any year' to 'No egg may be sold under this licence after 30 June in any year'. ***Consultation Question(s):*** *Question 16(a): Are you aware of any reasons why the change outlined in Proposal 16(a) should not be made?*
17	WML-GL14	**Bird exhibition** **Summary**: Proposal to remove Annex 1 from General Licence WML-GL14. **Explanation and Rationale** The ringing requirements to exhibit birds (under General Licence GL14) and to sell birds (under General Licence GL18) are currently different. General Licence WML-GL14 permits 'rare visitors' (birds listed in Annex 1 of the licence) to be exhibited without a ring. However all protected birds, including rare visitors, can only be sold under General Licence WML-GL18 if they are correctly ringed. There is no apparent reason for the ringing requirements to be less stringent for exhibition than they are for sale, and are hence proposing to remove Annex 1. Consequently all birds exhibited under General Licence WML-GL14 must be correctly ringed. **Proposal(s)** 17(a) Remove Annex 1 and Explanatory Note d from General Licence WML-GL14. 17(b) Remove the reference to Annex 1 from Licence condition 4 of General Licence WML-GL14, so that it reads: 'Any bird competitively shown under this licence must be ringed with a legible individually numbered metal close ring, which is a ring or band in a continuous circle (without any break, join, or any signs of tampering since it was manufactured) and which cannot be removed from the bird when its leg is fully grown. For any bird competitively shown under this licence which is on Schedule 4 to the Act, the close ring must comply with the Regulations (see Note c).' 17(c) Remove the following wording from Explanatory Note l of General Licence WML-GL14: 'References to rings are only relevant to birds that are required to be rung (see Annex 1).' ***Consultation Question(s):***

		Question 17(a): Are you aware of any reason to treat the species listed on Annex 1 (rare visitors) differently? *Question 17(b): Are you aware of any reasons why any of the changes outlined in the above Proposals (17(a) – 17(c)) should not be made?*
18	WML-GL16	**Keeping of birds in show cages for training purposes** **Summary**: We are inviting views on amending the period of time birds can be confined in a show cage to either 1, 3 or 6 hours (currently confinement is restricted to 1 hour in any period of 24 hours). **Explanation and Rationale** Under General Licence WML-GL16, birds can be confined in show cages (the dimensions of which do not satisfy the requirements of section 8(1) of the Wildlife and Countryside Act 1981 (as amended)) for the purpose of training birds for public exhibition and competition. (The Act contains an exception to this restriction during public exhibition or competition.) Currently the conditions of this General Licence restrict the confinement of birds within show cages to a maximum of 1 hour in any period of 24 hours. It is considered that 1 hour may be too short, and could potentially lead to increased stress to birds, by more frequent movement in and out of cages, and less time to acclimatise to a cage. ***Consultation Question(s):*** *Question18(a): In your view, which of the following licence conditions would provide the most appropriate restriction on the length of time a bird can be confined under General Licence WML-GL16?* *(i) No bird shall be kept or confined in such a cage for longer than one hour in any period of twenty four hours.* *(ii) No bird shall be kept or confined in such a cage for longer than three hours in any period of twenty four hours.* (iii) *No bird shall be kept or confined in such a cage for longer than six hours in any period of twenty four hours.*
19	WML-GL19	**Sale of amphibians** **Summary**: Proposal to remove General Licence WML-GL19, predominantly due to disease transmission concerns. **Explanation and Rationale** We do not believe that this licence is widely used and question the need for it. We are concerned that sale of amphibians under General Licence could pose an increased risk of transmission of diseases which have occurred

		since the licence was first issued (e.g. Chytrid fungus). **Proposal(s)** 19(a) Revoke General Licence WML-GL19, and require individual licence applications to be made for the sale of species currently covered on this General Licence, i.e.: • **Common frog** *(Rana temporaria)* • **Common toad** *(Bufo bufo)* • **Smooth newt** *(Triturus vulgaris)* • **Palmate newt** *(Triturus helveticus)* ***Consultation Question(s):*** *Question 19(a): Are you aware of any reasons why the change outlined in Proposal 19(a) should not be made? If you use this licence, please indicate the approximate number of specimens sold under this licence each year, and the likely time and financial cost resulting from revoking this licence.*
Please note: proposal reference 20 below also refers to sales		
THEME: Possession		
20	WML-G L02	**Taxidermy** **Summary**: Proposal to simplify the licensing of possession, transport and sale of certain specimens for persons professionally involved in taxidermy. This would involve changing General Licence WML-GL02 to a Class Licence specifically for taxidermy. The licence would still permit the possession (for scientific or educational purposes) of dead specimens of species protected by the Habitats Directive. The Class Licence would also be expanded to include elements of other General and Class Licences, such as covering the sale of higher numbers of dead birds than permitted by WML-GL17 (note WML-GL17 will be retained - see Ref. 13 above). It is proposed that the Taxidermy Class Licence would permit the sale of a maximum 50 'General Licence species' specimens and 25 'non-General Licence species' specimens per year. 'General Licence species' are any species permitted to be killed or taken under General Licences WML-GL04, WML-GL05 or WML-GL06. All other species are 'Non-General Licence species'. We are seeking views on whether the proposed Class Licence should be restricted to members of the Guild of Taxidermists, or should be available to anyone with a professional involvement in taxidermy.

		Explanation and Rationale This type of licence (available to a certain group of people, and with an existing requirement for registration) has more in common with a Class Licence than a General Licence. Given the tighter restrictions of registration and recording requirements, this Class Licence could also cover Taxidermists to sell higher numbers of dead birds than is proposed to be permitted by General Licence WML-GL17 (see Ref 13 above), plus other activities already covered by other General and Class Licences. **Proposal(s)** 20(a) General Licence WML-GL02 is reissued as a Class Licence, and expanded to bring together other activities that are relevant to taxidermy that are already covered under other General and Class Licences. 20(b) Specifically, in addition to the possession and transport of dead specimens of animal species listed on Annex IV of the Habitats Directive (as currently permitted by WML-GL02), the Taxidermy Class Licence would also permit the sale of dead wild birds under the Wildlife and Countryside Act 1981 (as amended), up to an annual maximum of 50 specimens of 'General Licence species' and 25 specimens of all other species. ('General Licence species' are any species permitted to be killed or taken under General Licences WML-GL04, WML-GL05 or WML-GL06.) ***Consultation Question(s):*** *Question 20(a): Are you aware of any reasons why the change outlined in Proposal 20(a) should not be made?* *Question 20(b): Are you aware of any reasons why the change outlined in Proposal 20(b) should not be made?* *Question 20(c): In your view what other activities, relevant to taxidermy and already covered under other General and Class Licences, should be included under this Class Licence?* *Question 20(d): In your view, should the Class Licence be restricted to members of the Guild of Taxidermists, or should it be available to anyone with a professional involvement in taxidermy?*
21	WML-GL07 WML-GL09 WML-GL11	**Rearing and keeping of Schedule 4 birds** **Summary**: Proposal to drop unnecessary certain requirements to notify AHVLA. We are also inviting views on extending the period chicks of golden eagle (*Aquila chrysaetos*) and white-tailed eagle (*Haliaeetus albicilla*) can be kept under WML-GL11 before registration* from 15 to 30 days after hatching, while leaving the 15 day period unchanged for all other Schedule 4 bird species. (Note that the period Schedule 4

		birds can be kept under WML-GL07, i.e. for the purpose of rehabilitation, before registration will remain at 15 days for all species.) * We intend this General Licence to cover the period up to the registration application being submitted to AHVLA. **Explanation and Rationale** The Wildlife and Countryside Act 1981 (as amended) requires that any captive birds of those species listed on Schedule 4 is registered with AHVLA. Related to this: • General Licence WML-GL07 permits Schedule 4 birds to be kept without registration for a period of 15 days for the purpose of rehabilitating those birds. • General Licence WML-GL09 permits certain organisations to keep Schedule 4 birds without registration pending legal proceedings. (See also Ref 22 below.) • General Licence WML-GL11 permits the incubation of eggs and rearing of chicks of captive bred Schedule 4 birds without registration until the birds have reached a suitable age to be close rung. It has come to light that these General Licences contain a number of requirements to provide information to AHVLA that are no longer required. We therefore propose to remove these unnecessary requirements. (See Proposal below for full details.) We have also been asked to review the requirement under WML-GL11 to register birds within 15 days of hatching. It is claimed that this period is insufficient larger species (i.e. eagles) given the age at which eagle species can be fitted with a closed ring. Hence we are inviting views on extending this period to 30 days for golden eagles and white-tailed eagles. **Proposal(s)** 21(a) Remove the following licence conditions from WML-GL07: • 6. 'The authorised person shall, within 4 days commencing with the day on which he takes into his possession or control a disabled wild-bred Schedule 4 bird, notify that fact in writing to Wildlife Licensing and Registration Service (Animal Health), Defra, 1/17 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB.' • 10. 'Within four months of the date on which a licensed person takes into possession or control a disabled wild-bred Schedule 4 bird, that person shall send a copy of the record maintained in accordance with 11 above to Wildlife Licensing and Registration Service (Animal Health), Defra, 1/17 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB.' 21(b) Remove the following licence conditions / notes from WML-GL09 (if this General Licence remains – see Ref.

		22 below): • Condition 6. 'The person keeping birds under the terms of this licence must notify the Wildlife Licensing and Registration Service (Animal Health), Defra, 1/17 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB of: (i) the birds which are being kept under the provisions of this licence. The notification to include details of the species, age and sex of the bird(s), ring number(s), the name and address of the person from whom the birds were seized and all the alleged offences involving the birds; (ii) the outcome of the prosecution; and (iii) the outcome of any appeal.' • Note d) 'Licensees are reminded that the Wildlife Licensing and Registration Service of Animal Health should be informed immediately of the name and address of any new keeper to whom a bird is transferred under the provisions of this licence. Birds kept under the provisions of this licence must be registered with the Department when legal proceedings are completed. See www.defra.gov.uk/animalhealth/cites/birdregistration/howtoregister.htm.' 21(c) Remove the following licence condition from WML-GL11: • 5. 'Any person incubating and hatching live chicks of Schedule 4 birds must send a copy of the record collated, within three months, to the Wildlife Licensing and Registration Service (Animal Health) at Room 1/17, Temple Quay House, 2 The Square, Temple Way, Bristol, BS1 6EB.' ***Consultation Question(s):*** *Question 21(a): Are you aware of any reasons why the change outlined in Proposal 21(a) should not be made?* *Question 21(b): Are you aware of any reasons why the change outlined in Proposal 21(b) should not be made?* *Question 21(c): Are you aware of any reasons why the change outlined in Proposal 21(c) should not be made?* *Question 21(d): What is your view on extending the period that chicks of **golden eagle** (Aquila chrysaetos) and **white-tailed eagle** (Haliaeetus albicilla) can be kept under WML-GL11 before registration from 15 days after hatching to 30 days after hatching? Do you agree that this period should remain at 15 days after hatching for all other Schedule 4 species?*
22	WML-GL09	**Investigation of offences – keeping Schedule 4 birds** **Summary**: General Licence WML-GL09 permits the keeping of unregistered Schedule 4 birds (i.e. those species listed on Schedule 4 of the Wildlife and Countryside Act 1981 (as amended)) by authorised organisations pending

		legal proceedings. We are inviting views on revoking this General Licence, and covering any requirement for possession of illegally taken protected species on the Organisational Licences of the respective authorised organisations (e.g. police). **Explanation and Rationale** We consider that this activity would be better covered by the Organisational Licences of the appropriate authorities (we believe that this activity is predominantly carried out by the police), rather than by a General Licence as currently. We are interested in views on this suggestion. ***Consultation Question(s):*** *Question 22(a): In your view, is there any reason to retain General Licence WML-GL09? If so, for what purpose?*
23	WML-GL10	**Investigation of offences – possession of tissue samples** **Summary**: Proposal to extend WML-GL10 to cover the possession of tissue samples taken for any investigation relating to suspected offences and not limit it to to DNA analysis (as currently). **Explanation and Rationale** We see no reason to restrict tissue sample possession under this General Licence to those taken for DNA analysis only, and therefore propose to extend to any investigation. **Proposal(s)** 23(a) Remove licence condition 4 ('This licence only applies to samples originally obtained for DNA analysis as part of a forensic investigation') from WML-GL10. ***Consultation Question(s):*** *Question 23(a): Are you aware of any reasons why the change outlined in Proposal 23(a) should not be made?*
24	New General Licence	**Disposal of carcasses of cetaceans washed up on beaches** **Summary**: We are inviting views on the necessity for a General Licence to permit temporary possession of cetacean carcases (to allow disposal) for purpose of public health and safety. **Explanation and Rationale**

		Having a General Licence available for disposal of dead cetaceans (whales, dolphins, etc) from beaches would allow removal of carcases without delay, but we are unsure of the demand for such a licence. Initial thoughts are that such a licence would allow Local Authorities to remove carcasses, with conditions requiring that the necessary notifications and permissions. As of April 2013, the Marine Licensing (Exempted Activities) (Amendment) Order 2013 has exempted the removal of dead animals by local authorities from requiring a Marine Licence, however, the temporary possession of cetaceans for the purposes of disposal does require a licence. The introduction of a General Licence would remove the need for Local Authorities (or their agents) to obtain a licence which would, in any case, be a formality. At the request of the Marine Management Organisation any licence would include a provision requiring strandings to be reported to the Cetacean Strandings Investigation Programme and the Receiver of Wreck. ***Consultation Question(s):*** *Question 24(a): In your view, would a General Licence permitting the disposal of cetacean carcasses be useful? If so, please give any indication you can of how often such a licence is likely to be used.*
25	New General Licence	**Pond dipping** **Summary**: Proposal to introduce a new General Licence permitting schools and educational facilities to take and temporarily possess (24 hours) great crested newts. **Explanation and Rationale** To permit educational activities involving the taking and temporary possession of great crested newts to take place lawfully and without the need to apply for an individual licence. **Proposal(s)** 25(a) Issue a new General Licence permitting the taking and temporary possession of **great crested newts**, by schools and educational facilities for educational purposes. This licence would be subject to a number of conditions, including restricting the methods of taking (including torch, hand and net, but **not** bottle trapping) to ensure captive great crested newts are kept in suitable conditions and for a suitable length of time. ***Consultation Question(s):*** *Question 25(a): Are you aware of any reasons why the change outlined in Proposal 25(a) should not be made?*
THEME: Compliance		

26	All General and Class Licences	**Introduction of a 'Read and understand' licence condition** **Summary**: Proposal to add a statement to all General and Class Licences that licence users must have read (or had read to them) and understood the licence and its conditions before taking action under it. **Explanation and Rationale** Licences permit otherwise unlawful activities and users are required to comply with a series of conditions. Failure to comply with these conditions can have adverse consequences for the welfare or conservation of protected species and may lead to the prosecution of a user. Furthermore, the terms and conditions of licences are subject to periodic revision. In view of this, we propose that this statement is included in licences to ensure that users of General and Class Licences are fully aware of the terms and conditions of the licence they are acting under, and which they must adhere to. **Proposal(s)** 26(a) Add a statement to all General and Class Licences that licence users must, before taking the licensed action, have read (or had read to them) in full and understood all terms and conditions of this licence. ***Consultation Question(s):*** *Question 26(a): Are you aware of any reasons why the change outlined in Proposal 26(a) should not be made?*
27	All General and Class Licences issued under the Wildlife and Countryside Act 1981 (as amended)	**Breaching licence conditions** **Summary**: Proposal to clarify the implications of breaching the conditions attached to General and Class Licences. **Explanation and Rationale** In the interests of clarity and transparency we propose amending the wording on licences regarding the consequences of breaching licence conditions (see proposed wording below). This approach is consistent with the Regulator's Code. If a person breaches a condition of a licence then they may no longer be able to rely on the licence. This applies to all conditions, including reporting. For example, if a person using a Larsen Trap fails to comply with the conditions relating to the treatment of decoy birds then that person may no longer rely on the General Licence to permit the keeping of the

		decoy in a cage that is too small for it to stretch its wings freely, and an offence maybe committed. Enforcement relating to General Licences is the responsibility of the Police, who would decide upon the action taken in any given case. Breaches of Class Licence conditions are enforced by Natural England, who would decide upon the appropriate enforcement action according to their Compliance and Enforcement Position. Prosecution would only be pursued in the event of serious breaches of conditions. **Proposal(s)** 27(a) Add the following wording to all General and Class Licences: *'Please note that breaching the conditions of this licence means that you cannot rely on this licence to carry out an activity that would – except under the provisions of this licence - be an offence'* ***Consultation Question(s):*** *Question 27(a): Are you aware of any reasons why the change outlined in Proposal 27(a) should not be made?*
28	All General Licences	**Sanction for breaches of General Licences** **Summary** Proposal to include a statement in all General Licences that a person's right to use a general licence may be rescinded if they breach a condition(s) of a wildlife licence (Note: persons convicted of a relevant offence are already barred from using General Licences). **Explanation and Rationale** General Licences permit people to undertake activities affecting protected species (which in any other circumstances would be an offence) and to do so without the burden of having to apply for permission or even register to use the licence. It is not possible for Natural England to closely monitor activities carried out under General Licence because we do not have a record of who is using these licences. Because of this, use of General Licences is only justified where Natural England is satisfied that the risk of serious non-compliance is low. To encourage compliance and in keeping with the principles within the Regulator's Code (i.e. that the degree of regulatory control should be linked to the compliance by regulated persons) we propose that a person's right to use a General Licence may be withdrawn at Natural England's discretion. This would only be done where there is clear evidence of a serious breach of the terms or conditions of that General

		Licence or a similar licence (this would include other General Licences, Class Licences, Organisational Licences and individual licences). We consider that this is a fair, proportionate and targeted approach to tackle any non-compliance which might otherwise jeopardise the use of a General Licence to authorise activities with a regulatory 'light-touch'. In determining whether to remove a person's permission to use a General Licence we would assess the severity of the breach as technical, minor, medium or significant (we would publish definitions of these levels of breach in relation to General Licences in advance of starting the use this sanction). The decision to adopt this sanction would be taken on a case by case basis for medium and significant breaches. Use of this sanction would be in line with Natural England's Compliance and Enforcement Position and where there is evidence of a breach of licence conditions. It is important to note that where permission is withdrawn, it will still be possible to apply for an individual licence to authorise activities requiring a licence. In these circumstances Natural England will undertake additional checks to make sure the person understands and agrees to comply with the conditions of licences. Permission to use the General Licence may be restored at a later date if Natural England's is satisfied that the person will comply with the requirements of the licence. This proposal would make the enforcement General Licences consistent with current practice for Class and Individual Licences. **Proposal(s)** 28(a) Amend the following text on the current General Licences: '*Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the terms and conditions may mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is, at the time of the issue of this licence, a level 5 fine (£5000) and/or a six month custodial sentence*.' To: '*This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:* *i. may be an offence against that Act or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the*

		Act is, at the time of the issue of this licence, a level 5 fine (£5000) and/or a six month custodial sentence; and *ii. may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing. This sanction may be applied to other similar licences*.' 28(b) Include the following advice in the notes section of all General Licences: *'Any person not permitted to use this General Licence on account of a relevant conviction (see Condition XX) or who has had their permission to use this licence withdrawn may still apply to Natural England for a specific licence for the purpose(s) and activities covered by this licence. Any such application will be considered on its merits*.' ***Consultation Question(s):*** *Question 28(a): Are you aware of any reasons why the change outlined in Proposal 28(a) should not be made?* *Question 28(b): Are you aware of any reasons why the change outlined in Proposal 28(b) should not be made?*
THEME: EU Birds Directive Obligations		
29	Any General or Class Licences lacking a reporting requirement. Particular focus on licences permitting the lethal control of protected species,	**<u>Monitoring and reporting</u>** **Summary**: We are exploring ways to gather more complete and accurate information on the scale and impact of licensed activities on wild birds. In respect to this we are inviting views on the introduction of a trial voluntary reporting scheme, whereby users of General Licences sanctioning lethal control of protected bird species would be invited to submit records of action taken under these licences. If we decide to conduct a trial, and depending on the outcome, we may consider introducing a permanent scheme to capture information on licensed control of wild birds. We are interested in views on whether this should be a voluntary scheme or a mandatory requirement of licences. Linked to this we are also inviting views on requiring license users to report any action undertaken on designated sites (i.e. Sites of Special Scientific Interest (SSSI), Special Protected Areas (SPA) and Special Areas of Conservation (SAC)).

	including WML-GL04 WML-GL05 WML-GL06	**Explanation and Rationale** The Birds Directive (2009/147/EC) is the European legislation setting out the minimum level of protection of wild birds in European Union Member States. This Directive requires Member States to protect populations of wild birds (Article 2) and to report annually to the European Commission on any derogations of that protection (i.e. the use of licences) (Article 9). At present, there is no reporting requirement linked to the use of General Licences used for the majority of lethal control of wild birds and we have no measure how widely licences are used and how many birds are killed and nests and eggs destroyed. Improved information on licence use would improve our compliance with EU reporting requirements and it would also allow better assessment of both lethal control pressures on species, and on the necessity for licensed action against species. This information could be particularly useful for designated sites, contributing to condition monitoring and management plans. Set against the value of improved information gathering is the need to minimise burdens on licence users, which is why, in the first instance, we are seeking views and suggesting a trial voluntary scheme. Depending on the level of support for and success of any voluntary scheme, we may either look to continue with this scheme or explore alternative ways to monitor action taken under General Licence. We therefore wish to gather views on a series of options. ***Consultation Question(s):*** *Question 29(a): Do you support our aspiration to collect more information on the level of wild bird control carried out under General Licences? Please indicate the reason(s) for your answer.* *Question 29(b): If your answer to 29(a) is 'yes', do you favour a voluntary or a mandatory system for gathering this information? Please indicate the reason(s) for your answer.* *Question 29(c): Do you support the idea of carrying out a trial of a voluntary reporting?* *Question 29(d): Do you have any information or views on the additional effort that it would take for licence users to collect information on their use of General Licences?* *Question 29(e): Even if we do not proceed with plans to gather information on General Licence use, do you think that there is a special case for collecting this information in respect to action taken on designated sites (i.e. SSSI, SPA, SAC)?*
30	General	**Action taken on European designated sites (SPAs and SACs)**

	Licences permitting the lethal control of protected species, including WML-GL04 WML-GL05 WML-GL06 WML-GL21 Class Licences permitting lethal control of protected species	**Summary**: Proposal to introduce a new constraint on the use of certain General and Class Licences in cases where the species targeted by a licensed activity is listed as a qualifying feature of a European designated site (i.e. a Special Protected Area (SPA) or Special Area of Conservation (SAC)). The constraint would mean that specific permission would be required from Natural England before licensed control the listed species could take place on the designated site. This amendment is intended to allow Natural England to consider the need for a Habitats Regulations Assessment (HRA). We are also proposing to add a recommendation to relevant General Licences that potential impacts from licensed activities on any European designated site are considered and advice sought from local Natural England Team, if appropriate. **Explanation and Rationale** Regulation 9 of The Conservation of Habitats and Species Regulations 2010 states that Natural England (as a nature conservation body) has a statutory duty to 'secure compliance with the requirements of the Habitats Directive' and, as a competent authority, 'must have regard to' these requirements when exercising its statutory functions. In order to fulfil this duty, Natural England (as the licensing authority) must consider any potential impacts on European designated sites when issuing licences. Given the way that General Licences operate, an assessment of any such impacts cannot be undertaken prior to the licence being issued. To ensure that licensed action does not inadvertently lead to adverse impacts it is proposed that General Licences and Class Licences cannot be used to control species that are qualifying features of such sites without specific permission from Natural England. Where this is applicable, General Licence users would need to submit an individual application detailing what they need to do and why, while a simpler process would be possible for registered Class Licence users (and new users could request Natural England to consider HRA requirements when they first register for the licence). This information will allow Natural England to consider the need for a Habitats Regulations Assessment. The relevance of Habitats Regulations Assessments in respect to the use of General Licences has come to the fore with the classification of the large gull species on the General Licences as Red or Amber species of conservation concern. The lesser black-backed gull is, for example, a potential qualifying feature of at least one European designated site. Our obligation to carry out a Habitats Regulations Assessments extends beyond the boundary of the designated site itself and also includes other activities, not just those targeting qualifying species (including the control of other species listed on licences). The proposal would not address these impacts. Rather than extending the scope of the constraint of General and Class Licence use, which may be impractical, we propose adding a recommendation that

such impacts are considered and advice sought, if appropriate.

Details of European designated sites can be found using Natural England's interactive mapping system, MAgiC (http://www.natureonthemap.naturalengland.org.uk/).

SSSI consents

When applicants apply to Natural England for an individual licence, where the activity takes place on a Site of Special Scientific Interest (SSSI), then the application can also be treated as request for a consent to carry control in respect to landowner obligations under section 28E of the Wildlife and Countryside Act 1981 (as amended). In these cases, where a licence is issued the licence also acts as a consent. Individual assessment of actions to be taken on a European designated site would allow any licence subsequently issued by Natural England to act as a SSSI consent, removing the requirement for a separate SSSI consent to be sought.

Proposal(s)

30(a) Add the following text to all General Licences permitting the lethal control of protected species:
'*This licence does not authorise any action against a species that is a qualifying feature of a European designated site (Special Protected Area (SPA) or Special Area of Conservation (SAC)) on that site.'*

30(b) Add the following text to all Class Licences permitting the lethal control of protected species:
'This licence does not authorise any action against a species that is a qualifying feature of a European designated site (Special Protected Area (SPA) or Special Area of Conservation (SAC)) on that site, unless such use of this licence is specifically permitted by Natural England.'

30(c) Add the following text to the Important Information / Explanatory Notes of all General and Class Licences permitting the lethal control of protected species:
'Potential adverse impacts to European designated sites, i.e. Special Protected Areas (SPAs) and Special Areas of Conservation (SACs) must be considered. This includes impacts from off-site activities. Where there is the potential for adverse impacts, advice must be sought from Natural England's regional teams (www.naturalengland.org.uk/contact/ or Telephone 0845 600 3078).'

Consultation Question(s):

Question 30(a): Are you aware of any reasons why the change outlined in Proposal 30(a) should not be made?

Question 30(b): Are you aware of any reasons why the change outlined in Proposal 30(b) should not be made?

		Question 30(c): Are you aware of any reasons why the change outlined in Proposal 30(c) should not be made?
31	WML-GL04 WML-GL05 WML-GL06	**The 'No Satisfactory Alternative' legal test** **Summary**: Proposal to amend the wording of the condition requiring licence users to have considered legal, non-lethal measures before they rely on a General Licence. **Explanation and Rationale** The wording of conditions must be clear and enforceable. We have received a number of queries regarding the obligation required by this wording, including from the Police, suggesting that the current condition is insufficiently precise. This condition is included in certain general licences to ensure that Section 16 of the Wildlife and Countryside Act is satisfied; this stipulates that: *"(1A) The appropriate authority—* *(a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution;"* In respect to decisions regarding general licences, the licensing authority makes a general assessment of alternatives prior to issuing a licence. Where appropriate, the licensing authority may also make it a condition of a general licence that potential users fully consider and, where appropriate, try alternative measures before taking any action under the authority of the licence. This condition ensures that the licence is only used in appropriate situations, and allows the licensing authority to issue a licence without knowing the details of each occasion in which it may be used. The current wording of the condition is: *"In respect to the species listed at paragraph 2(i)(a) above, this licence can only be relied on in circumstances where the authorised person is satisfied that appropriate legal methods of resolving the problem such as scaring and proofing are either ineffective or impracticable"* **Proposal(s)** 31(a) Amend the wording of the following condition from: "In respect to the species listed at paragraph 2(i)(a) above, this licence can only be relied on in circumstances where the authorised person is satisfied that appropriate legal methods of resolving the problem such as scaring and proofing are either ineffective or impracticable" to:

		"In respect to the species listed at paragraph 2(i)(a) above, this licence can only be relied on in circumstances where the authorised person has taken reasonable and appropriate steps to resolve the problem, such as scaring and proofing". ***Consultation Question(s):*** *Question 31(a): Are you aware of any reasons why the change outlined in Proposal 31(a) should not be made?*
THEME: Miscellaneous		
32	WML-GL12	**Removal of abandoned eggs from nest boxes** **Summary**: Proposal to change the date of the earliest action that can be taken under this licence from 1 August to 1 September. **Explanation and Rationale** This General Licence permits the removal of abandoned eggs from nest boxes. The 1 August may be too early (for some species or situations) to be confident that eggs are abandoned, and the 1 September will bring this General Licence in line with standard guidance on bird breeding seasons. **Proposal(s)** 32(a) Amend the wording of the following licence condition from: "Eggs (or parts of eggs) may only be removed from nest boxes not currently in use by birds, during the period 1 August to 31 January." To: "Eggs (or parts of eggs) may only be removed from nest boxes not currently in use by birds, during the period 1 September to 31 January." ***Consultation Question(s):*** *Question 32(a): Are you aware of any reasons why the change outlined in Proposal 32(a) should not be made?*
33	New Class Licence	**Temporary moving of eggs and chicks within nests for recording purposes** **Summary**: We are inviting views on the need for a new Class Licence to allow people who are monitoring nests for the Nest Recording Scheme (run by the British Trust for Ornithology (BTO)) to temporarily move

		eggs and chicks within the nest cup to facilitate accurate recording and submission of data to the BTO. **Explanation and Rationale** The BTO issue permits allowing people to disturb species of birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 in order to facilitate data collection under the Nest Recording Scheme (NRS). These permits can also cover the temporary moving of eggs and chicks of Schedule 1 birds. The monitoring of non-Schedule 1 birds is not covered by a permitting system, but we understand that temporary moving of eggs and chicks is occurring to allow accurate recording and that this activity should be properly authorised. However extending individual permitting of nest recording to non-Schedule 1 birds would be overly onerous, and would be more suited to a Class Licence. Such a Class Licence would require users to register to use the licence, follow the NRS rules and codes, and report action taken under the licence via the NRS. ***Consultation Question(s):*** *Question 33(a): In your view, is there a need to permit the movement of eggs and chicks within a nest to facilitate accurate data collection under the Nest Recording Scheme?*
34	New Class Licence	**Falconry** **Summary**: Proposal to issue a new Class Licence permitting professional falconers to take small numbers of certain gull species (herring, black-headed and common gulls) in addition to the species listed on the public health and safety General Licence (WML-GL05) in the course of bird scaring activities. **Explanation and Rationale** Falconry organisations are seeking a falconry-specific licence for use by professional falconers engaged in bird scaring work at landfill sites that covers them in the event a falcon kills a species of gull not listed on the General Licence. They would also like the licence to cover the species on the General Licence to clarify more explicitly what species they are permitted to kill. This proposed Class Licence would cover low-level and accidental taking of the listed gull species where falcons are being used to deter birds from landfill sites. It would also provide a clearer permission for falcons to be used to lawfully take bird species listed on the public health and safety General Licence.

		We are aware that great black-backed gulls also pose problems at landfill sites. However there are uncertainties around the great black-backed gull population, and consequently a need for tight control around the numbers of this species killed or taken under licence (see Ref 3 above). Given this, our proposal is **not** to include great black-backed gull in the species listed on this licence. **Proposal(s)** 34(a) Issue a new Class Licence permitting professional falconers to kill or take the following species: • **Black-headed gull** (*Chroicocephalus ridibundus*) • **Canada goose** (*Branta canadensis*) • **Carrion crow** (*Corvus corone*) • **Collared dove** (*Streptopelia decaocto*) • **Common gull** (*Larus canus*) • **Feral pigeon** (*Columba livia*) • **Herring gull** (*Larus argentatus*) • **Jackdaw** (*Corvus monedula*) • **Jay** (*Garrulus glandarius*) • **Lesser black-backed gull** (*Larus fuscus*) • **Magpie** (*Pica pica*) • **Monk parakeet** (*Myiopsitta monachus*) • **Rook** (*Corvus frugilegus*) • **Woodpigeon** (*Columba palumbus*) This licence could only be relied upon where the activities are carried out for the purpose of preserving public health or public safety, and users must comply with licence terms and conditions. These conditions would include the requirement that the user must be satisfied that legal (including non-lethal) methods of resolving the problem are ineffective or impracticable. ***Consultation Question(s):*** *Question 34(a): Are you aware of any reasons why the change outlined in Proposal 34(a) should not be made?*
35	New Class Licence	**<u>Disturbance of Schedule 1 birds for pre-development surveys</u>** **Summary**: Proposal to issue a new Class Licence permitting disturbance of barn owls and peregrines for surveys

		to inform development proposals. **Explanation and Rationale** Bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are afforded additional protection against disturbance whilst breeding. In 2012 Natural England issued 288 individual licences for barn owls and up to 33 for peregrines to permit disturbance for pre-development surveys (i.e. surveys to inform development proposals and ensure the appropriate provisions are made for protected species). Given that this is a relatively low impact activity, there would seem to be a clear case for covering this activity under a Class Licence. We would like to judge the demand for a Class Licence to cover these species. **Proposal(s)** 35(a) Issue a new Class Licence permitting appropriately experienced persons to disturb **barn owls** (*Tyto alba*) and **peregrines** (*Falco peregrinus*) for the purpose of Science, Research and Education, specifically in the course of surveys to inform development proposals. ***Consultation Question(s):*** *Question 35(a): Are you aware of any reasons why the change outlined in Proposal 35(a) should not be made?* *Question 35(b): What are your views on the likely demand for such a licence?*

Implementation of proposals

30. All consultation responses will be considered in reaching our final decision on the proposals. We recognise that some of the proposals represent substantive changes to current licensing arrangements and in view of this, if adopted, there will be a suitable period of time to communicate the changes prior to their implementation.

31. The date that changes following this consultation will be implemented has not yet been decided, but the most likely launch date is 1 January 2015.