

CLASS LICENCE

To permit the diversionary feeding of hen harrier (*Circus cyaneus*) on grouse moors in northern England



OVERVIEW

This licence allows landowners and their authorised representatives to establish and maintain feeding stations near to active hen harrier nests.

The aim of the licence is to allow the provision of substitute food to hen harriers near their nesting sites to reduce predation of red grouse (a practice commonly known as diversionary feeding).

You may only use this licence when registered with Natural England to do so and you must follow the procedures laid out in the licence.

The licence permits the placing of diversionary food at hen harrier nests registered with Natural England. Should further nests appear on the same land or be discovered after registration, this licence may not be used until the details of those sites have been submitted to Natural England.

Registration	Anyone wishing to use this licence must first apply to Natural England to be registered.
Recording & reporting	There are data recording and annual reporting requirements.
Reference	WML – CL25

LICENCE TERMS and CONDITIONS

Legislation	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Relevant section(s)	Section 16 (1)(c)
Valid for the period	1 January 2019 to 31 December 2019 (inclusive)
Area valid in	The following counties of England (landward of the mean low water mark): <ul style="list-style-type: none">• Derbyshire,• North Yorkshire,• South Yorkshire,• West Yorkshire,• County Durham,• Lancashire,• Cumbria,• Northumberland.
Purpose(s) for which this licence is issued	Conserving wild birds.
What this licence permits	Subject to all the terms and conditions of this licence and solely for the purpose stated above, this licence permits Registered Persons their Accredited Agents and Assistants to: <ul style="list-style-type: none">• disturb hen harrier (<i>Circus cyaneus</i>) by establishing and maintaining substitute feeding stations in the vicinity of nests.
Who can use this licence	Persons registered to use this licence (Registered Persons) and Accredited Agents and Assistants of the Registered Person (see Definitions), except those with a recent conviction (see Information and Advice note k).

Definitions used in this licence

“*Registered Person*” is a person who has successfully registered to use this licence in accordance with Condition 4. A registered person must either be the landowner or have the written permission of the landowner. An “*Accredited Agent*” is a suitably competent person who is able to carry out work under a licence without the personal supervision of the Registered Person in accordance with Condition 4. An “*Assistant*” is a person assisting a Registered Person or Accredited Agent in accordance with Condition 4.

LICENCE CONDITIONS

1. Anyone acting under the authority of this licence must follow the advice contained in ‘*A practical guide to diversionary feeding of hen harriers on grouse moors in England*’ which is included at Annex B. If you do not follow this advice you may be in breach of this licence and are at risk of enforcement action.
2. This licence may only be used at nests which have been registered with Natural England. Details of each nest must be supplied with the registration to use this licence. Should further nests be detected after registration, then before this licence may be used at those sites their location must be supplied in writing (via email or post) and it must be confirmed in writing by Natural England that that nest has been registered (see Information and Advice note e).
3. Anyone using a vehicle to access diversionary feeding sites must agree suitable access routes in advance with Natural England and follow the advice on vehicle use contained in the guide (see Condition 1).
4. To use this licence you must either:
 - a. Register with Natural England to use the licence (see Information and Advice notes b – h);
 - b. Be authorised as an Accredited Agent (see Definitions) by a Registered Person, in which case you are only permitted to act under the authority of this licence if you are in possession of a letter signed by the Registered Person appointing you by name as a duly Accredited Agent for the purpose of this licence. Accredited Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request; or
 - c. Be authorised by a Registered Person or their Accredited Agent to act as an Assistant (see Definitions), in which case you may act under the authority of this licence so long as you are doing so under the direct supervision of a Registered Person or their Accredited Agent. Assistants cannot work alone or unsupervised.
5. The Registered Person is responsible for all activities carried out under this licence, including activities carried out by their Accredited Agents and their Assistants. Accredited Agents and Assistants are also required to abide by the terms and conditions of this licence.

Recording and reporting requirements

6. The Registered Person must maintain a record in accordance with the requirements of Annex A. Records must be kept for a minimum of two years from the date that diversionary feeding is conducted under the authority of this licence. Records are to be made available for inspection at any reasonable time by Natural England.
7. The Registered Person must comply with the reporting requirements specified in Annex A. Reports must be submitted by 30 September each year that the licence is used.
8. If Conditions 6 and 7 are not met, any future application for registration under this licence will not be considered until the reporting requirements are met.

IMPORTANT

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 the 1981 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 1981 Act is, at the time of the issue of this licence, an unlimited fine 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.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence.

Issued by and on behalf of Natural England on 1 January 2019

INFORMATION AND ADVICE specific to this licence

- a. This licence is a permission under s.281 of the Wildlife and Countryside Act 1981 (as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000) for the actions specified on the SSSIs and European Sites listed at Annex C, provided that the route for any vehicular access to the nest site is agreed in advance with the Natural England 'Responsible Officer' and does not result in damage to the vegetation or result in rutting. This permission is **only valid** for the listed sites and should you wish to use this licence elsewhere you will need to seek a separate consent. Natural England has considered the possible impact of the actions specified upon the species concerned and other notified features in issuing this licence. In doing so Natural England has considered whether there is likely to be a significant effect on features of European importance (alone or in combination), and whether the operations are consistent with 'conserving and enhancing' the SSSIs. Natural England has concluded that, when following the conditions of this licence these actions will not have a likely significant effect alone or in combination, and are compatible with conserving and enhancing the special interest of the SSSI. For further advice, or for consent to use this licence on a protected site that is not listed in Annex C, please contact the Natural England 'SSSI Adviser' for the relevant site(s). Contact details are available from the Enquiry Service (see below).

Registering to use this licence

- b. Only Registered Persons, or persons authorised or supervised by a Registered Person (see Condition 4), may act under this licence. Anyone seeking to become a Registered Person must apply to Natural England. You can [register online](#) to use this licence. Alternatively applications can be submitted by email or post (contact details below).
- c. You will be informed when your registration is successful – until that time you may not rely upon or use this licence.
- d. Once registered, a person is entitled to use this licence only for that single period from the date of registration to the end of the licence period. Should you wish to use this licence in a subsequent year, you must re-register, completing the registration form. Failure to comply by the terms and conditions, including the recording and reporting requirements, will, by default, render registration null and void. The annual reporting process is used to verify a person's desire to remain registered.
- e. Adding additional nest sites to the licence. If a new nest site is discovered or created after initial registration, then this may be added to the registration by supplying the site details in writing to Natural England Wildlife Licensing, via email or post (contact details below). The information required to register a new site is the same as that provided for initial registration.
- f. It is the responsibility of Registered Persons to maintain their expertise at an appropriate level to act under this licence and it is also their responsibility to ensure that Accredited Agents and Assistants have appropriate training, experience and instruction to act under this licence.
- g. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- h. A person's registration may be revoked by Natural England, for example, if that person breaches the conditions of this licence. In these circumstances Natural England will normally give 28 days' notice of our intention to revoke a person's registration.

INFORMATION AND ADVICE for all Class and General Licences

General Information

- i. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.
- j. Ordinarily, licences will be reissued on 1 January each year (*NB you do not need to re-register for those with registration requirements*). Please note, however, that they can be modified or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. You are advised to check the terms and conditions of a licence prior to your first use of it each year in case of amendments.
- k. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 (all as amended) may use this licence without the permission of Natural England unless, in respect of that offence, either:
 - i. they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
 - ii. a court has made an order discharging them absolutely.Any request to use the licence by a person to whom this note applies will be considered on its merits.

The limits of licences

- l. Licences permit action only for the purposes specified on that licence.
- m. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.
- n. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

Using and Sharing Your Information

- o. There is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. We may make information publicly available, for more information, please see our [Privacy Notice](#).

Contact details for Natural England

For licensing enquiries:

Telephone 020 802 61089

Email wildlife.scicons@naturalengland.org.uk

Postal address Wildlife Licensing, Operations Delivery,
Natural England, Horizon House, Deanery Road, Bristol, BS1
5AH

For other enquiries use the Enquiry Service:

Telephone 0300 060 3900

Email enquiries@naturalengland.org.uk

Web <https://www.gov.uk/government/organisations/natural-england>

ANNEX A - Recording and reporting requirements

Records

Each Registered Person is required to maintain a record, which must be kept for a minimum of two years after licensed diversionary feeding is conducted under the authority of this licence (this also includes the activities of Accredited Agents and Assistants acting under their authority). The record should include:

- Location of nest (eg farm or estate name and if such exists, and a 6-figure (minimum) Ordinance Survey grid reference), and
- The start and end dates of diversionary feeding for each nest and the total number of visits made.

Reporting

Each Registered Person is required to submit a report to Natural England Wildlife Licensing each year that supplementary feeding is conducted under the authority of this licence. Please use Licence Report template reference **WML-LR-CL25** for this purpose. This template is available online:

<https://www.gov.uk/government/publications/hen-harriers-licence-to-feed-them-on-grouse-moors>

If you have registered to use this licence, but do not use it (ie you do not place diversionary feed at hen harrier nest sites), you must still submit a nil return.

It would be helpful if nil returns are accompanied with a reason why the licence was not used.

The deadline for submitting your complete report is **30 September** (covering works carried out in the preceding 1 April to 31 August licence period), but you may find it easier to submit reports as soon as supplementary feeding finishes each year.

More detailed records may be useful to help assess the benefits of this technique and would be welcomed by Natural England, whilst not being required as a condition of this licence. These could include details of the type and amount of food provided, observations of the use of this food by the breeding hen harriers, observations of natural hunting by the adult hen harriers, details of any problems encountered when utilising this technique and information about the outcome of each hen harrier breeding attempt.

A practical guide to diversionary feeding of hen harriers on grouse moors in northern England

Only to be used by persons authorised to act under licence WML-CL25

Introduction

In Scotland, at the Langholm moor study site, the provision of substitute food for breeding hen harriers has been shown to be effective at reducing predation on other species, notably red grouse. This practice is often referred to as 'diversionary feeding'. Diversionary food provided in the spring, as harriers settle on regularly used territories, may encourage them to take more food later in the season when they are feeding young. However, in England, where hen harrier numbers are very low, it is anticipated that substitute food will be provided only once birds have established active nests.

When to provide food

Female hen harriers will only return to the nest with food once the eggs have hatched. Laying typically starts in early-April to early-May in northern England, though there can be considerable individual variation. Eggs hatch after about 30 days of incubation and grouse are unlikely to be taken during the incubation phase. After hatching, chicks stay in the nest for about 35 days and in the general area for a further 3-4 weeks.

Feeding carried out under this licence must only take place once it has been established that there are young in the nest. You must not visit the nest to see if the eggs have hatched. Instead, observe birds from a distance. When the female starts to bring food back to the nest, this means that young are present in the nest.

It is recommended that diversionary feeding is continued for about 60 days in total to minimise the number of grouse chicks killed (until around early-July to early-August depending on the timing of the individual nest). Feeding beyond this time is not recommended as it may lead to young remaining close to the nest for longer than usual.

If possible, food should be provided early in the morning as this is when the chicks are most likely to be hungry after a night without food.

What food to use

Both **poultry chicks** and **white rats** have been successfully used as substitute food. These can be readily obtained commercially and are usually supplied frozen in boxes that fit into a deep freeze. They should be defrosted the night before use. A one day-old poultry chick weighs approximately 40g and a small rat weighs around 160g, though these figures will vary depending on the supplier.

Locally available food items cut into suitable size chunks can also be used, including rabbits and venison though the following points should be taken into account if sourcing food in this way:

- Animals killed with lead ammunition must only be used if killed with a single shot to the head (with the head discarded), to avoid any risk of lead poisoning.
- Rodents that have, or may have, been poisoned, which for these purposes includes any found dead, must not be used to avoid the risk of secondary poisoning.
- Harriers must not be supplied with live prey.

Where to put the food

Feeding perches should be erected on which to place the food. Standard 5' x 4" fence posts are suitable with a 12" cross-piece nailed on top. The posts should be hammered into the ground until stable, so that the top of the perch remains about 4' above the ground.

A single feeding perch should be used for each hen harrier nest. Posts should be introduced to the nesting area gradually in order to allow time for the birds to adapt to their presence. When first introduced, the post must be no closer than 100m from the nest. After at least 24 hours in place, it can then be moved gradually closer to the nest over a period of several days to its final location. The final location must be no closer than 40m from the nest in order to avoid excessive disturbance to the breeding birds.

Food should be put out daily. If there is too much food to fit on top of the perch, clear an area underneath and spread the rest of the food there (though this is best avoided to avoid attracting mammals). All uneaten substitute food remaining from the previous day must be removed to reduce the threat of disease.

Visits to install or move posts, and to provide food should be kept to a minimum in order to limit disturbance to breeding harriers. Visits to provide food must not involve spending more than ten minutes within 100m of the nest site and time spent within 400m of the nest must be kept to a minimum.

Vehicle Use

As far as possible, vehicles must only be used on existing tracks. Access routes must be agreed in advance with Natural England's Responsible Officers. Vehicles must be used in a way that does not result in damage to the vegetation or result in rutting.

- Vegetation is damaged if it is destroyed, suppressed, or modified in its character or botanical composition so that it is visibly different from adjacent vegetation (and these differences are not related to different environmental conditions).
- Rutting is the compaction of and disturbance to vegetation or the peat that underlies it, crushing of the moss layer or exposure of peat surfaces so that it is visibly different from adjacent microtopography.
- Rutting can be avoided through using vehicles with low or ultra-low ground pressure tyres; by avoiding obviously very wet parts of sensitive areas and particularly wet habitats which are susceptible to damage; and by slightly varying the daily route taken to the nest site to avoid repeat vehicle movements across the same area.
- Where there are difficulties in identifying a safe route which will not result in damage or rutting, then Natural England's local advisor should be consulted for advice.
- Where there is a risk of damage or rutting developing or initial signs that they are likely to develop, then Natural England's local advisor should be consulted for advice.

How much food to provide

The food requirements of harrier broods vary according to the age and number of young. The following requirements are recommended for different aged chicks.

Age of harrier chicks	Food per chick	Daily requirement of dead poultry chicks for brood of three hen harrier chicks	Daily requirement of dead rats for brood of three hen harrier chicks
1 week	40g	3	1
2 weeks	70g	6	2
3 weeks	140g	11	3
4 weeks	155g	12	3
5 weeks	185g	14	4

After the young have left the nest, continue to feed them at the same rate (185g each day for each young bird) until they are 60 days old.

Observations have shown that even when substitute food was readily available male harriers continued to deliver some wild prey to the female and chicks, although this very rarely included grouse chicks.

ANNEX C

Sites for which this licence is also a permission granted under s.28I of the Wildlife and Countryside Act 1981 (as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000)

European Site(s):

- Bowland Fells SPA;
- South Pennine Moors SPA and SAC;
- North Pennine Moors SPA and SAC;
- North York Moors SPA and SAC

Component Sites of Special Scientific Interest, SSSI(s):

- Bowland Fells;
- North York Moors;
- Allendale Moors;
- Appleby Fells;
- Arkengarthdale, Pikestone, Egglestone & Woodland Fells;
- Bowes Moor;
- Cotherstone Moor;
- East Nidderdale Moors;
- Geltsdale & Glendue Fells;
- Hexhamshire Moors;
- Lovely Sea-Stainton Moor;
- Lune Forest;
- Mallerstang & Swaledale Head;
- Moor House & Cross Fell;
- Muggleswick, Stanhope & Edmundbyers Commons & Blachland Moor;
- Upper Teesdale;
- West Nidderdale, Barden & Blubberhouses Moors;
- Whitfield Moor, Plemeller & Ashholme Commons;
- Dark Peak;
- Eastern Peak District Moors;
- Goyt Valley;
- Leek Moors;
- South Pennine Moors
- Simonside Hills
- Billsmoor Park and Grasslees Wood