

CLASS LICENCE

To kill or take certain species of wild birds to preserve air safety



OVERVIEW

This licence permits a range of otherwise prohibited activities against the species of wild birds listed in the terms and conditions below.

This licence may **only** be relied upon:

1. for the purposes of preserving air safety,
2. where it is strictly necessary to take action to preserve air safety, and
3. where reasonable steps to prevent problems by lawful methods have been and continue to be taken.

All species listed in this licence may be taken **on** the aerodrome itself. In addition, some may be taken in the **immediate** vicinity (up to 250 m); others may be taken **up to 13 km** from the aerodrome (the 'safeguarding' zone). The terms and conditions set out what species can be controlled where. Where control is undertaken off aerodrome the user must ensure they have the permission of the landowner.

Users of this licence must comply with all licence terms and conditions including those in 'Standard Licence Conditions for trapping wild birds and using decoys under a Natural England licence' (GL33).

Registration Anyone wishing to use this licence must first apply to Natural England to be registered.

Recording & reporting There are data recording and reporting requirements during and at the end of the licence term.

Reference WML – CL12

LEGISLATION

Statute(s) Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')

Section(s) This licence is issued under sections 16(1)(i) and 16(5)

LICENCE TERMS and CONDITIONS

- 1. Valid for the period** 1 January 2020 to 31 December 2020 (inclusive)
- 2. Area valid in** All counties of England (landward of the mean low water mark)
- 3. Purpose(s) for which this licence can be used** This licence can only be used to **preserve air safety**
- 4. What this licence permits** In relation to the species listed below, this licence permits killing or taking birds, taking or destroying their eggs, and taking, damaging or destroying their nests while that nest is in use or being built.
- 5. The species covered by this licence**
- (a) **on, or within 13 kilometres (km) of the perimeter of, an aerodrome:**
- | | |
|---------------------------|---------------------------|
| Goose, Canada | <i>Branta canadensis</i> |
| Goose, Greylag | <i>Anser anser</i> |
| Gull, Great Black-backed | <i>Larus marinus</i> |
| Gull, Lesser Black-backed | <i>Larus fuscus</i> |
| Gull, Herring | <i>Larus argentatus</i> |
| Mallard | <i>Anas platyrhynchos</i> |
| Pigeon, Feral | <i>Columba livia</i> |
| Rook | <i>Corvus frugilegus</i> |
| Starling | <i>Sturnus vulgaris</i> |
| Woodpigeon | <i>Columba palumbus</i> |
- (b) **on, or within 13 km of the perimeter of, an aerodrome (without the need for non-lethal methods of control to be used):**
- | | |
|-----------------------|------------------------------|
| Goose, Egyptian | <i>Alopochen aegyptiacus</i> |
| Parakeet, Ring-necked | <i>Psittacula krameri</i> |
- (c) **on, or within the immediate vicinity (up to 250 m) of, the perimeter of the aerodrome:**
- | | |
|--------------------|--|
| Crow, Carrion | <i>Corvus corone</i> |
| Gull, Black-headed | <i>Chroicocephalus ridibundus</i>
(formerly <i>Larus ridibundus</i>) |
| Gull, Common | <i>Larus canus</i> |

Jackdaw
Lapwing
Magpie

Corvus monedula
Vanellus vanellus
Pica pica

6. The methods of killing and taking permitted under this licence

The methods permitted are:

- a. shooting with a firearm/ammunition combination (including a **semi-automatic weapon***) appropriate for the species concerned;
- b. pricking of eggs;
- c. oiling of eggs using paraffin oil (also known as Liquid Paraffin BP or light/white mineral oil);
- d. destruction of eggs and nests;
- e. a **Larsen*** trap
- f. A **multi-catch*** cage trap
- g. a pen or corral used as a trap;
- h. falconry;
- i. any hand held or hand propelled net to take birds whilst not in flight;
- j. by hand; and
- k. in relation to the killing or taking of Feral Pigeon (*Columba livia*) **only:**
 - any device for illuminating a target or any sighting device for night shooting;
 - any form of artificial lighting or any mirror or other dazzling device.

This licence does not authorise the use of any method of killing or taking which is prohibited by section 5 or section 8 of the 1981 Act except those listed above.

*: see Definitions

7. Who can use this licence

- a) This licence can only be used by **Registered Persons***, their **Accredited Agents*** and **Assistants***, except those convicted on or after 1 January 2010 of a **wildlife crime*** (unless, in respect of that offence, either:
 - they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or

- a court has made an order discharging them absolutely.)

Any application by a person to whom this exclusion applies for an individual licence will be considered on its merits.

b) An **Accredited Agent*** is only permitted to act under the authority of this licence if they are in possession of a letter signed by the **Registered Person*** appointing them by name as an **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.

c) The **Registered Person*** is responsible for all activities carried out under this licence, including activities carried out by their **Accredited Agents*** and their **Assistants***.

d) Whilst engaged in work permitted by this licence all persons registered or authorised to act under this licence must have access to a copy of this licence and produce it to any police officer or any Natural England officer on demand.

*: see Definitions

8. When this licence can be used

a) This licence can only be relied on in circumstances where:

- i. licensed action is necessary to preserve air safety;
- ii. before using the licence reasonable endeavours have been made to resolve the problem using any lawful methods that may be appropriate in the circumstances (see Information and Advice note a below); and
- iii. reasonable endeavours continue to be made to resolve the problem using such appropriate lawful methods alongside use of the licence.

This condition does not apply to the species listed at (b) in condition 5 above (see Information and Advice note b below).

b) This licence permits lethal control of adult birds with dependent young during the breeding season only where proactive management (such as lethal control outside the close season, egg oiling/pricking, and rounding-up and culling birds during their flightless phase) would not preserve air safety.

c) Any person using this licence must be able to show, if asked by an officer of Natural England or the Police, what lawful methods have been, and are being, taken to address the risk or why the lawful methods have

not been taken. Licence users are advised to keep a record or log of problems experienced and of efforts to address risks by legal methods.

9. Use of traps and decoys

a) The use of traps (including pens and corrals) under the authority of this licence must comply with the terms and conditions in document '*Standard Licence Conditions for trapping wild birds and using decoys under a Natural England licence*' (GL33).

b) This licence permits the use of the following species as a decoy in Larsen and multi-catch cage traps

- Carrion crow, *Corvus corone*
- Jackdaw, *Corvus monedula*
- Magpie, *Pica pica*
- Parakeet, Ring-necked, *Psittacula krameri*
- Rook, *Corvus frugilegus*

c) A Larsen trap need not satisfy the dimension requirements of section 8(1) of the 1981 Act.

10. Welfare requirements

a) All reasonable precautions must be taken to avoid unnecessary suffering of birds killed or taken under this licence.

b) Any birds killed in accordance with this licence must be killed in a quick and humane manner. All geese held captive prior to being killed must be killed out of sight of other captive birds of the same species.

c) Wounded birds are to be pursued and humanely despatched where practicable.

It is an offence to cause any unnecessary suffering to an animal (including bird) under the control of man. This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, including decoy birds and non-target animals.

The application of Animal Welfare Act 2006 to wildlife management activities is explained in Natural England leaflet '*Wildlife Management Advice Note: The Animal Welfare Act 2006: what it means for wildlife*' (WML-GU02).

11. Access requirements

The **Registered Person*** shall permit an officer of Natural England, accompanied by such persons as he/she considers necessary for the purpose, on production of his/her identification on demand, reasonable access to the site for monitoring purposes and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The **Registered Person*** shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.

*: see Definitions

12. European and nationally protected sites

a) Within any **Protected Site***, all vehicle use must be restricted to existing roads and tracks only.

b) On any **Protected Site** * with interest features that include breeding bird species, and within 300 metres of the boundary of any such **Protected Site**, no action authorised by this licence is permitted during the period from 15 March to 31 August. (See Advice note c)

c) On any **Protected Site*** with interest features that include non-breeding bird species, and within 300 metres of the boundary of any such **Protected Site**, no action authorised by this licence is permitted during the period from 1 September to 14 March.

If you need to carry out action that would otherwise be permitted by this licence on land excluded on account of the above conditions then you will need to apply to Natural England for a licence.

*: see Definitions

13. Reporting requirements during and at the end of the licence term

a) The **Registered Person*** must complete and send to Natural England Wildlife Licensing by 31 January of the year for which this licence is valid a summary report form containing the numbers of herring gull, lesser black-backed gull and great black-backed gull (including their nests and eggs) which the **Registered Person*** expects to control during the term of this licence.

b) If the anticipated level of control of these gull species under condition 13(a) has been or will be exceeded, the **Registered Person*** must inform Natural England Wildlife Licensing as soon as reasonably practicable, and provide:

- the reason for higher than expected control; and
 - the revised expected levels of control for the affected species.
- c) The **Registered Person*** must maintain a record, which must be kept for at least five years beyond the expiry date of this licence, of all birds killed or taken, all nests taken, damaged or destroyed and all eggs taken or destroyed. A [summary report form](#), including 'nil' returns, must be completed and sent to Natural England Wildlife Licensing for each calendar year, by 31 January of the succeeding year. Records are to be made available for inspection at any reasonable time by Natural England.
- d) If this condition is not met then the **Registered Person*** will, by default, no longer be considered registered to act under this licence.

*: see Definitions

14. Definitions used in this licence

An "*Accredited Agent*" is a suitably trained and experienced person who is able to carry out work under a licence without the personal supervision of the Registered Person. A Registered Person should only authorise an Accredited Agent if they can personally assure that the individual is appropriately experienced, skilled and competent to undertake activities under this licence.

An "*Assistant*" is a person assisting a Registered Person or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either the Registered Person or an Accredited Agent. They cannot work alone or unsupervised.

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

"*immediate vicinity (up to 250 m)*" includes structures and buildings which in part lie within 250 metres, ie straddle the 250 metre boundary.

"*Larsen trap*" means a portable cage-trap which has a closed compartment for confining a live bird as a decoy and one or more spring or gravity activated trap-doors which are either top or side mounted.

"*Multi-catch cage trap*" means a cage large enough to be entered by the operator, which is covered in mesh and uses either a roof-funnel, ground-funnel or ladder/letterbox entry point for birds to gain access to the cage.

"*Protected Site*" means any Special Protection Areas (SPAs), Special

Areas of Conservation (SAC), Ramsar sites, and Site of Special Scientific Interest (SSSI), including proposed sites.

A “*Registered Person*” is the manager of any civil or military aerodrome; or the owner or occupier of any site required under planning controls (including, but not exclusively, a Section 106 Agreement under the Town and Country Planning Act 1990) to manage wild birds for the purpose of preserving air safety who has successfully registered to use this licence (see the Information and Advice notes below for registration procedures).

“*Semi-automatic weapon*” is as defined in [section 27\(1\) of the Wildlife and Countryside Act 1981](#). It is any weapon which is not prohibited by section 5 of the Firearms Act 1968 (as amended) and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger discharges a single shot and reloads the next, each subsequent shot requiring a further depression of the trigger, for example Firearms Act Section 1 shotguns.

“*to kill*” includes accidentally to wound whilst attempting to kill in accordance with this licence.

“*wild bird*” has the same meaning as in [section 27 of the 1981 Act](#).

“*Wildlife crime*” means any 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).

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;
- 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, and

- iii. may not be able to rely on this licence as a defence in respect to the prohibitions within the Animal Welfare Act 2006 or the Wild Mammals (Protection) Act 1996.

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 2020

Advice

Use of lawful methods

- a. In considering appropriate lawful methods to use before and alongside control under this licence, the Civil Aviation Authority's publication 'Wildlife hazard management at aerodromes' (CAP772) should be referred to as good practice. See https://publicapps.caa.co.uk/docs/33/CAP772_Issue2.pdf. However use of other lawful methods may be required if appropriate in the circumstances to comply with the conditions of this licence. An effective solution will typically comprise a number of different methods. It is important that methods are employed effectively: at the right time, in the right way, and with regular variation between methods. Birds commonly habituate to a single technique if used continuously and in isolation. The expectation is that you use the methods that are reasonably expected to be effective in your circumstances and that you can justify the choice of methods used.
- b. Condition 8(a) of this licence **only** applies to bird species that Natural England considers to be native to Great Britain (or, in the case of Canada goose, afforded the same level of protection as native species by virtue of this species' inclusion in Annex II of the Wild Birds Directive as a huntable species); it does not apply to those non-native species listed at condition 5(b). People may use non-lethal methods, such as scaring and proofing, for these non-natives where this is the best solution to a problem, but these methods do not need to be shown to be ineffective or impracticable before this licence can be relied upon in relation to those species.

Relevant legislation and good practice

- c. All authorised persons should be aware that, except if permitted under licence, it is an offence under the Wildlife and Countryside Act 1981, at any time, to intentionally kill, injure or take any wild bird, or to take, damage or destroy the nest of any wild bird (while that nest is in use or being built all birds), or their eggs. And that it is also an offence to intentionally or recklessly disturb any wild bird listed under Schedule 1 of the 'Act', or its dependent young, during the breeding season.
- d. Persons acting under a licence should have regard to legislation and good practice relevant to the action(s) undertaken including:
 - The disposal of the carcase(s) of any animal killed in accordance with a licence.
 - The use of lead shot. Users of this licence must comply with the [Environmental Protection \(Restriction](#)

[on Use of Lead Shot\) \(England\) Regulations 1999 \(SI 1999/2170\)](#). These Regulations prohibit the use of lead shot for the purpose of shooting species of wildfowl (as defined in Schedule 2 of the 1999 Regulations) with a shot gun anywhere in the country and all use of lead shot for shotgun shooting on most wetlands important for waterbirds (Sites of Special Scientific Interest included in Schedule 1 of the 1999 Regulations).

Legal basis of this licence

- e. Natural England has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [Legislation.gov.uk](#) to view the full text of this legislation. Section 16 of the 1981 Act provides that the offences in Part 1 of the 1981 Act shall not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority, which is, in England, Natural England. Please note that the Marine Management Organisation are responsible for licensing seaward of the mean low water mark.
- f. 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.
- g. The common name of the species given in a licence is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.
- h. This licence does not confer any right of entry onto land and neither does it permit actions prohibited under any other legislation. In particular it does not reduce the protection afforded to:
 - a. Schedule 1 bird species. Care must be taken to avoid disturbance to Schedule 1 species during the breeding season.
 - b. Other protected species including European Protected Species, such as otter and bats.

Registering to use this licence

- i. Before relying on this licence for the first time it is necessary to submit in writing (preferably by email) the following details to Natural England Wildlife Licensing:
 - Your name or in the case of aerodromes, the name of the manager, as the Responsible Person; and
 - Your address, or the aerodrome address(es), telephone number and email address (if available).
 - The numbers of herring gulls, lesser black-backed gulls and great black-backed gulls you expect to control under this licence during your first reporting period (i.e. between your registration and 31 December).
- j. Once registered, the Registered Person must inform Natural England of any permanent change of address and/or any change of Registered Person.
- k. Once registered, a person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration is not required. The annual reporting process is used to verify a person's desire to remain registered.

- l. It is the responsibility of the Registered Person 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.
- m. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- n. 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.

Protected sites

- o. 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 in this licence carried out on all SSSIs and European Sites in England, provided that Condition 12 of this licence is complied with. If you are unable to comply with this condition, then you will need to apply to Natural England for an individual licence and you will need to seek a separate SSSI 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 an adverse effect on the integrity of a European Site (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 an adverse effect on the integrity of a European Site alone or in combination, and are compatible with conserving and enhancing the special interest of the SSSI. For further advice, please contact the Enquiry Service (see below).
- p. To identify the location of SSSIs and European Sites, refer to the Magic map system. You can search for and view details about all SSSIs by using Natural England's Designated Sites system, including the citation and the list of operations requiring Natural England's consent for each site.

Severe weather

- q. Users of this licence are requested to exercise restraint when undertaking shooting or scaring activities during periods of prolonged severe weather and to extend the requirements of voluntary restraint and statutory suspension of wildfowling to activities undertaken under this licence. For more information on these requirements please see the [JNCC website](#). This website and that of the [British Association for Shooting and Conservation](#) will indicate when periods of voluntary restraint and statutory suspension apply. A statutory suspension temporarily prohibits the shooting of any bird on [Schedule 2 Part 1 of the 1981 Act](#). Please note that although Canada goose is listed on Part 1 of Schedule 2, relevant licences may still be used to take or kill this species during periods subject to a statutory suspension of shooting. However licence users are expected to only take action that is absolutely necessary, and to ensure that activities do not disturb other species of wildfowl.

Sales and consumption of birds

- r. Birds killed or taken under a licence may be eaten, but may not be sold for human consumption.

Using and Sharing Your Information

s. 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@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>