



## General Licence: To kill or take Woodpigeon to prevent serious damage to crops

### GL31

1 August 2020

#### OVERVIEW

This licence permits people growing crops and people acting on their behalf to carry out activities that would otherwise be illegal against the following protected species of wild bird:

#### Woodpigeon, *Columba palumbus*

This licence may only be used:

1. for the purpose of preventing serious damage to crops by this bird species;
2. if serious damage is occurring or is reasonably expected to occur in the absence of licensed action; and
3. where reasonable steps to prevent crop damage by lawful methods have been and continue to be taken.

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).

If you need to take action to prevent serious damage to a type of crop, or in circumstances, not covered by this licence you will need to apply for an individual licence to do so from Natural England.

Registration	Users do not need to register to use this licence.
Recording & reporting	Users are advised to keep a record of problems and the use of non-lethal methods, but do not need to submit records.
Reference	WML – GL31

#### LEGISLATION

Statute(s)	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act').
Section(s)	This licence is issued under sections 16(1)(k) and 16(5). This licence permits, to the extent stated at 5 & 6 below, actions which may otherwise constitute offences in sections: 1(a), (b) & (c); 5(1)(b) and 5(1)(c)(iii).

#### LICENCE TERMS and CONDITIONS

1. **Valid for the period** 1 August 2020 to 31 December 2020 (inclusive).
2. **Area valid in** All counties of England (landward of the mean low water mark).

3. **The purpose(s) for which this licence can be used** This licence can only be used to **prevent serious damage**<sup>1</sup> to crops (including fruit and vegetables)
4. **What species are covered by this licence** **Woodpigeon, *Columba palumbus***
5. **What this licence permits** This licence permits:
- Killing or taking of the species listed above and
  - Taking, damaging or destroying their nests while that nest is in use or being built, or taking or destroying their eggs
6. **The methods of killing and taking permitted under this licence** The methods permitted are:
- Shooting with any firearm, including **semi-automatic**<sup>1</sup> firearms, shotguns or air guns
  - Pricking of eggs
  - Oiling of eggs using paraffin oil (also known as Liquid Paraffin BP or light/white mineral oil)
  - Destruction of eggs and nests
  - A **multi-catch**<sup>1</sup> cage trap
  - Falconry
  - Hand-held or hand-propelled nets
  - By hand
7. **Who can use this licence** a) This licence can only be used by people growing crops, and by people acting on their behalf, except those convicted on or after 1 January 2010 of a **wildlife crime**<sup>1</sup> (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.
8. **When this licence can be used** a) Only as a last resort to prevent **serious damage**<sup>1</sup>.
- b) Before using the licence reasonable endeavours must have been made to resolve the problem using the lawful methods identified in Annex 1 below (unless their use would be impractical, without effect or disproportionate in the circumstances) and any other lawful methods that may be appropriate in the circumstances.
- c) Reasonable endeavours must continue to be made to resolve the problem using such appropriate lawful methods alongside use of the licence.
- d) Only undertake lethal control of birds during the **peak breeding season**<sup>1</sup> if lethal control at other times or use of other licensed methods (e.g. egg destruction) would not provide a satisfactory

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<sup>1</sup> See Definitions

solution.

- e) Any person using this licence must be able to show, if asked by an officer of Natural England or the Police:
- (i) what type of crop any action under this licence is protecting;
  - (ii) what lawful methods have been, and are being, taken to prevent serious damage to such crops by woodpigeon or why the lawful methods have not been taken;
  - (iii) what measures have been and are being taken to minimise losses due to other species and causes; and
  - (iv) why the threat of serious damage from woodpigeon is sufficiently serious to merit action under this licence

Licence users are advised to keep a record or log of crop damage and of efforts to address problems by legal methods

## 9. Use of traps

The use of traps 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)

## 10. Welfare requirements

- a) All reasonable precautions must be taken to avoid unnecessary suffering of birds killed or taken under this licence.
- b) Birds killed under this licence must be killed in a quick and humane manner.
- 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 non-target animals.

The application of the 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. European and nationally protected sites

- a) For protected sites with interest features that include bird species, no action authorised by this licence is permitted to take place within those sites or within 300 metres of the boundary of such site. For the avoidance of doubt, this restriction applies to:
  - (i) all Special Protection Areas (SPAs);
  - (ii) any Ramsar site with Qualifying Features that include bird species; or
  - (iii) any Site of Special Scientific Interest (SSSI) for which a bird species is a feature of special interest.
- b) For protected sites with interest features that do not include bird species but do include habitats or flora, no trapping is permitted within the boundary of those sites. For the avoidance of doubt, this restriction applies to:
  - (i) any Special Area of Conservation (SAC) with Qualifying Features that include habitats or flora; or
  - (ii) any Ramsar site with Qualifying Features that include habitats or flora.

- c) The restrictions in condition 11(a) and 11(b) do not apply to:
- (i) Ramsar sites with interest features that are solely animal species which are not birds (for example, only bat interest features); or
  - (ii) any protected site identified on a list that Natural England may subsequently publish should it be satisfied that these restrictions can be removed.
- d) If you need to carry out action that would otherwise be permitted by this licence on land excluded on account of the above conditions you will need a consent or assent. This licence is not a consent for the purposes of Part 2 of the Wildlife and Countryside Act 1981 (as amended) in respect to SSSIs. It is your responsibility to get consent or assent if required before this licence can be used on any SSSI.

See Advice (v) to (viii) for further information, including where to find maps showing which protected sites are affected by these conditions.

## 12. Definitions used in this licence

“Crops” for the purpose of this licence refer to cultivated plants grown on a sufficient scale to have economic or financial value.

“Good practice” means Natural England’s *Wildlife Management Advice Note: Legal measures to resolve conflict with wild birds* (WML-GU01) and any other relevant good practice published by the British Association for Shooting and Conservation or the Game and Wildlife Conservation Trust. If there are conflicts between this good practice and the terms and conditions of this licence, the licence will prevail.

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

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

“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.

“Peak breeding season” of the woodpigeon for the purpose of this licence is taken to be the period from May to September.

“Semi-automatic weapon” is as defined in [section 27\(1\) of the 1981 Act](#). 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.

“Prevent serious damage”: The licence allows action to *prevent* damage which means the licence can be used if serious damaging is occurring or if there is a strong likelihood that it will occur in the absence of licensed action. Annex 2 explains what amounts to “serious damage” for the purpose of 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 under 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. Defra 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 mean you are not 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 the Secretary of State on 1 August 2020.

## Advice

### Legal basis of this licence

- (i) The Secretary of State has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [Legislation.gov.uk](https://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, the Secretary of State.
- (ii) This licence can be modified or revoked at any time by the Secretary of State, but this will not be done unless there are good reasons for doing so.
- (iii) 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.
- (iv) 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.

### Protected sites

- (v) You can use the MAGIC interactive mapping website <https://magic.defra.gov.uk> to identify the location of SSSIs and European Sites. MAGIC includes map 'layers' to help identify the protected sites affected by Condition 11. The layers can be found by selecting the tabs for 'Designations' followed by 'Land Based Designations' and finally 'Statutory'. The two layers are:
  - *Wild Bird General Licence Exclusion Zone* layer indicates the sites and buffers subject to Condition 11(a) and
  - *Wild Bird General Licence Restriction Zone* layer indicates the sites subject to Condition 11(b)

These layers may be revised periodically in accordance with the provisions of Condition 11(c)(ii).

- (vi) You can search for and view details about all SSSIs by using Natural England's [Designated Sites system](#). The notification documents for each SSSI contain a list of operations that require Natural England's prior consent. Owners and occupiers of land notified as SSSIs are required to give written notice to Natural England before either beginning any of these operations, or allowing someone else to carry out those operations. SSSI consent can only be given to a SSSI

owner or occupier. It may be given with or without conditions, or in some cases, consent may not be granted. A similar process applies to public bodies and statutory undertakers (as defined under Section 28G of the Wildlife and Countryside Act 1981 (as amended)) and this obligation applies even where the operations are carried out on land outside of the SSSI.

- (vii) Please note that as the licensee you will not be able to undertake the licensed activity on a SSSI until the owner or occupier of the SSSI has applied for, and received, Natural England's written SSSI consent. If you do so, you may be at risk of committing an offence. As the licensee, if you wish to exercise this licence on a SSSI you must contact the relevant owners or occupiers of the SSSI and ensure they give written notice to Natural England of their proposal to permit you to carry out licensed activity on their SSSI. You should wait until a SSSI consent decision has been received by the SSSI owner/occupier before you begin to exercise this licence on a SSSI. See [Gov.uk](http://Gov.uk) for further information on how to get SSSI consent from Natural England.
- (viii) In considering whether to issue consent or assent for activities likely to affect a SSSI that is a European Site, in other words a Special Protection Area (SPA) or Special Area of Conservation (SAC), Natural England will carry out a Habitats Regulations Assessment, as required by the Conservation of Habitats and Species Regulations 2017 (as amended) to ensure there will be no adverse effects on the European Site.

#### **Severe weather**

- (ix) 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](#). During a period of voluntary restraint and statutory suspension licence users are expected to only take action that is absolutely necessary, and to ensure that their activities do not disturb wildfowl.

#### **Sales and consumption of birds**

- (x) Woodpigeons killed or taken under this licence may be eaten and in accordance with government policy may be sold for human consumption. IMPORTANT: this licence does not permit the killing of woodpigeons solely for commercial and / or recreational purposes, and only activities conducted in accordance with this licence are authorised. If there is evidence that this licence is being used inappropriately then Natural England may review this licence.

#### **For licensing enquiries:**

**Telephone** 0330 159 1986

**Email** [GLEnquiries@defra.gov.uk](mailto:GLEnquiries@defra.gov.uk)

## Annex 1: Appropriate lawful methods of resolving problems

This section lists methods that are considered capable of reducing or resolving the type of serious damage to each of the categories of crops covered by this licence. Many of the methods represent normal management practice and are common sense. They will be appropriate methods of resolving any problem unless their use would be impractical or disproportionate in the circumstances. The list of methods is not exhaustive. 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 of a number of different methods. It is important that methods are employed effectively: at the right time, in the right way, and that methods are varied regularly. Birds commonly become habituated 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.

It is recommended that use of these methods complies with published **Good Practice**<sup>2</sup> and doing so will help demonstrate compliance with these requirements.

### Preventing serious damage to growing crops (excluding fruit and vegetables)

#### Category

#### Advice on methods

#### Scaring and deterrents

- Use a wide range of devices and methods, varying them as often as possible, and use active human scaring. Random movement, sound, and unpredictability help prevent the birds getting used to scaring devices.
- Woodpigeon models (particularly those with outstretched wings, showing the white wing bars) to give the impression of dead birds, and kites/hawk-kites can be effective in deterring woodpigeons.
- If using scarecrows, make it look as real as possible, dress it in your old clothes, sit it on a chair and put a gun-like stick in its hand, move it regularly (ideally daily or more frequently). Occasionally change places with the scarecrow, and use this method to shoot to scare or to kill woodpigeons (under licence).
- Gas cannons, pyrotechnics and recordings of woodpigeon alarm calls can be used effectively, especially when combined with visual deterrents and shooting to scare. Gas cannons should be moved frequently to maintain their effect.
- Shooting to scare is a highly effective method, especially when combined with other techniques. No licence is required for non-lethal shooting to scare birds.

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<sup>2</sup> See Definitions

- Scaring and lethal shooting (under licence) typically work best if they are linked and woodpigeons associate deterrents with lethal control and vice versa.
- Scaring is most effective against large flocks of birds, since one bird that is particularly nervous and flies away, will often take the flock with it.

Information on scaring devices is available from: <http://www.sasa.gov.uk/wildlife-management-publications>

## Preventing serious damage to fruit and vegetables

### Category

### Advice on methods

#### Scaring and deterrents

- Use a wide range of devices and methods, varying them as often as possible, and use active human scaring. Random movement, sound, and unpredictability help prevent the birds getting used to scaring devices.
- Woodpigeon models (particularly those with outstretched wings, showing the white wing bars) to give the impression of dead birds, and kites/hawk-kites can be effective in deterring woodpigeons.
- If using scarecrows, make it look as real as possible. Dress it in your old clothes, sit it on a chair and put a gun-like stick in its hand, move it regularly (ideally daily or more frequently). Occasionally change places with the scarecrow, and use this method to shoot to scare or to kill woodpigeons (under licence).
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- Scaring and lethal shooting (under licence) typically work best if they are linked and woodpigeons associate deterrents with lethal control and vice versa.
- Scaring is most effective against large flocks of birds, since one bird that is particularly nervous and flies away, will often take the flock with it.

Information on scaring devices is available from: <http://www.sasa.gov.uk/wildlife-management-publications>

#### Physical barriers over crops at vulnerable periods

- For high value crops grown on a small scale only, physical barriers can be effective. Netting is the most effective barrier, although lines and tapes can also be used to good effect. Reflective or red and white barrier tape can also provide a visual deterrent, and should be set at varying heights and spacing to break up flight lines.

## Annex 2: 'serious damage'<sup>3</sup> for the purpose of this licence

"*Serious damage*" is damage to an economic or financial interest that exceeds mere nuisance, minor damage or normal business risk<sup>4</sup>.

There is clear evidence that woodpigeons cause serious damage to a range of vulnerable growing crops. For the purpose of this licence, there is considered to be potential for "serious damage" in the absence of licensed action where pigeons are feeding on one or more of the following crops:

- Oilseed rape
- Cabbages, Brussels sprouts and other brassicas
- Beans/Peas
- Cereals
- Linseed
- Newly sown grass/clover
- Sugar beet
- Salad crops
- Any other vegetables
- Any fruit

### Evidence

As explained in condition 8 of the licence, any person using this licence must be able to show, if asked by an officer of Natural England or the Police, what type of crop licensed action is protecting and why the threat of damage is sufficiently serious to merit action under the licence, notwithstanding the use of appropriate lawful methods to contain the threat. Relevant evidence will include examples of actual losses during the present year or in recent years.

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<sup>3</sup> For further guidance on defining 'serious damage' see 'Guide to sustainable hunting under the Birds Directive'. 2008 edition (paragraphs 3.5.7 to 3.5.11), available at: [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/guide\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/guide_en.htm)