

Summary of Licensing Decision:

The decision maker considered all the evidence that had been provided by the applicant. They also took account of the recommendations made in the technical assessment and input received from other specialists within Natural England.

Assessment of the application against the licensing tests

There is no specific policy or policy guidance for this type of application, therefore it was assessed under the Defra Wildlife Management Policy (Defra 2011).

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

A priority action within the government's *Biodiversity 2020: A strategy for England's wildlife and ecosystem services* was to "Take targeted action for the recovery of priority species, whose conservation is not delivered through wider habitat based- and ecosystem measures". One of these actions was the creation of the *Joint action plan to increase the English hen harrier population* (Defra, 2016), which includes as an action a trial of a Brood Management Scheme.

The existence of the Joint Action Plan, and the inclusion of a Brood Management trial as a sub-action, emphasises that there is a genuine problem to resolve. There is a lack of existing information available on brood management as the techniques are untested and their effects are not yet known. There is, therefore, a need to gather this evidence to increase our knowledge of brood management and inform a decision on the possible future use of brood management as a management tool to conserve hen harrier populations.

2. No satisfactory alternative to the proposed action

There is no satisfactory alternative to undertaking a scientific trial to investigate the effects of brood management on hen harrier numbers in the English uplands. The need for such a trial is outlined in the Hen Harrier Joint Action Plan, and research is required to investigate the suitability of a brood management scheme as a conservation tool. The trial must be carried out in the English uplands to be able to determine the effect on human perceptions and behaviour and the impact on the English hen harrier population. There is currently no evidence to indicate that hen harrier numbers will recover to a higher level without further intervention and a continued decline has been recorded by past population surveys. Therefore, it is not considered a satisfactory alternative to wait for a population recovery prior to trialling brood management.

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

The trial should sufficiently contribute to providing the evidence/ knowledge required to underpin a future brood management scheme for the purpose of conserving hen harriers. The current proposed trial is unlikely to make a sufficient contribution to the knowledge required to underpin a full brood management scheme for the purpose of conserving hen harriers under Section 16(1)(c) of the Wildlife and Countryside Act 1981 (as amended). For this test to be passed, the following would be required:

- Details of scientific advisory group to oversee the research undertaken as part of the project to be submitted to Natural England for approval in advance of the trial.
- A detailed plan of the research aims, methods, monitoring and evaluation to be submitted to Natural England for approval in advance of the trial.

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

The English hen harrier population has declined considerably with only 4 breeding pairs recorded in England in 2016 and the English population is considered to be of highest conservation priority. Measures have been implemented including through the Hen Harrier Joint Action Plan, but the population has continued to decline. Therefore, a brood management trial is considered to be proportionate to the need to gain knowledge to possibly employ the technique as a conservation tool for English hen harriers. The trial is time-limited and will only include the taking of hen harriers to analyse whether brood management could be successful in the English uplands.

The Joint Hen Harrier Action Plan states the aim of a brood management scheme would be “to remove harrier broods from driven grouse moors once breeding numbers had reached a density at which they would impact significantly on grouse numbers”. The proposed trial would test a brood management scheme at a density with an impact of 3-5% reduction of grouse. The proposed trial has the disadvantage that the trial is taking place at a density that would be less likely to meet the licensing tests if used in a future licence application for a full scheme, making conclusions of the trial less powerful. The use of the lower intervention density threshold, however, has the advantage that the trial of brood management is more likely to commence within the licence period. The low intervention threshold reduces the power of the trial, but the actions are still proportionate to the problem to be solved.

5. The action to be licensed will have no adverse effect on the conservation status of any species or habitat

All risks to individual hen harriers and to hen harrier populations related to this project were assessed. Risks related to disease, persecution and predation of birds in release pens, care for captive birds, impacts on breeding behaviour and transport were carefully considered.

The technical assessment and Habitats Regulations Assessment (HRA) identified that there were some residual risks not sufficiently managed in the project plan. Detailed protocols for post-release health surveillance (PRHS) are not included within the disease risk assessment; provision is made for assessing the security requirements at each release site, but confirmed security arrangements for the pens are not specified; some risks could remain from the impact of brood management on future breeding behaviour of managed juveniles and of pairs whose nests had been managed.

For this test to be passed, a number of conditions would need to be added to a licence to further manage these outstanding risks.

Habitats Regulations Assessment

As the hen harrier is a designated feature of the Bowland Fells SPA and the North Pennine Moors SPA and the release pens could be sited on numerous SACs throughout the northern uplands, Natural England has carried out an appropriate assessment under the Conservation of Habitats and Species Regulations 2010 (as amended). Natural England has concluded that a licence may be issued, but only subject to the strict implementation of conditions to manage any residual risk to the designated features of the sites.

Conclusion

In relation to the conclusions and advice on conditions in the technical assessment, the decision maker undertook further discussions internally, including taking advice from the technical assessor, before reaching the following conclusions:

A licence with conditions could be issued, provided the conditions address the outstanding issues and allow the licensing tests to be satisfied.

The issue of a licence, including stringent conditions, to allow a limited trial of brood management of hen harriers on grouse moors was appropriate.

A robust monitoring and evaluation plan will be required to ensure that the knowledge gained through the trial contributes to hen harrier conservation. Any risk to hen harrier populations as a result of the licence will be mitigated by the conditions imposed. The conditions would also need to reflect the Conservation Objectives for the designated sites to allow Natural England to conclude in the HRA that the trial can be compatible with the conservation interests of the designated sites.