

Impacts of Predation by Fish-Eating Birds on Inland Fisheries 2011

Review in England

Aims-Scope

June 2011

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PB 13588

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Introduction

This paper sets out the terms of reference, scope and timeframes for an evidence led review of Defra's current policy in relation to controlling the impact of predation on inland fisheries and fish farms from fish-eating birds, and, specifically, in relation to the threat of serious damage caused by cormorants, goosanders and red-breasted mergansers. The policy was last reviewed in 2004/5 and it is sensible to look again at the policy (this timeframe being in line with Defra's five year policy review cycle).

The review will invite evidence and expert opinion in order to ensure policy continues to be based upon the best available evidence and is robust and fit for purpose. Defra officials from the Biodiversity Programme will lead the review with expert advice from its nature conservation advisors (including Natural England which is the licensing authority for the control of fish eating birds, Cefas and Fera) and through close working with those individuals and organisations that have a strong interest in the outcomes of the review, particularly the Angling Trust and the RSPB.

A four phase approach to conducting the review will be adopted:

- 1) evidence and data gathering
- 2) analysis and assessment (including advice to Defra Ministers as whether evidence indicates public consultation is appropriate)
- 3) public consultation (if required based on outputs of phase 2)
- 4) reporting and recommendations

This approach does not preclude action being taken before the final phase where such actions fall within the scope of this review, are consistent with Defra's policies, can be shown to deliver a better result for customers and will not require public consultation. It is anticipated that the review process will be facilitated by regular dialogue between the review team and stakeholder representatives. A formal 12 week public consultation will also be conducted if the results of the analysis and assessment in Phase 2 suggest such consultation is necessary.

Background

Richard Benyon, Parliamentary Under-Secretary for Natural Environment and Fisheries, announced at the Angling Summit on 25 January that Defra would conduct a review of its policy for the control of fish-eating birds where such birds are causing serious damage to inland fisheries. It is recognised that any recommendations made following review will need to be compatible with national and EU law and maintain the conservation status of the bird species concerned.

It has been established, and broadly accepted across the EU, that cormorants can cause significant damage to fisheries and fish farms, resulting in financial losses for operators. However, the mere presence of birds at a site does not necessarily mean that a problem is occurring. Thus, cormorant/fishery conflicts are typically assessed on a case-by-case basis. A significant amount of research has been undertaken, both in the UK and internationally, into the impacts of fish-eating birds (particularly cormorants) on fisheries and strategies for mitigating and managing these impacts. It is not, therefore, anticipated that this review will require or

result in further primary research, but will rely on existing findings in terms of understanding cormorant ecology and management techniques. The review will focus rather on gathering data and evidence on the current impacts of predation within England, as well as also assessing the effectiveness of the management techniques currently employed to mitigate these impacts. The review will also look at the current licensing system to see how this might be better tailored to customers' needs and consideration will also be given to the level of licensed lethal control currently available to fishery managers and landowners to manage fish eating birds.

Natural England currently acts as the licensing authority for the issuing of licences to control fish-eating birds where they are causing, or are likely to cause, serious damage to inland fisheries in England. Licences may be granted if certain criteria in section 16 of the Wildlife and Countryside Act 1981 are met and according to a process established in 2004. Natural England currently license the lethal control of approximately 10 - 11% of the (UK) overwintering cormorant population based upon a population model that relies on an annual winter assessment of cormorant numbers. The model enables the extent of lethal control to be modified year on year in response to changes in the cormorant population and relative to an initial baseline level. This adaptive resource management approach is designed to ensure the lethal control of cormorants under license does not adversely affect the long-term conservation status of the birds. There are a number of criteria that need to be fulfilled before a licence is granted. In particular, evidence is required in respect of serious damage and that there are no alternative satisfactory solutions which can be used to prevent such damage (for example, other non-lethal management methods have already been tried and have failed). Relatively few licences are issued in respect of goosanders and red-breasted mergansers. Lethal control of these species is determined on an individual licensing (site-specific) basis without the use of population modelling.

On average, under the current policy, 1395 cormorants have been shot each year between 2005 and 2009 to prevent damage to inland fisheries.

Legal and Policy Framework

The review and any subsequent recommendations will need to be made in the light of the existing legal and policy framework which is summarised below.

The EC Wild Birds Directive ('the Directive')

The EC Wild Birds Directive provides a robust framework for the protection of wild birds¹, their habitats, eggs and nests across the European Union. The UK's current licensing regime in relation to the management of fish eating birds is designed to ensure compliance with the Directive. Any revision to the policy being considered must ensure continued compliance with the Directive.

The Directive places an obligation on UK Government to establish a strict system of protection for wild birds, and amongst other restrictions, wild birds (including wild fish eating birds) should not be deliberately killed. However the Directive provides for a system of derogations (or

¹ The Directive provides for the conservation of all species of naturally occurring birds in the wild state in the European territory of the EU Member States.

permitted exceptions) that means in some circumstances it is possible to kill wild birds under strictly controlled conditions and when certain tests can be met. One circumstance where wild birds may be lethally controlled, including through shooting, is where it can be shown that they are causing, or are likely to cause, serious damage to fisheries. Before lethal control can be employed to prevent serious damage to fisheries the licensing authority needs to be satisfied (and the applicant needs to show) that there is no other satisfactory solution to prevent such damage.

UK Government also recognises the need, in order to deliver the obligations of the Directive, to ensure the conservation of wild bird species. Accordingly, licences issued to control fish eating birds to prevent serious damage to fisheries, must not jeopardise the conservation status of species concerned.

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

The UK transposes the Directive (on land) primarily through the Wildlife and Countryside Act 1981 and it is this legislation that establishes the framework in England for the control of fish eating birds where they come into conflict with inshore fisheries. Section 1 of the 1981 Act, makes it an offence to kill, injure or take any wild bird or to damage or take their nests or eggs.

In relation to derogations under the Directive, section 16 of the Act provides for a licensing system. A person who kills, injures or takes a wild bird for certain limited purposes under and in accordance with a valid s16 licence issued by Natural England (NE) will not be committing an offence. NE can issue a licence to do something which is otherwise prohibited (e.g. killing, injuring or taking a wild bird) for the purpose of "preventing serious damage to... fisheries or inland waters"². NE can only issue a licence for this purpose if it is satisfied that, as regards prevention of serious damage, there is no other satisfactory solution³.

The 1981 Act therefore mirrors the provisions of the Directive and provides that licences should only be issued under strictly controlled circumstances. In operating the licensing regime, NE will also take into account Defra's policy set out below.

Licensing Policy

The 2004 Review

In 2004, the policy in relation to the licensing of cormorants was revised with the intention of making the licensing system more accessible for those with a genuine need to obtain a licence.

Several key changes were made to the licensing process, though the legal framework within which the licensing system functioned remained unchanged. A model was developed by Central Science Laboratories (now Fera) to predict the impacts of lethal control on the English overwintering population of cormorants. Modelling suggested that the previous number of birds lethally controlled (500) could be increased to 2000 (and up to 3000 for a short period) with no resulting long term decline in the population. This new policy therefore increased the potential number of birds shot each year to protect inland fisheries, though all such shooting still required

² Section 16(1)(k).

³ Section 16(1A).

an individual licence. The number of birds licensed to be shot each year therefore depends on the number of applications approved. Each year since 2004 Natural England has, based upon the Fera model outputs, set a threshold for the number of cormorants that may be shot (this has not to date varied greatly from the original threshold of 2000 birds though small adjustments have been made in response to changes in the latest overwintering count)

The 2004 review also resulted in a key change to the way evidence of serious damage was assessed. Due to the difficulty of assessing the status of fish stocks and providing unequivocal evidence of damage at fisheries, a system was established whereby a fishery manager or landowner would need to demonstrate that substantial numbers of birds were preying on fish species that were of known value to the fishery. Thus, assessments relied on providing information on the number, frequency and behaviour of birds at the site and the range and variety of fish species present in order to gain a licence. Evidence of a certain level of depredation by fish-eating birds was no longer required before Natural England could determine an application.

Current licences for cormorants

As with all licences under Section 16 of the 1981 Act there is a general policy presumption against lethal control of wild birds and NE will determine licences in light of specific policy published by Defra. Each licence application for lethal control for Cormorants is considered on a case by case basis. The applicant will need to show the following as set out in Defra's published policy in relation to licensing under section 16 of the Act 1981 (cormorants):

- **Evidence of serious damage:** Serious damage is being, or is likely to be, caused by cormorants at the site. It is accepted that proving damage by direct evidence alone is extremely difficult in many circumstances, if, on balance, it is reasonable to assume from the indirect or circumstantial evidence that cormorants are causing serious damage at a site then this should be taken as the basis for serious damage occurring. (Applicants are required to provide information for example on the species, number, frequency and behaviour of birds at the site, the size, range and variety of fish species present at the site)
- **Non-lethal measures:** All other non-lethal anti-predation measures have either been tried and found to be ineffective, or are impracticable at the site
- **Damage control:** It is reasonable to consider that shooting fish-eating birds will reduce, or prevent from increasing, the level of damage (whether through scaring or, direct reduction of numbers)

The above tests, when applied in light of the cormorant population modelling, are designed to allow for the control (including the lethal control) of cormorants while also ensuring their overwintering population does not suffer any long term decline. In effect therefore the current system ensures, before grant of a licence for lethal control that, 'serious damage to fisheries' is happening, or is likely to happen, that all reasonable satisfactory alternative solutions have been tried and that the total number of licences issued to shoot cormorants will not result in a long term decline in their UK overwintering populations. The full policy statement is included at Annex A.

Current licences for goosanders and red-breasted mergansers

As with all licences under Section 16 of the 1981 Act there is a general presumption against lethal control of wild birds and NE will determine licences in light of specific policy published by Defra. Lethal control of goosanders and red-breasted mergansers is determined on an individual licensing (site-specific) basis without the use of population modelling.

The policy in relation to the above licensing for fish eating birds is laid out in more detail in the following documents:

- 'Wildlife Management in England - A policy making framework for resolving human-wildlife conflicts' available at - <http://archive.defra.gov.uk/wildlife-pets/wildlife/management/documents/policy-making-framework.pdf>
- 'Licensing under section 16 of the Act 1981 (cormorants)' (Annex A)
- 'Wildlife Management Policy' (Annex B)
- 'Species licensing under Part 1 (excluding section 14) Wildlife and Countryside Act 1981' (Annex C)

Aims of Review

- **To gather evidence on the current impact of fish-eating bird predation on inland fish stocks and fisheries by three species (cormorants, goosanders and red-breasted mergansers)**
- **To evaluate, through consideration of 'real world' examples, the effectiveness of management techniques (whether they require a licence or not) for the control of fish-eating birds as currently employed in England**
- **To assess the current licensing regime in light of current levels of serious damage to fisheries, customers' needs, and the conservation status of the three species of wild bird mentioned.**
- **To assess the current levels of lethal control of fish eating birds available to prevent serious damage to fisheries and consider the merits of changes to this level**
- **To assess the effectiveness of current model used by Natural England for setting the level of cormorant licensing**
- **To ensure the conservation status of cormorants, goosanders and red breasted mergansers is not jeopardised**

Outputs

- A report for Defra Ministers will be produced by Defra officials detailing the findings of the review including recommendations for further steps in early 2012
- It is expected the results of the review will be made publically available soon after.

Timeframes

The review will be split into four broad phases:

Summer 2011

- Phase 1 Data and Evidence Gathering for Public Consultation Exercise
- Phase 2 Analysis and Assessment (including advice to Defra Ministers as whether evidence indicates public consultation is appropriate)

Autumn 2011

- Phase 3 Public consultation (if necessary)

Spring 2012

- Phase 4 Reporting

It is anticipated a final report and recommendations to Defra Ministers will be made in early 2012.

Following consideration of the recommendations by Defra Ministers an announcement of the outcome of the review will be made in spring 2012.

Owing to the timeframe of the review it is unlikely any significant changes will be made which will affect the issue of this year's licences for controlling cormorants (i.e. winter 2011/12); licence applications will be considered and licences will be issued, as usual, in time to commence control on 1 September 2011. The exception to this is where quick fixes can be identified and implemented to the current licensing regime or guidance, providing such quick fixes fall within the scope of this review, are consistent with Defra's policies, can be shown to deliver a better result for customers and will not require public consultation.

Resources and Roles

Defra's Wildlife Crime, Zoos and Birds Policy team will lead the review with support and advice from Cefas, Fera and Natural England. The following will form the review team and supporting roles.

Review Manager – Elaine Kendall (Defra, Head of Wildlife Crime, Zoos and Birds Policy team)

Review Team -
Tim Andrews (Defra, Wild Birds Policy Advisor)
Elif Skinner (Defra, Wild Birds Policy Advisor)
TBC (Defra, (Migratory and Freshwater Fisheries Team))
Ian Russell (Cefas)
Dr Matt Heydon (Natural England)
Dr Graham Smith (Fera)
TBC (Environment Agency)

Suggested Key Customer / Stakeholder Representatives -
Bruno Broughton
(Independent Expert)
Mark Owen (Angling Trust)
Sarah Eaton (RSPB)

The Devolved Administrations in Scotland, Wales and Northern Ireland will be kept informed and consulted on where this policy review may impact upon their policy responsibilities.

Scope and Delivery Plan

Inclusions (Scope)

- Control in practice / levels of damage:
 - new evidence on current levels of damage to fisheries
 - changes since last policy review (i.e. what's changed to drive need for change in policy)
 - efficacy of tools employed to control birds (lethal and non-lethal)
 - is best practice consistently employed?
 - what is being done in other countries?
 - are licences fully utilised?
 - current guidance on managing conflicts – adequate?
 - how effective is lethal control in preventing serious damage?
 - what level of unlawful lethal control is used?
- The current licensing process as administered by NE including:
 - content of form and information requested
 - evidence thresholds (for serious damage)
 - number of site visits (the need for all 1st applicants to be visited)
 - licensing period (consequences of further control in breeding season)
 - efficacy of process for assessing application for prevention of serious damage

- Population Modelling and conservation status:
 - current conservation status for three species
 - modelling for population impacts of control throughout the year
 - modelling for population impacts of control during breeding season
 - modelling for increased and decreased levels of lethal control – e.g. 8%, 12%, 15% and 20% of UK overwintering population
 - review of current management baseline and efficacy of current model
 - review of UK population figures (are these accurate?)

Exclusions

- A national cull is not being considered for any of the three species as this would likely result in a long term decline in their population and would be inconsistent with the Birds Directive
- Legislative changes / additional regulation are not being considered (current legislation, primarily the 1981 Act, provides adequate flexibility to deliver a range of management tools)
- Interactions with the Water Framework Directive (WFD) (while there are various interactions between wildlife licensing and the obligations for the UK under the WFD the current licensing regime under section 16 of the Act is not felt to be one of the key delivery tools for achieving Good Ecological Status of rivers and aquatic ecosystems)
- The Review is limited to England but details regarding the process of review and outcomes will be shared with all UK administrations

Table 1 below provides a summary of the key steps, the timetable for delivery of these steps will be agreed by the review group.

	Issue	Owner	Evidence / Data required / Methodology
PHASE 1 – Data and Evidence Gathering	1.Control in practice / levels and consequences of damage		
	1.1 Update and ‘planning for delivery’ meeting	<i>All</i>	Meeting to agree timeframes and the details of how each of the actions can be delivered – date to be confirmed
	1.2 Current levels of damage to fisheries	<i>Ang Tst/E A/Cefas/NE</i>	While it is difficult to accurately assess damage to fish stocks an evidence based broad assessment needs to be made of the scope of the current damage – what fisheries are most impacted, by what species and what are the costs to the industry?
	1.3 Changes since last policy review	<i>All</i>	What other factors are influencing fish stocks and fisheries? Broad assessment

		of drivers for change to policy required.
1.4 Efficacy of tools employed to control birds (licensed and unlicensed)	<i>Cefas</i>	Evidence of current practice to be gathered – effectiveness of non-lethal means employed and licensed methods – evidence regarding use of best practice.
1.5 Current Guidance	<i>All</i>	Is current guidance adequate?
1.6 Conservation status of three species assessment of population data available	<i>NE/RSPB/WWT/BTO/JNCC</i>	Current assessment of conservation status for UK populations and an assessment of population figures used.
1.7 Officials visit to fishery to discuss first hand experiences of predation	<i>Defra/AT</i>	It would be useful for officials to meet stakeholders impacted by predation in order to understand the challenges faced.
2. Current Licensing process		
2.1 Content of form and information requested	<i>AngTst/All</i>	AT is currently asking members to submit their experiences of using the current system onto the AT website. These need to be collated and summarised.
2.2 Evidence thresholds (for serious damage)	<i>NE / Defra / Cefas</i>	NE / Defra / Cefas will consider current evidence provided for serious damage in light of legal and policy commitments.
2.3 Number of site visits (the need for all 1st applicants to be visited)	<i>NE / Defra</i>	Consider the benefits of current policy regarding visits (i.e. the provision of advice to applicants as well as enforcement) vs the costs to fishery managers.
2.4 Licensing period (consequences of further control in breeding season)	<i>ALL/RSPCA</i>	Modelling (discussed below) may offer some underpinning evidence for review- in addition consideration needs to be given regarding the policy (animal welfare / public perception) in relation to lethal control of birds during the breeding season.
2.5 Efficacy of process for assessing application for prevention of serious damage	<i>AngTst / All</i>	Assessment of whether current system ensures serious damage can be prevented. Documented examples of where the

			licensing process has failed to prevent serious damage collated.
PHASE 1 – Data and Evidence Gathering	2.6 Implement any 'quick fixes' identified	<i>NE</i>	Where changes to the current licensing process have been identified and agreed, they should be implemented before the 2011 licensing period
	2.7 Assess efficacy of current model used to assess impacts of lethal control of cormorants	<i>Defra/Cefas/Fera/NE/AT/RSPB</i>	Consider the Fera (CSL) model currently used by NE when setting the level of lethal control to be permitted.
	3. Population Modelling and Conservation Status		
	3.1 Modelling for population impacts of control throughout the year	<i>Defra / FERA</i>	Run modelling scenarios for breeding period (& throughout the year) and for decreased / increased levels of lethal control / changes in baseline
	3.2 Modelling for population impacts of control during breeding season		
3.3 Modelling for decreased and increased levels of lethal control 8% 12%, 15% and 20% of UK overwintering population			
3.4 Modelling effects of changed baseline			
4. Evaluation and Analysis			
Phase 2 Analysis and Assessment	4.1 Compile and assess evidence from Phase 1	<i>Defra / Cefas / NE/EA</i>	Summarise both the current level of impacts of predation, the current licensing system and the use of management tools employed. Consider the conservation implications for 3 species. Results of analysis to inform public consultation paper if assessment suggests such consultation is necessary. Consider also obligations (particularly the need for Appropriate Assessment) in relation to Natura 2000 sites where the wild bird species under consideration are present.
		<i>ALL</i>	An opportunity to review the

			evidence compiled to date and identify omissions and corrections before finalising options for public consultation, if such consultation is required.
	4.3 Assessment of the need for public consultation	Defra	Defra officials will advise ministers whether based upon the outputs of phases 1 and 2 public consultation is required.
Phase 3 Pub. Cons	5. Public Consultation [if required]		
	5.2 Public Consultation (if required following assessment in 4.3)	Defra	12 week consultation providing options and inviting further evidence run over part of the 2011/12 licensing period
Phase 4 Reporting	6. Reporting		
	6.1 Final Report and Recommendation to Ministers	Defra	Defra officials will review the results of consultation and report to Ministers and make recommendations.
	5.4 Outcome of Review Published	Defra	Publish outcomes on Defra website

Key Research and Policy Documents

Annex A: Policy: Licensing under section 16 of the Act 1981

Scope

This policy statement relates to licensing functions under the Wildlife and Countryside Act 1981 which Natural England are authorised to perform as set out in the Part 8 Agreement dated 29/09/06 between Natural England and Defra under section 78 the Natural Environment and Rural Communities Act 2006. It should be viewed in conjunction with the 'Agreement on Natural England's discharge of Wildlife Management Functions'.

Main objective

The policy objective is to protect fisheries against serious damage caused by cormorants whilst ensuring that the conservation status of the cormorant is not jeopardised. The policy intends to fulfil this aim by making the licensing system accessible for those with a genuine need to obtain a licence to take/kill cormorants for the purpose of preventing serious damage at specific sites where non-lethal methods of preventing the damage are ineffective or impracticable.

Criteria for licences

In order for a licence to be granted, three fundamental tests must be satisfied:

- A. **Serious damage:** Serious damage is being, or is likely to be, caused by cormorants at the site. It is accepted that proving damage by direct evidence alone is extremely difficult in many circumstances. If, on balance, it is reasonable to assume from the indirect or circumstantial evidence that cormorants are causing serious damage at a site then this should be taken as basis for serious damage occurring.
- B. **Non-lethal measures:** All other non-lethal anti-predation measures have either been tried and found to be ineffective, or are impracticable at the site.
- C. **Damage control:** It is reasonable to consider that shooting cormorants will reduce, or prevent from increasing, the level of damage (whether through scaring or direct reduction of numbers).

Consequences of the policy

Where the tests set out above are met, licences can allow fishery managers to undertake, if appropriate, lethal shooting to either

- i. scare other cormorants; or, if this is judged likely to be ineffective,
- ii. effect a reduction in the numbers of cormorants at the site.

The number of cormorants which could be killed

NE must set a prudent national upper limit to ensure that licensed removal does not irreversibly affect the conservation status of the species. This must be evidence based and should take full account of the CSL cormorant model which will include data on the actual number of cormorants that have previously been killed under licence. Data from the model will be made available to NE. *

***Note:** To date under this policy up to 2,000 cormorants may be killed under licence each year (16 April to 15 April) **nationally** (with scope for up to 3,000 for a “short period”). This equates to about 11% (or 18%, if 3,000 birds) of the English over-wintering population. The evidence base supports this number and the expectation is that unless new data comes to light which clearly outweighs the present data, the prudent upper limit will continue at this level.

Impact on the population

Assessment of the impact on the national population of the number of cormorants being shot will be conducted using the CSL cormorant model which will include data on the actual number of cormorants that have previously been killed under licence.

Annex B: Defra Wildlife Management Policy

- Much of our domestic work is based on legally binding EU directives (Birds/Habitats Directives), or international conventions (Bern) in which we, along with many other countries, have made specific commitments to conserve and protect wild fauna and flora. We also have domestic legislation (traps, badgers, deer) which was introduced to reflect domestic priorities at the time.
- This species specific protection (badgers, great crested newts) can lead to occasional conflicts with our socio-economic activities (e.g. farming, land/ property development) or habitat/species conservation. These sometimes conflicting priorities need to be balanced in a sustainable way. This is what is meant by wildlife management. This complements non-species specific measures such as the biodiversity duty placed on public bodies, agri-environment and other incentive schemes and government's involvement in voluntary Habitat and Species Action plans. Wildlife management thus contributes to Defra's Structural Reform Priority to "*Enhance and protect the natural environment, including biodiversity and the marine environment, by reducing pollution, mitigating greenhouse gas emissions, and preventing habitat loss and degradation*" by establishing/maintaining the boundaries within which species protection takes precedence over competing needs. Where we intervene, we do so for specific reasons using available evidence.
- Occasions when wildlife management is necessary include:
 - a) **Very rare or endangered species** (e.g. bats) – there are sound conservation arguments for Government intervention. The main aim is to increase endangered species numbers and distribution.

How: Defra protects and enhances habitats, introducing legislation that prohibits any taking or killing of the endangered species or manages other species that can have a detrimental effect on their long term survival. There is a licensing regime to move protected species under specific circumstances provided appropriate mitigation is put in place. The Department also supports the work of Natural England.

- b) **other Protected species** – all birds and some other species such as badgers are legally protected against indiscriminate killing or disruption but not all of them are endangered species. There are occasions where the presence or behaviour of protected species adversely impacts on people or their activities. The Government aim is to strike a balance between protecting species (and meeting international obligations to do so) and providing effective solutions to the problems that they cause (e.g. badgers undermining railway lines which may cause derailments).

How: the general presumption is that wildlife is not killed. In most cases, people and wildlife are not in conflict with each other. However when conflict occurs, most problems can be resolved using non lethal methods of control (e.g. scaring swans away from valuable crops). Defra promotes the use of non-lethal methods. However, there can come a point when damage caused by wildlife becomes unsustainable and lethal methods of control are required. As the legislation generally prohibits lethal control, Defra policy is to issue licences to kill in defined circumstances where 1) all other reasonable non-lethal solutions have been tried and/or shown to be ineffective and 2) there is a genuine problem/need; 3) there

are no satisfactory alternatives; 4) the licensed action will be effective at resolving the problem and the action is proportionate to the problem. Wherever possible, humane methods of lethal control are used.

- c) Invasive non-native species** (e.g. Grey squirrels, Japanese knotweed, North American mink, parakeets). Invasive non-native species are the second greatest threat to biodiversity worldwide, after habitat destruction and are the greatest threat on islands.

How: The GB non-native species mechanism, established to steer non-native species issues in Great Britain, is made up of the Programme Board and its Secretariat, a Risk Analysis Panel, a Stakeholder Sounding Board, Stakeholder Forum and the creation of working groups as necessary. The Programme Board has consulted publicly on its GB Invasive Non-Native Species Framework Strategy.

There is a particular case for protecting native biodiversity – species and habitats – from the adverse impacts caused by non-native species. Mechanisms available include promoting preventative measures, banning the sale of certain invasive non-native species (public consultation proposals under development), issuing Codes of Practice, and eradication programmes e.g., eradication of the North American bullfrog which predates on frogs, toads, and other animals of similar size and routinely carries the chytrid fungus, which can be lethal to native amphibian.

- d) Other native wildlife** (e.g. foxes/rats) – there is only very general legislative protection which prohibits causing unnecessary suffering. The Government aim is to intervene only where there is clear justification (e.g. serious rabbit damage) and also to support reasonable actions by others (e.g. through the Deer Initiative). Local Authorities or conservation bodies such as Natural England may formulate plans specific to their areas of responsibility.

How: largely dictated by the specific circumstances. However, Defra would normally consult fully on any new proposals.

Natural England is responsible for the delivery of Defra Wildlife Management policy and we have agreed how these functions will be carried out.

Biodiversity Programme

Annex C: Policy Statement-Species licensing under Part 1 (excluding section 14) Wildlife and Countryside Act 1981

Scope

This policy statement relates to licensing functions under the Wildlife and Countryside Act 1981 (the Act) which Natural England is authorised to perform as set out in the Part 8 Agreement dated 29/09/06 (last amended 20/03/2010) between Natural England and Defra under section 78 of the Natural Environment and Rural Communities Act 2006. It should be viewed in conjunction with the 'Agreement on Natural England's discharge of Wildlife Management Functions'.

Main objectives

Defra policy objectives are

- (i) to provide adequate legislative protection for all wild birds⁴ and those species listed on schedules 5 and 8 of the Act against the activities prohibited in Part 15 of the Act;**
- (ii) to ensure that use of the methods for killing or taking wild birds or animals specified in sections 5 and 11 of the Act is strictly regulated;**
- (iii) to ensure that licences granted under sub-sections 16(1) and 16(3) of the Act, are for reasons that are compatible with the purposes set out in those provisions; and,**
- (iv) to ensure that licences granted under section 16(2) and (4) of the Act are subject to appropriate terms and conditions to guard against unsustainable exploitation of the species concerned.**

In this regard, the following policy criteria should be applied:

- i) the cumulative effects of licences should not be detrimental to the conservation status of native wild bird populations or protected species;
- ii) that all other relevant considerations are taken into account when assessing licence applications (for example animal welfare⁶ in cases where specimens will be under the control of man; suitability of applicant to carry out licensed activities; the risk of the licensed action contributing to the spread of disease e.g. Squirrel Poxvirus, Avian Influenza).
- iii) licences should not be unreasonably withheld or revoked.

General licences

General licences⁷ may be issued in one or more of the following circumstances:

⁴ "Wild bird" is defined in this document as in section 27 of the Act.

⁵ Section 14 and Section 16 (4) is subject to a separate policy statement

⁶ Natural England should consider Animal Welfare Act 2006 requirements

⁷ See Section 16(5)

- i) when the issue of licences on an individual basis would impose a disproportionate burden on those needing to obtain a licence and the licensing authority that cannot be justified by the conservation benefit yielded by such an individual approach;
- ii) the actions authorised are not detrimental to the conservation of the native species concerned;
- iii) where the activity being permitted is authorised under a permit issued by the UK Government CITES management authority;
- iv) for the sale of lawfully acquired dead wild birds, except those listed on Annex II/I of Council Directive 147/2009/EC on the Conservation of Wild Birds.

General licences should be reviewed at least every two years to ensure that in respect of wild birds there continues to be no other satisfactory solution, and that for all other species indicated, the methods/means on the licence continue to be appropriate to deal with the issue. Defra should be notified of, and agree, any significant changes to, or new proposals for, general licences. Natural England should ensure that any general licences it grants are made available to anyone who requests a copy.

Judicious use licences in respect of wild birds

In relation to licences granted under section 16(1)(e) - (h) of the Act, Natural England shall only grant licences with respect to wild birds (i.e. those not shown to have bred in captivity) on a selective basis and in respect of a small number of birds. According to guidance issued by the European Commission⁸ “strictly supervised conditions and on a selective basis” should be understood to imply a system of individual authorisations (or narrow category authorisations involving a high degree of accountability), and should imply strict territorial, temporal and personal controls. The Commission guidance also considers “small numbers” to refer to less than 1% of the annual natural mortality of the population of the species concerned.

Licensing conditions

Natural England will be responsible for setting the number of wild birds or protected species permitted to be killed, taken, possessed, injured, disturbed, sold or transported, the methods to be used and any other terms and conditions which it deems appropriate.

Accountability and reporting

Natural England will establish a system to monitor compliance with licence conditions.

Natural England will collate licensing statistics in the agreed format for the purposes of the UK’s annual/biennial reports to the European Commission on derogations from the Birds Directive and to the Bern Secretariat on derogations under the Bern Convention.

Biodiversity Programme, Defra: May 2011

⁸ Guidance document on hunting under Council directive 79/409/EEC on the conservation of wild birds; 2004; European Commission