

Pro forma “Notice and Consent” – Hen Harrier nest management

Background Note:

Under the provisions of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), Natural England must give its written consent to operations that may cause damage to a Site of Special Scientific Interest (SSSI) before they can take place. A list of operations requiring Natural England’s consent is issued and published for each SSSI at the time of designation.

The removal of bird eggs or chicks from a SSSI is an operation that may damage the interest of the site. It therefore requires the SSSI consent of Natural England in addition to any other licencing provisions.

Legally a consent may only be issued to the landowner of the SSSI land on which the licensable activity is taking place.

The SSSI affected by the proposed Hen Harrier Brood Management trial will be determined by the distribution of nesting hen harriers, and therefore it is impossible to be certain ahead of time which landowners will require consent to permit the trial to happen.

As it is impossible to determine where hen harriers will nest and when the criteria to permit brood management to occur will be met ahead of time, Natural England has prepared the attached ‘Notice and Consent’ pro-forma to allow the trial to proceed, subject to landowner agreement and species licence conditions being met. This does not permit any activity to occur without landowner permission.

In the event of brood management being approved by the project board for a given nest, the attached pro-forma will need to be completed by the relevant SSSI land owner/occupier and a copy returned to Natural England at the first opportunity for countersigning. A copy will also need to be retained by the landowner for their records.

Natural England accepts that, in giving its SSSI Consent, egg collection or chick removal for the purposes of brood management when carried out as stated in the brood management species licence, with its associated protocols and safeguards, will not damage the special interest of the SSSI affected.



[name] Site of Special Scientific Interest [county]
("the SSSI")

NOTICE OF PROPOSAL TO CARRY OUT AN OPERATION

Section 28E(1)(a) Wildlife and Countryside Act 1981 (as amended and inserted by section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000)

On behalf of the below-named person(s), Natural England has prepared this Notice of Proposal to carry out, cause or permit an operation (or operations) specified in the SSSI's notification.

That operation (or operations) will be lawful if carried out, caused or permitted by the below-named person in the manner and on the land specified below once this document is signed by or for the below-named person(s) and for Natural England.

Name and address of SSSI owner(s) or occupier(s):

.....
.....

I/we give notice under Section 28(E)(1)(a) of the Wildlife and Countryside Act 1981 of my/our proposal to carry out, cause or permit to be carried out the operation(s) specified below on the land specified below:-

Specified operations:

Removal of eggs/chicks from the nest of hen harriers

Details of proposed operations:

Removal of eggs/chicks from the nest of hen harrier for hatching and rearing to fledging in captivity. This will be done to allow subsequent release of immature birds in accordance with the protocols agreed as part of the Hen Harrier Brood Management Scheme Trial, and under the species licence 2017-28602-SCI-SCI held by [redacted]

Eggs may only be removed from a hen harrier nest that meet the criteria set out in the trial licence application, and under direction of [redacted], licence holder.

The proposed operations will be implemented in strict accordance with the terms and conditions of the Species Licence (ref 2017 – 28602 – SCI –SCI). The key points of the licence include (but are not limited to) conditions that:

- Hen Harrier nest density must exceed the agreed threshold around the nest from which eggs/chicks are being removed.

- Field survey will be carried out before egg removal to ensure other SSSI interest features are not affected
- Only whole clutches/broods will be taken
- pairs may not subject to brood management on successive nesting attempts
- Clutches/broods may only be taken when agreed provision is in place to rear, mark and release the chicks (Note a separate consent will be required for release sites)

A copy of this licence should be present at the time of clutch/brood removal from the SSSI.

Natural England should be notified within 24 hours of a decision to collect a brood under the provision of this consent, and whenever possible this should be before brood collection is carried out.

Please note this consent is time-limited in accordance with the provisions of the underpinning species Licence

.....

Land on which operations are to be carried out:

..... *[or see attached map]*

Signed for owner(s) or occupier(s):

Date:



[*name*] Site of Special Scientific Interest [*county*]
("the SSSI")

CONSENT OF NATURAL ENGLAND

**Section 28E(3)(a) of the Wildlife and Countryside Act 1981
(as amended and inserted by section 75 and Schedule 9 of
the Countryside and Rights of Way Act 2000)**

You have Natural England's consent to carry out, cause or permit to be carried out the operations specified above on the land specified above.

This consent covers the period [*insert the start and end date of the consent here*].

Signed for Natural England :

Date:

Important information about this consent

If you wish to change the proposed operations or their location or to carry out additional operations for which consent has not yet been given, or if a time period set out above has expired, you must give further written notice to Natural England. Before doing so, you can seek advice from Natural England.

You may face enforcement action if you carry out or permit unauthorised operations which destroy, damage or disturb the notified features of special scientific interest.

Before undertaking or permitting the operations specified in this consent, you may also need to get additional permissions from other authorities. For example, the consented operations might also require planning permission from the Local Planning Authority, a permit from the Environment Agency or a licence from the Forestry Commission. It is your responsibility, as the grantee of this consent, to ensure that no other permissions or consents, whether of a public or a private nature, are needed and, if any are needed, to acquire them before you exercise this consent.

This is Natural England's consent only, and it does not allow you to undertake or permit the specified operations without first having obtained all of the necessary permissions needed to undertake the operation lawfully. If you do not obtain all of the permissions you require, and carry out the work anyway, you may face enforcement action from other authorities or parties.

As the grantee of this consent, you are responsible for carrying out the consented operation(s) safely and in all ways according to the law.



██████████ *Area Team*

██████████

██████████

██████████

**If you have any queries or concerns over this consent, please contact ██████████
██████████ at the above address.**

Reference number of operations from SSSI notification documents, for Natural England's use only:

OLD no. 10