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## **Petition P-05-876 Protection of Red & Amber listed species in Wales**

Thank you for your letter of 21 August 2019 to Clare Pillman. I have responded on Clare's behalf to the points you raise in your letter.

We understand that you are seeking additional information on the number of Licences NRW have issued which allow, in specific situations, the use of lethal force to kill wild birds listed as red or amber on Wales Birds of conservation concern<sup>1</sup>.

### **Background**

Natural Resources Wales champions the environment of Wales and works hard to provide opportunities for the conservation of biodiversity. All wild birds are afforded protection under the Wildlife and Countryside Act (1981), but on some occasions, and only when all other avenues of scaring or deterring have failed, we issue Licences to kill birds for specific purposes. In doing so, as the competent licensing authority we carefully balance the needs of conservation with other public interests such as preserving air safety, protecting human health, public safety, minimising damage to crops and livestock and protecting fisheries.

There are two main types of licence – Bespoke and General.

### **Bespoke licences**

Bespoke licences may be issued to control wild birds for many reasons including: human health and safety, fisheries, protection of crops and livestock, foodstuffs, conservation of flora and fauna and air safety. Bespoke licences require specific applications to be made to NRW. They are assessed and determined by the Permitting Service which aims to determine applications within 30 days.

In deciding whether a licence should be granted, all applications involving wild birds are assessed in the same way against the relevant policy and within the legal framework of the Wildlife and Countryside Act (1981). NRW fulfills this role as the wildlife licensing authority,

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<sup>1</sup> **Johnstone, I & Bladwell, S.** 2016. Birds of Conservation Concern in Wales 3: the population status of birds in Wales. *Birds in Wales* 13(1): 3-31

alongside our statutory responsibilities as Welsh Government's adviser on nature conservation. We only issue a licence as a last resort when all other methods have failed to resolve the problem. Furthermore, NRW would not license any activity which in its professional opinion would adversely affect the conservation status of any avian species.

### General Licences

NRW also make available General Licences which provide a legal basis for people to lawfully carry out a range of activities relating to wildlife. Four of them, General Licences 001 to 004<sup>2</sup> are used to give permission to take or kill certain wild birds, or damage, take or destroy their nests, or destroy their eggs for certain purposes for example to protect public health and safety, preserve air safety, to protect crops and livestock or for the conservation of other species. They currently apply to 15 bird species<sup>3</sup> in Wales and are issued under Section 16(1) of the Wildlife and Countryside Act 1981 (as amended). They allow lethal action and capture to be carried out, which would otherwise be illegal, without the need to apply for a bespoke licence. The process relies on the licensee to apply the legal provisions.

### Red and amber lists

Using a well-established approach, based on quantitative assessments against standardised criteria, birds are placed on 'Red', 'Amber' or 'Green' lists to indicate their level of conservation concern. By using a transparent and repeatable approach, based upon the best available monitoring and/or survey data, and conducted by a multi-partner group, Birds of Conservation Concern (BoCC) is a robust assessment of the conservation status of all of the UK's avifauna. The last UK assessment was BoCC4 (Eaton *et al* 2015)<sup>4</sup> and for Wales BoCC3 (Johnstone & Bladwell, 2016)<sup>5</sup>.

It is important to understand that there may be differences between species that are 'listed as 'Red', 'Amber' or 'Green' in the UK and Wales due to country differences in the rate of decline in numbers or range. The last assessment of the population status of birds in Wales (BoCC3) showed of Wales' regularly occurring bird species 54 species were placed on the Red list and 90 species were Amber listed (Johnstone & Bladwell, 2016, see <https://birdsin.wales/wp-content/uploads/2017/01/Birds-of-Conservation-Concern-Wales-3-2016.pdf>). In comparison, 67 of the UK's bird species are currently Red-listed and 96 species Amber-listed (Eaton *et al* 2015).

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<sup>2</sup> NRW General licence 001 - 2019 Licence to kill or take certain wild birds to prevent serious damage to agriculture, forestry or fisheries, or prevent the spread of disease, 002 - 2019 Licence to kill or take certain wild birds for the purpose of preserving public health and public safety, 003 - 2019 Licence to kill or take certain wild birds for the purpose of preserving air safety, 004 - 2019 Licence to kill or take certain wild birds for the purpose of conserving flora and fauna, including wild birds.

<sup>3</sup> Carrion crow, jackdaw, jay, magpie, rook, lesser black-backed gull, herring gull, great black-backed gull, common gull, black-headed gull, lapwing, wood pigeon, collared dove, feral pigeon, Canada goose.

<sup>4</sup> Eaton, M., Aebischer, N., Brown, A., Hearn, R., Lock, L., Musgrove, A. Noble, D., Stroud, D. & Gregory, R. 2015. Birds of Conservation Concern 4: the population status of birds in the UK, Channel Islands and Isle of Man. *British Birds* **108**: 708-746.

<sup>5</sup> Johnstone, I & Bladwell, S. 2016. Birds of Conservation Concern in Wales 3: the population status of birds in Wales. *Birds in Wales* **13**(1): 3-31.

## Numbers of licences issued

### General Licences

The way in which General Licences are administered, originally by Welsh Government and then by NRW, means that we do not gather information about the number of individuals relying on General Licences or the number of birds killed. The process relies on the licensee to apply the legal provisions. Individuals do not need to apply for a General Licence but are required by law to abide by their terms and conditions. They are currently available as downloadable documents on the NRW website and each downloaded General Licence is valid for the calendar year (and are available from 1<sup>st</sup> January).

Of the 15 species currently covered by General Licences in Wales, the latest assessment of the population status of birds in Wales identify 5 birds species are Red-listed (herring gull, great black-backed gull, common gull, black-headed gull and lapwing) and 1 species Amber-listed (lesser black-backed gull).

Recently, NRW has been undertaking a review of some of its General Licences specifically looking at the level of evidence available to support inclusion of the 15 species of wild bird listed on the General Licence suite 001-004 in Wales and appraising the evidence to determine whether, in Wales, there are no other satisfactory solutions available other than lethal measures or capture. Revised licences will be issued in September. Some of the changes made mean that they will no longer apply to any red or amber listed species in Wales.

### Bespoke Licences

The number of licences issued which give permission to kill or capture red or amber listed species in Wales is set out in the table below.

Year	Number of licences issued which include red and amber listed bird species
2013/14	37
2014/15	36
2015/16	45
2016/17	38
2017/18	34
2018/19	31
2019/20	5 to date

We have undertaken a more detailed analysis of the last full year of data 2018-2019. In this financial year a total of 31 bespoke licences were issued by NRW which authorised the killing or capture or taking of eggs of wild birds in Wales which are red or amber listed. See table below.

Licensable activity	Number of licences issued in 2018/19	Red (R) and amber (A) listed species included on licences
Conservation purposes	1	Black-Headed gull (R)

Licensable activity	Number of licences issued in 2018/19	Red (R) and amber (A) listed species included on licences
Preserving air safety	2	Starling (R) Curlew (R) Oystercatcher (A) Linnet (R) Kestrel (R)
Preserving public health/safety	13	Lesser Black-back gull (A) Herring gull (R) Black-Headed gull (R) House Sparrow (A)
Preventing serious damage to fisheries	11	Cormorant (A)
Preventing serious damage to livestock	3	Lesser Black-back gull (A) Herring gull (R) Starling (R)
Preventing spread of disease	1	Mallard (A)

In total these 31 licences permitted the destroying of up to 900 eggs and the killing or capture of 530 birds.

In deciding whether a licence should be granted, all bird applications are assessed in the same way against the relevant policy and within the legal framework of the Wildlife and Countryside Act (1981). NRW fulfills this role as the wildlife licensing authority, alongside our statutory responsibilities as Welsh Government's adviser on nature conservation. For example, serious damage is assessed according to the evidence collated and presented by the applicant as laid out in the licence application. When demonstrating the effectiveness of non-lethal methods, the licence applicant must provide details of the methods used and the length of time methods were in place.

We continue working to improve our processes and permits, and strive to do this in collaboration with others, so that we can work together towards a resilient and biodiverse Wales that supports the wellbeing of our communities.

Yours sincerely



Ruth Jenkins

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