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## General Licences: March 2022 update

### **Introduction**

The purpose of this briefing is to provide an update on the general licensing regime, particularly as it relates to the control of wild birds in England. It also details the work which the NFU has been doing, on behalf of our members, to ensure that these general licences (GLs) remain in place for the farmers who rely upon them to protect their crops and livestock. Links to the current versions of these GLs can be found at the end of this briefing.

Updated information can be found on NFUOnline <https://www.nfuonline.com/sectors/livestock/livestock-news/bird-control-licences-advice-for-members/>

A GL can be used for activities that carry a low risk to the conservation or welfare of a protected species. There are a [series of these licences](#), and those relevant to farm businesses include licences for control of pest birds and stoats, and also for release of gamebirds close to protected sites.

### **General licences for pest bird control: background**

Following a legal challenge by Wild Justice on 25 April 2019, Natural England (NE) revoked three GLs which were used to control wild birds in England. Responsibility for licensing in England was taken over by Defra and the GLs continue to be issued by Defra with input from NE.

Defra announced on 18 June 2020 that it would extend its ongoing GL review until the end of that year. Together with NE, Defra also assessed other areas such as the use of GLs on and around protected sites and types of traps which can be used alongside GLs. Following the completion of Defra's review at the end of 2020, three new licences came into force on 1 January 2021: GL40, GL41, GL42. Those licences were valid until 31 December 2021 and have now been reissued and are valid for 2 years from 1 January 2022 to 31 December 2023.

During the consultation process the NFU was clear that the new general licensing regime must be a straightforward system that enables farmers to control a range of species in order to prevent serious damage to livestock or crops. The NFU are pleased to see Defra has taken the feedback on board, and the NFU will continue to work with Defra to ensure the licensing system is fit for purpose.

### **General licences for pest bird control: update**

GLs were updated on 1 January 2022 and are now valid for 2 years. There is no need to apply for GLs, but anyone controlling pest bird species under GLs in England is required by law to abide by the terms and conditions of the licence.

- [Wild birds: licence to kill or take for conservation purposes \(GL40\)](#) Species covered: carrion crow, jay, magpie, Canada goose, Egyptian goose, monk parakeet, ring-necked parakeet, sacred ibis, Indian house-crow.
- [Wild birds: licence to kill or take for public health or safety \(GL41\)](#) Species covered: jackdaw, feral pigeon, Canada goose, monk parakeet.

- [Wild birds: licence to kill or take to prevent serious damage \(GL42\)](#) Species covered: carrion crow, jackdaw, magpie, feral pigeon, rook, woodpigeon, Canada Goose, monk parakeet, ring-necked parakeet, Egyptian goose, Indian House crow.

### **European Protected Sites**

The GLs allow for control in or around European Protected Sites, (such as Special Protection Areas and Special Areas of Conservation). However, it is important to note, to use the GLs on or near some European sites or its buffer zones, there are additional conditions you must comply with.

It is essential that users fully understand and comply with the terms and conditions and that the licence is applicable to the circumstances within which they are shooting.

### **Licence conditions**

When using a GL, you must be aware of the conditions of the licence. Refer to the full licence for all details. For example, GL42 includes:

- You must be satisfied that reasonable endeavours have been made to use alternative non-lethal methods.
- Birds must be killed in a quick and humane manner.
- Follow the standard licence conditions in WML-GL33. GL33 also provides advice on trapping and the use of decoy birds - <https://www.gov.uk/government/publications/standard-licence-conditions-for-trapping-wild-birds-and-using-decoys-gl33>
- Additional conditions when using the GL on a European site or in its buffer zone. The detail in the licence includes the size of the buffer zone and the species of bird that should not be disturbed. Refer to Condition 5 of GL42 for full details.

### **Individual licences**

In certain circumstances, an [individual licence](#) may be needed as it will not be possible to rely on the GLs. It is important to understand, therefore, that:

- If you need to control a species not listed on a GL you'll need to [apply for an individual licence](#)
- NE launched a [screening process](#) for people planning to apply for an individual licence to control wild birds. The new process aims to speed up the application process so management works can be planned in good time.
- Anyone wishing to control lesser black-backed gulls and herring gulls requires an individual licence.

### **General licence for gamebird release**

An interim general licence ([GL43: Gamebirds: licence to release common pheasants or red-legged partridges on European sites and within 500m of their boundary](#)) was introduced last year for gamebird release in or within 500 metres of a European Protected Site. This allows the release of a specified number of birds in or around protected sites, with a further condition that NE should be provided with details about any release in excess of 50 birds using this [form](#).

This licence is due to expire in May 2022 and it is possible that the reissued GL may contain changed conditions. This may impact the release of birds this summer. [An individual licence](#) may be required when unable to comply with the conditions of the licence.

NE will launch an online Gamebird Advice Service in March to assist with plans for summer releases. When live, this service will be found [here](#) or the email for any gamebird related enquiries is [gamebirds@naturalengland.org.uk](mailto:gamebirds@naturalengland.org.uk)

### **General licence for control of stoats**

NE introduced a new GL for control of stoat on 1 April 2020. It is no longer lawful to use certain types of traps and stoats may only be caught in spring traps or live traps listed in the GL.

The [licence to trap stoats to prevent serious damage to livestock \(GL39\)](#) can only be used to prevent serious damage to the following types of livestock when they are vulnerable to stoat predation:

- domestic poultry and waterfowl,
- gamebirds and wildfowl while they are held captive within a fenced pen, and
- rabbits farmed for the provision of food.

The licence to trap stoats to conserve wild birds (GL38) is [here](#). Defra has produced more [guidance about the licences](#).

See also: [Changes to the control of stoats come into force](#).

### **Control of gull species**

Due to their poor conservation status, herring gulls and lesser black-backed gulls are not included in GLs. The breeding population of herring gull has fallen by 60% in recent decades, with lesser black-backed gulls declining by an estimated 48%.

NE will license gull control through individual licences. [An individual licence application](#) should be submitted in February and March in preparation for the bird breeding season.

[Further guidance to inform potential applicants for licences to control lesser black back gulls or herring gulls is available here](#).

NE have also produced a [Q&A which can be viewed here](#).

### **What is the NFU doing?**

The NFU continues to engage with Defra and Natural England to ensure that new GLs are fit for purpose and fit for farming by collecting and submitting evidence in support of the GLs.

#### Call for Evidence – May 2019

Defra published a Call for Evidence on the withdrawal of GL's on 14 May 2019. Following this, the NFU submitted a comprehensive [response](#) using feedback from members.

Evidence highlighted the main concern amongst members was the sudden removal of the GL's and the devastating impact it would have on their crops and livestock at such a vital time of the year. There was also significant frustration and confusion with the new process for applying for individual licences.

#### Consultation – December 2019

Defra issued a consultation on the future of GLs, with the deadline being December 2019. The NFU collected and submitted evidence from hundreds of farmers, asking for the new regime to be fit for purpose, more transparent and accessible for farmers.

The evidence highlighted how the current system prevents damage to crops, which would otherwise cost thousands of pounds, and prevents horrific attacks by crows on livestock, particularly lambs.

The NFU recommended that the new licencing system should be designed in line with five key principles:

1. **Straightforward:** It is vital that GLs are sufficiently certain, clear, and unambiguous given that non-compliance may lead to a criminal prosecution.
2. **Practical:** Licences must be designed to work practically on the ground and pragmatically with a farm business.
3. **Transferable:** Licences must be able to be used effectively by landowner, land manager, tenant, or pest controller. NFU members continue to report that the authorisation required is not sufficiently clear.
4. **Evidence:** There must be clarity on the record keeping requirements for farmers to demonstrate serious damage and of the non-lethal methods being used.
5. **Species:** Each GL should allow control of a range of species to prevent serious damage or disease. A species by species approach can be very difficult to implement on the ground.

### **Individual licences**

The [individual licence application process](#) can take a considerable time, with an increased burden on the applicant and delays in processing from Natural England. The NFU worked with Defra and NE on solutions to this issue to ensure the requirement for individual licences was minimised.

### **Links to the current GLs**

- [GL40 - Wild birds: licence to kill or take for conservation purposes](#)
- [GL41 - Wild birds: licence to kill or take for public health or safety](#)
- [GL42 - Wild birds: licence to kill or take to prevent serious damage](#)
- [GL43 - Gamebirds: licence to release common pheasants or red-legged partridges on European sites and within 500m of their boundary](#)
- [GL39 - Stoats: licence to trap them to prevent serious damage to livestock](#)
- [A08 - Wild birds: licence to kill, take or disturb to prevent disease or agricultural damage](#)