



Scottish Natural Heritage
Dualchas Nàdair na h-Alba
nature.scot

2019 General Licensing consultation

1. INTRODUCTION

Thank you for taking part in this consultation about General Licences for 2020.

We are seeking views on how we can improve our General Licences, in particular this year we are concentrating on General Licences 1-3. We welcome responses from those operating under any of our General Licences and others with a more general interest in them.

This consultation has been brought forward due to ongoing legal challenge to the general licensing system in England. Whilst the legal system in Scotland is different we feel it is appropriate to ensure that our Licences take into account the implications of those challenges.

Please ensure you complete the online response by Wednesday 9th October 2019. Late submissions will not be accepted.

If you would rather submit your comments online, the consultation link is <https://www.smartsurvey.co.uk/s/2019GL/>

BACKGROUND

Species licences permit individuals to carry out activities that would otherwise constitute an offence. SNH, in keeping with the principles of Better Regulation and our responsibilities under the Scottish Regulators' Strategic Code of Practice, aim to ensure that the way in which we deliver our species licensing service is efficient, effective, proportionate and adaptable. In this respect whilst the majority of our licensing work is delivered through individual licences, we also publish General Licences which enable people to carry out activities that would otherwise be illegal without the need to apply for an individual licence.

Our aim is to have General Licences which are enabling, clear, proportionate, flexible and

Start date: Wednesday 17th July

Closing date: Wednesday 9th Oct (5pm)

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legally compliant. They also need to balance species conservation with the wide range of other legitimate activities, interests and concerns from land-management to public health and safety.

The light-touch approach to regulation that General Licences provide is based on the following key principles;

That they cover relatively common activities addressing well-established issues or situations where people may otherwise inadvertently be at risk of committing offence.

That the actions permitted follow relatively standardised practices.

That they cover situations where we accept that there may be no other satisfactory solution.

That their use will not compromise the conservation status of the species affected.

That their conditions, including reporting requirements and other responsibilities placed upon users, will be proportionate to the potential risks of what is permitted.

We will continue to review our General Licences in light of changes in the law, new information or evidence or changes in the status of populations of different bird species. We will also consider indicators such as the British Trust for Ornithology's Birds of Conservation Concern list to review population trends, and particularly those species on the red list. However, we do not intend to hold a public consultation every year. This approach should help maintain the right balance between ensuring an adaptive approach to change whilst minimising the potential confusion caused by a constantly changing suite of General Licences for users to familiarise themselves with.

Given these key principles General Licences will therefore only tend to permit activities affecting non-native species or abundant native species with widespread distribution.

This consultation is about ensuring that our General Licences are fit for purpose, that they are sufficiently enabling whilst being proportionate and in line with the general principles above. We are not consulting on the principle of General Licences. We are consulting on how the individual General Licences work, what they should cover and how they are worded or set out.

More information on our General Licences can be found [here](#).

3. Data Protection and GDPR

We will process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR). Your personal data, i.e. name and email address will be held securely and only for as long as is detailed within our Retention Schedule.

We will not make any unauthorised disclosure of this information. We will only contact you in relation to this consultation to provide feedback or to seek clarification.

We need to know how you wish your response to be handled, in particular whether you are happy for your response to be made public. Accurate completion of the Respondent Information section will ensure that we treat your response appropriately.

Unless you have requested confidentiality, we will normally publish the consultation responses we receive, although we will redact any part of a response where it contains someone's personal data or other sensitive information.

Please be aware that we are subject to the provisions of Freedom of Information Acts, and are required to consider any request made to us for information relating to responses made to this consultation.

4. RESPONDENT INFORMATION

Fields marked with * are required information

Name / Organisation Name *

Email *

Please provide the first half of your postcode (i.e IV2) *

What is your interest in? *

- User- Land Management
- User - Pest Control
- User- Agricultural
- Conservation of Species
- Animal Welfare
- Other
- Stakeholder organisation - who do you represent?
Land owners/managers

How do you wish your response to be treated? *

- Publish response with name.
- Publish response but not my name.
- Do not publish response or name - please provide reason below.

5. Consultation structure

We are looking for detailed feedback in regard to questions we have on General Licences 1-3. We are also providing a space for those who just want to make general comments about our Licences.

- I want to provide detailed feedback on certain general licences.
- I just want to make general comments – you can scroll to the general comments box at the bottom of the consultation in section 12.

6. General Licences - Detailed feedback section

Thanks for choosing to give detailed feedback about our General Licences. Please note that this may take you some time but you can save and return at any time.

[Here](#) is a link to all the licences.

Which of our General Licences would you like to provide more feedback on?

- GL1 - To kill or take certain birds for the conservation of wild birds. See section 7.
- GL2 - To kill or take certain birds for the prevention of serious damage to livestock, foodstuffs for livestock, crops, vegetables and fruit. See section 8.
- GL3 - To kill or take certain birds for the preservation of public health, public safety and preventing the spread of disease. See section 9.

7. General Licence 1

Impacts

General Licence 1 available [here](#) covers killing or taking certain birds for the conservation of wild birds.

We have carried out a literature review on the impacts of each of these species on the interests listed on the licence. This along with any information you might provide should allow us to ensure the rationale for inclusion of certain species on this licence is robust.

We are interested in the views of those who use this licence as well as other interested parties as to the levels of impact from each species.

Q2. What evidence do you have that the following species impact on the conservation status of wild birds as listed in this General Licence? You can upload supporting information at the bottom of this page.

Great black-backed gull (<i>Larus marinus</i>)
Ruddy duck (<i>Oxyura jamaicensis</i>)

Carrion crow (<i>Corvus corone</i>)
There is strong evidence of damage to all ground nesting birds by carrion crows (see DEFRA evidence) and it is one of the most widespread and heavily controlled species. Numerous studies have been carried out by GWCT for example the "Otterburn Study"
Hooded crow (<i>Corvus cornix</i>)
Hooded crow are an equally serious predator in the north and west of Scotland
Jackdaw (<i>Corvus monedula</i>)
See pages 34 - 47 of DEFRA evidence which conforms to our members experience
Jay (<i>Garrulus glandarius</i>)
Jays are widely controlled as a nest predator and their numbers have increased
Magpie (<i>Pica pica</i>)
Magpie have increased in Scotland . See pages 34 - 47 of DEFRA evidence which conforms to our members experience
Rook (<i>Corvus frugilegus</i>)
See pages 34 - 47 of DEFRA evidence which conforms to our members experience
Canada goose (<i>Branta canadensis</i>)
The evidence on page 24-29 of DEFRA Government response July 2019 conforms with our members experience

Please enclose any additional information or links to further references in this box

Evidence from many practitioners and scientific studies. It is also clear that the ability of ground nesting birds to tolerate predation by protected species (such as raptors, ravens, badgers etc) depends on being able to manage numbers of common predators under General Licences. It is a familiar comment from land managers that the overall weight of predation is the problem, so if some species cannot be legally controlled, it is vital to reduce the impact of common species whose conservation status is not at risk.

Would you also like to comment on General Licence 2 or 3?

- Yes
 No

8. General Licence 2

General Licence 2 available [here](#) covers prevention of serious damage. This includes damage to livestock, foodstuffs for livestock, crops, vegetables and fruit.

We have carried out a literature review on the impacts of each of these species on the interests listed on the licence. This along with any information you might provide should allow us to ensure the rationale for inclusion of certain species on this licence is robust.

We are interested in the views of those who use this licence as well as other interested parties as to the levels of impact from each species.

What evidence do you have that the following species impact on the interests listed in this General Licence? You can upload supporting information at the bottom of this page.

Great black-backed gull (<i>Larus marinus</i>)	
Collared dove (<i>Streptopelia decaocto</i>)	Low risk - we do not have specific evidence
Feral pigeon (<i>Columba livia</i>)	Damage to stored feed
Woodpigeon (<i>Columba palumbus</i>)	Woodpigeon are the most commonly controlled species for crop protection and there is strong evidence of the damage they do. See page 82-87 of DEFRA evidence
Carrion crow (<i>Corvus corone</i>)	Strong evidence from our members of damage to livestock (lambs and sheep) and young gamebirds in accordance with DEFRA evidence
Hooded crow (<i>Corvus cornix</i>)	Strong evidence from our members of damage to livestock (lambs and sheep) and young gamebirds in accordance with DEFRA evidence
Jackdaw (<i>Corvus monedula</i>)	Jackdaws, rooks, magpies and crows are a well recognised problem for eating and fouling stored feed - see DEFRA evidence
Magpie (<i>Pica pica</i>)	As above
Rook (<i>Corvus frugilegus</i>)	As above, also like pigeons for damage to standing crops
Canada goose (<i>Branta canadensis</i>)	The evidence on page 24-29 of DEFRA Government response July 2019 conforms with our members experience
Resident greylag goose (<i>Anser anser</i>)	Strong evidence for locally severe damage to crops

Species listing We are considering the merits of adding raven to General Licence 2 and also expanding the ability to control resident greylag geese under this licence.

We are considering whether resident Greylag Geese might be included for an extended period taking into account the likelihood of presence of migratory greylag geese as well as welfare issues. Where migratory birds are likely to be present we may look to specify geographical restrictions.

What comments do you have about the potential extension of control of greylag geese under General Licence 2? You can insert supporting information at the bottom of this section.

This should be considered, on a geographical basis and /or seasonal basis, so that Greylag numbers can be managed as for Canada geese

Raven (*Corvus corax*) In addition we are interested to understand what impacts raven (*Corvus corax*) cause to livestock, foodstuffs for livestock, crops, vegetables and fruit as listed on General Licence 2.

What evidence do you have that raven impact on livestock, foodstuffs for livestock, crops, vegetables and fruit listed on this General Licence? You can insert supporting information at the bottom of this section.

There is very strong evidence of the impact of ravens on livestock (ie lambs and adult sheep) We are not aware of any impact on feed, crops, fruit and veg.

What other comments do you have about the addition of these species or extension of control period on General Licence 2?

We believe that the current system of obtaining individual licences is relatively cumbersome and expensive to administer. For species such as Raven where conservation status is potentially an issue, we recommend area specific or seasonal General Licences should be available where there is known to be a recurring problem, and subject to reporting to SNH and monitoring. There is also a particular problem with large groups of sub-mature ravens in respect of GL1. They grow into mature ravens with issues for livestock (GL2) so there would be a strong case to look at licensed management of ravens for both General Licences in a coordinated way as their impact on livestock and other wildlife overlaps.

You can include your own information, peer reviewed science or information from other sources here.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816268/general-licences-government-response-to-call-for-evidence.pdf

Would you also like to comment on General Licence 3?

- Yes
 No

9. General Licence 3

General Licence 3 available [here](#) covers the preservation of public health, public safety and preventing the spread of disease.

We have carried out a literature review on the impacts of each of these species on the interests listed on the licence. This along with any information you might provide should allow us to ensure the rationale for inclusion of certain species on this licence is robust.

We are interested in the views of those who use this licence as well as other interested parties as to the levels of impact from each species.

What evidence do you have that the following species impact on the interests listed in this General Licence? You can insert supporting information at the bottom of this page.

Great black-backed gull (<i>Larus marinus</i>)
No evidence from members
Herring gull (<i>Larus argentatus</i>)
Evidence of aggressive behaviour and problems of mess and noise from nests on building roofs

Lesser black-backed gull (<i>Larus fuscus</i>)
As for herring gull
Collared dove (<i>Streptopelia decaocto</i>)
There is some evidence that collared dove can transmit disease, but is considered low risk
Feral pigeon (<i>Columba livia</i>)
Feral pigeons are the most commonly controlled species under GL3 for the spread of disease
Woodpigeon (<i>Columba palumbus</i>)
Low evidence
Carrion crow (<i>Corvus corone</i>)
Evidence of accessing human food stores and chimney blocking.
Hooded crow (<i>Corvus cornix</i>)
No evidence
Jackdaw (<i>Corvus monedula</i>)
Evidence of accessing human food stores and chimney blocking
Magpie (<i>Pica pica</i>)
Evidence of accessing human food stores and chimney blocking
Rook (<i>Corvus frugilegus</i>)
Evidence of accessing human food stores and chimney blocking
Canada goose (<i>Branta canadensis</i>)
The evidence on page 24-29 of DEFRA Government response July 2019 conforms with our members experience

You can include your own information, links to peer reviewed science or information from other sources here.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816268/general-licences-government-response-to-call-for-evidence.pdf

10. Non-lethal Alternatives

We are clear that mixed methods of management, including both lethal and non-lethal options, are most effective in limiting impacts on the interests listed on General Licences 1-3 and it is unlikely that the use of just one method will resolve any concerns.

We have been carrying out our own review into the effectiveness of non-lethal alternatives to prevent damage to interests listed in General Licences 1-3 without the need for licensed methods of control. Whilst this work is not yet complete we do have a draft set of alternative solutions for each type of bird listed or potentially listed on the General Licences.

We are interested in understanding your experience of these non-lethal alternatives or any others you would suggest using which would allow prevention of damage to the interests listed on GL's 1-3.

Current non-lethal alternatives-

Habitat management - (altering the natural landscape to make it less favourable to problem species e.g. altering crop type/cropping regime, planting natural barriers, removing roost sites)

Diversionsary feeding – (e.g. the use of set aside land or, for omnivorous problem species providing of supplementary feed away from sensitive areas)

Husbandry and agricultural land management – (e.g. checking of livestock, use of shepherds or guard animals, frequent removal of attractants, provision of shelter)

Physical barriers – (preventing problem birds from accessing areas e.g. lambing/calving indoors, covering vulnerable crops with nets, wires or tunnels, preventing access of birds to areas where livestock are fed or watered (creep feeders), physically preventing access to nesting areas)

Scarers and deterrents (including non-lethal shooting) – (use of multiple techniques to scare birds such as; effigies, bangers, kites, gas guns, human presence, bio-acoustic scarers, lasers, falconry or shooting to scare)

The methods below will require the use of a licence to be legal-

Reducing reproductive success – (e.g. nest destruction, egg oiling or egg destruction)

Lethal control – (e.g. shooting or trapping)

For each type of bird can you indicate how appropriate you consider the current list of alternative solutions are taking into account practicality, cost and effectiveness? Can you also indicate if you there are other alternative solutions not already listed?

	How practical in both cost and effectiveness do you feel these solutions are in your circumstances?	What other solutions do you feel might work?
Corvids- Jay, carrion crow, hooded crow, magpie, rook, jackdaw, raven	Alternative solutions have been tried extensively but do not work, or only temporarily. See general comments also. Corvids quickly become wise to scaring techniques	
Geese- Resident greylag goose, canada goose	See page 88-109 of DEFRA evidence	
Gulls- Great black-backed gull, herring gull, lesser black-backed gull		Prevention of nesting on buildings
Pigeons/Dove- Woodpigeon, feral pigeon, collared dove	Scaring can work for a short while onlySee page 88-109 of DEFRA evidence. It is a real issue that while some other methods can work for a time, especially is conjunction with lethal control, they can be very time consuming and expensive to operate, requiring specialist skills. They also do not solve the problem, merely displace it temporarily.	
Ducks- Ruddy duck		

11. Conservation Status

Only certain species are listed on General Licences 1-3. In order for species to be listed on our General Licences we need to ensure that their inclusion will not compromise the conservation status of the species. We are confident that via the most recent birds of conservation concern (BoCC) listing we understand the current status of species in Scotland.

We are keen to get feedback on the inclusion of these species on our General Licences. These target species are given in the table below together with their most recent Birds of Conservation Concern (BoCC) listing.

General Licence	Target Species	BoCC Listing
1,2,3	Great black-backed gull	Amber
1,2,3	Carrion crow	Green
1,2,3	Hooded crow	Green
1,2,3	Jackdaw	Green
1	Jay	Green
1,2,3	Rook	Green
1	Ruddy duck	Green
1,2,3	Magpie	Green
1,2,3	Canada goose	Green
2,3	Collared dove	Green
2,3	Feral pigeon	Green
2,3	woodpigeon	Green
3	Lesser black-backed gull	Amber
3	Herring gull	Red
Possibly	Raven	Green
2	Greylag goose	Green

Q9. Would you have any concerns regarding these species being listed on our General Licences for 2020 and if so why?

Corvids- Jay, carrion crow, raven, magpie, rook, jackdaw, hooded crow
Subject to comments under individual species ie. not rooks for GL1
Geese- Resident greylag goose, canada goose
Subject to comments under individual species.
Gulls- Great black-backed gull, herring gull, lesser black-backed gull
For GL3
Pigeons/Dove- Woodpigeon, feral pigeon, collared dove
Subject to comments under individual species
Ducks-Ruddy duck

12. GENERAL COMMENTS

Do you have any comments/further comments to make on General Licensing in Scotland?

Scottish Land & Estates represents owners and managers of land in Scotland and along with their employees and contractors are actively involved in control of problem bird species. We regard General Licences as a vital mechanism for timely and effective management, which has worked well for many years, especially where there are large numbers of problem species to be controlled.

Generally, our members experience and evidence is aligned with that given to DEFRA by a range of practitioners in summer 2019 and published in "Use of general licences for the management of certain wild birds Government response to the call for evidence July 2019"

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816268/general-licences-government-response-to-call-for-evidence.pdf

This evidence is from England but apart from some different species (such as Hooded crow) the evidence of damage is almost exactly the same in Scotland

Many species (ie. corvids) are only held stable by constant ongoing efforts to control their numbers. If that control was made more difficult by restricting general Licences, there could be rapid expansion in numbers again requiring more drastic action. We believe that was borne out by the impact when General Licences were temporarily suspended in England in spring 2019.

We note from the BTO research Report 1136 that some species such as Magpie and Jay have increased significantly in Scotland while other have declined and these data should inform what species are included.

SLE works closely with other wildlife and rural management organisations, in particular The Game and Wildlife Conservation Trust, the British Association for Shooting and Conservation and the Scottish Gamekeepers Association and many SLE members will have contributed to their detailed data collection surveys for this consultation. We also reference a report by the Game and Wildlife Conservation Trust "Written evidence submission to the 2019 Defra consultation into General Licences" which includes research references and detailed comments from members which echo those of SLE members. In particular we refer to the members responses on pages 14-18 which cover the same questions as this consultation

In respect of "Non Lethal alternatives" our members experience can be summarised by the following extract from the GWCT 2019 evidence:

"While non-lethal measures, e.g. scaring, have a role in preventing pigeon damage to crops, none of these methods are effective or appropriate where corvid control for the protection of ground-nesting birds is the objective. Scaring (audible or visual) is not effective when it is impossible to know the exact whereabouts of the nest you wish to protect: where should you set about scaring your crow from? There is a serious risk that you can scare the conserved bird as well, perhaps leading to nest desertion, or increased vulnerability to other predators. It is clear that where nests are dispersed, scaring has no place in reducing corvid predation for conservation reasons. Habitat improvement is

clearly important, and one cannot expect any species to thrive in a substandard environment, but even with enhanced habitat aimed at supporting the entire life cycle of target birds, nest predation by corvids is often a serious issue. "