



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CX19-120
Eich cyf/Your ref: P-05-876

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Janet Finch-Saunders AM/AC
Chair/Cadeirydd
Petitions Committee
National Assembly for Wales

SeneddPetitions@assembly.wales

18 June 2019

Dear Janet Finch-Saunders

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

Thank you for your letter of 12 June 2019 to Clare Pillman about the above petition which is currently being considered by the Petitions Committee.

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 licenses 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. Some licences, particularly for preserving air safety, whilst issued they do not necessarily mean that birds are killed.

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, 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 license 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, 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.

Since taking over the responsibility of issuing the licences on behalf of the Welsh Government in 2013, NRW has been working within this legal framework to continuously improve the licencing process. For example, in July 2018, we established an NRW fish-eating birds Advisory Group¹, a joint group of organisations that represent sectors of government, conservation and fisheries management. The Advisory Group had a wide remit of which included reviewing the interactions and effects of piscivorous birds on salmonids and inland fisheries, assessing current policy, and seeking views and advice from group members concerning bespoke licence requirements for fish-eating birds in Wales.

In addition, after a constructive meeting with RSPB Cymru and the Welsh Ornithological Society (WOS) on 1 February 2019, NRW have agreed to work closely to look at potential improvements to our bespoke licences such as improving the design of the application form to ensure applicants have considered the Defra guidance including non-lethal alternatives as well as providing additional guidance on evidence that is needed to support licence applications.

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 004² 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, to protect crops and livestock or for the conservation of other species. They apply to 15 bird species³ 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.

¹ The Advisory Group comprised representatives from: Welsh Government, NRW, RSPB, BTO, WOS, Afonydd Cymru, Salmon and Trout Conservation Cymru, Angling Trust, Cefas, Natural England.

² 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.

³ 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.

We are aware of the legal challenge that Natural England has faced and the changes they have made to General Licences used for controlling certain species of wild birds in England. We have a similar role to Natural England and have obtained our own legal advice in a Welsh context which we are currently reviewing. We are also engaged with a number of stakeholders to both understand concerns and collaborate on opportunities to inform our position and support any necessary changes

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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