

Public questions at March NRW Board meeting – Wild Bird Review

Question asked		NRW response
1	<p>Rachel Evans</p> <p>Countryside Alliance</p>	<p>Dependant on the board decision on whether or not to adopt the findings of the Wild Bird Review I may have a question. Also, time permitting, and whether or not I get the opportunity to do further work on the subject, I may need to raise issues regarding the purchase and planting of Brownhill woodland Llangadog.</p>
2	<p>Glynn Evans</p> <p>BASC</p>	<p>We understand that based on the evidence available the proposed removal of some species from the conservation general licence could have been determined either way but was made based on an internal policy decision by NRW staff. Has this policy been shared with the board of NRW and in considering it has the impact of removing these species, from this general licence, on vulnerable other species been assessed?</p>

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3	Glynn Evans BASC	<p>The current alternative to general licences is specific licences. There is some confusion in relation to timescales for the processing of applications with NRW's service level agreement stating 40 working days and its application form saying 30, this being without any issues in completing quite a complicated form and the need for significant evidence which is unlikely to be available for birds which are currently listed on the conservation general licence.</p> <p>Whatever the timescale is, clearly neither will allow someone who becomes aware of a conservation issue to gain specific licence (noting there is no section 4 defence for conservation purposes) in anything like an adequate timescale.</p> <p>Therefore, what steps have NRW staff proposed to the board to rectify this situation such as a pre application service (as instigated in England) or other forms of licensing such as class licences? And if these details have not been provided, is the board confident that they can adequately assess the impact of the proposed changes to general licensing in Wales without this important element being included?</p>	<p>Our standard of service for specific licences for the control of wild birds is to process new applications and licence renewals within 40 working days and to process amendments within 30 working days (complex) or 15 working days (minor).</p> <p>In 2021 the average total amount of time taken to process a new or renewal specific licence for the control of wild birds was around 9 working days. For an amendment request the average time was around 3 working days. Also in 2021, around 58% of renewal or new applications were processed within 5 working days.</p> <p>Additional resource and capacity has been brought into the species permitting team to meet user needs in the transition from general to specific licences where changes are being made and to support customer queries.</p>

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4	Glynn Evans BASC	At present there are no calendar restrictions in relation to the use of the conservation general licence, provided it is for the defined purpose of conserving chicks and eggs of birds of 'listed' bird species. An important consideration to those using such licences, which is actually recommended in the comparable English general licence is to minimise the issue of dependent young by carrying out lethal control outside of the breeding period of the 'target birds' whenever possible. In proposing to introduce a narrow time frame for this licence what considerations has NRW given to this matter?	<p>Since the proposed purpose of GL004 is to conserve chicks/eggs of beneficiary species, we believe that lethal control should be limited to the main bird breeding season and to the period immediately prior to the breeding season when carrion crows are generally establishing their own breeding territories, which is an effective time to carry out control.</p> <p>In consultation responses where there was support for this approach in that otherwise the logic of the licence purpose being the conservation of chick and eggs of the prey species does not follow.</p> <p>In consultation responses there were also views against this approach because of concern about the welfare of chicks of target species.</p> <p>We are of the view that allowing control from as early as the 1st February will enable control of carrion crow to start before they themselves breed, thus mitigating to some degree the impact on chick welfare.</p> <p>Advice in some good practice guidance suggests that carrion crow trapping effort should be restricted to spring and summer as this is the period of maximum prey vulnerability and the time when corvid catch traps are most effective at removing territorial birds.</p> <p>We will be publishing supporting material alongside the new general licences in April. This will include a 'decision document' setting out how each of the elements of the general licence was reached and why.</p>
5	Matthew Goodall GWCT	AS GWCT representative on the call could I clarify the points made re the trapping season now being out of context in the situation we now find ourselves in.	Does not need a response

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6	<p>Matthew Goodall</p> <p>GWCT</p> <p>How can NRW be sure that removing magpie will not have a wider detrimental impact to biodiversity (given the clear evidence of the impact of predation)?</p>	<p>We cannot be sure. Nor can we be sure that retaining magpie on a general licence will have a beneficial impact on biodiversity, or is justified by the evidence of impact of magpie predation on other species.</p> <p>It's a balance of risk based on the evidence available. This is what we have been considering as part of our review and in developing the proposal we consulted on.</p> <p>GLs are an intentionally light touch approach to regulation.</p> <p>We have refined our approach to general licences in this context: to only issue them in common, widespread, low risk situations where we are satisfied that the evidence justifies the issuing of a general licence allowing lethal control and where the target species is not itself of conservation concern. Applying these principles has led us to further reduce the scope of GLs in terms of purpose and species, in addition to the changes we made in 2019.</p> <p>Specific Licences can still be applied for, for any situation not covered by general licences.</p> <p>We will be publishing supporting material alongside the new general licences in April. This will include a 'decision document' setting out how each of the elements of the general licence was reached and why.</p>

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7	<p>Matthew Goodall GWCT</p> <p>Why is a NRW happy to use the BoCC criteria which is not a measure of absolute population size and has no context to historical population size and no context of comparison between predatory species and at risk prey species? Given that the basis of NRW's principle 5 is the EU legislation which states a licence must not have an adverse effect on the conservation status of any species and that there is no evidence at all to suggest general licences impact the populations of the species on them.</p>	<p>Birds of Conservation Concern (BoCC) is robust and independent and widely relied on to determine bird conservation priorities, it has a Wales specific assessment and looks at long term trends.</p> <p>We have developed a set of principles to guide which situations we consider the grant of a general licence is appropriate. Principle 5 says that we will only allow lethal control of a 'target' species under a general licence if it will not risk putting it into an unfavourable conservation status.</p> <p>General licences do not specify limits on the number of birds that may be taken, and do not require licence users to report how many birds they have taken under the licence. In order to ensure that allowing the lethal control of a species under a general licence does not jeopardise its conservation status, there are limited circumstances under which a species can be included on a general licence.</p> <p>We consider that target species included on a general licence should not be of conservation concern. We propose to use the BoCC green/amber/red listings for Wales, to inform our consideration of which target species of wild bird are of conservation concern.</p> <p>We will be publishing supporting material alongside the new general licences in April. This will include a 'decision document' setting out how each of the elements of the general licence was reached and why.</p>
8	<p>Matthew Goodall GWCT</p> <p>What confidence has NRW got in the specific licences being fit for purpose and what do they base this confidence on?</p>	<p>A key purpose of the review we have been carrying out is to improve confidence in our approach to both general licences and specific licences.</p> <p>In granting specific licences NRW is subject to the Regulators' Code. Specific licence applications are assessed on their individual merits and in granting them we need to be satisfied that they are necessary and will contribute towards addressing the problem or need in question.</p> <p>As well as reviewing our general licences, we have looked at how we can improve our approach to specific licences, and we sought views on this through the public consultation.</p>

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9	<p>Matthew Goodall</p> <p>GWCT</p> <p>Why have NRW not considered a class licence which would have a registration and recording element as an alternative to a specific licence which requires more resource to issue and more burdensome paperwork for the practitioner?</p>	<p>If a class licence for the purpose of conserving birds took the form of simply requiring users to register with NRW in order to use the licence, it would not differ significantly from general licences and in particular would not resolve the question of whether the evidence of a genuine conservation purpose/need was sufficient to justify such a widely drawn authorisation to carry out lethal control of a particular species.</p> <p>A class licence system might entail, as well as user registration, the establishment of some form of competency framework, where prospective users have to provide evidence of their competence (qualifications or experience) to control birds for conservation purposes, and where only those satisfying minimum competency criteria would be allowed to become registered licensees. We think there would be significant practical challenges with designing and implementing such a framework, and it could have unintended consequences, for example someone with a genuine conservation purpose for the control of birds who was unable to satisfy to satisfy the competency criteria, would be prevented from carrying out conservation work.</p> <p>We will be publishing supporting material alongside the new general licences in April. This will include a 'decision document' setting out how each of the elements of the general licence was reached and why.</p>

Prepared by Sarah Wood, Adam Cole-King, Ian Williams, Jessica Poole, Pat Lindley (04/04/2022).