



The British Association for Shooting & Conservation

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The Rt. Hon Theresa Villiers MP,
Secretary of State
Department for Environment, Food and Rural Affairs
Seacole Building,
2 Marsham Street,
London
SW1P 4DF

24 January 2020

Dear Secretary of State,

Failure to protect Red and Amber listed species on EU designated sites for a second consecutive breeding season.

Last week BASC had the opportunity to attend Defra's General Licence stakeholder workshops, it is clear that due to the level of response to the 'Wild Birds General Licence Survey' that closed on 5 December, that the competent authority (Defra) will not be in a position to issue new licences when they expire on the 29 February 2020. This means that further interim arrangements will have to be made until Defra is in a position to publish General Licences that take into account the evidence submitted. We most seriously recommend you consider our proposal in our response to extend the licences so there is no gap in pest bird control across non-SSSI land.

BASC is extremely concerned that within a few weeks we will be heading in to the start of the breeding season for wild birds on EU designated sites in England, this is a period when ground nesting birds are particularly vulnerable to predation by pest birds. The only option that is available for pest bird control for conservation purposes on an EU designated site is via an individual licence. BASC has a number of concerns with this approach:

The individual licence application process is cumbersome and is deterring those who have historically controlled pest birds on protected sites from applying; therefore sites will not have protection during the breeding season.

BASC does not believe that Defra/NE are in a position to grant these individual licences expediently, we understand that the Habitat Regulation Assessment (HRA) that underpins individual licences in these circumstances for 2020 has not been completed and that there are no fast track provisions in place to grant these individual licences. Defra will have up to 28 days to grant an individual licence. Feedback from our members is that this delay often renders reactive control irrelevant, as the damage has been done. We would remind you that there is no section four defence for general licences for conservation purposes. Section four defence allows an individual to apply for the licence and then if required act if the damage is occurring provided they have undertaken the relevant notification process. We do not believe that Defra/NE are in a position to allow the necessary protection of red and amber listed species on EU designated sites for 2020.

Together - for shooting, conservation, the future and for you

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Quite simply the bureaucracy involved in the process of gaining individual licences could mean the critical control prior to and during breeding attempts cannot be provided. Furthermore we believe that the approach that is being taken towards General Licences on EU designated sites over complicates the situation. Our view is that a General Licence for conservation purposes can be issued in the following circumstances:

- Where the pest bird control can be shown to be in order to protect species listed on the site. That the control is necessary for the management of the site's objectives.
- Where consenting provisions for an EU designated site has been granted for pest bird control. The granting of consent should provide the conditions of operation and trigger the HRA not the general licence.

It would appear that the failure of NE to undertake the HRA at the appropriate point in time, is complicating the application of general licences to these sites and impacting on vulnerable red and amber listed species. If NE apply the HRA at the correct point in the procedure of granting consent for activity on an EU designated site, then a general licence could easily operate on these sites and within 300m. We therefore ask that Defra reverts back to the General Licence position pre April 2019, which allowed them to operate on EU designated sites, where the required consents were in place.

BASC will continue to engage with the planned further stakeholder workshop run by Defra to cover 'EU designated sites.' I would also welcome an opportunity to discuss this and other related matters in person.

Yours sincerely



Ian Bell
Chief Executive
BASC

cc. Tony Juniper