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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

07.02.20

Dear Secretary of State,

**General Licences – Interim Extension and EU Designated Sites  
Wild Justice – Pre-Action Protocol Letter**

**We would request your urgent attention and intervention into general licences to ensure that we have a workable solution delivering the necessary pest bird control for conservation, serious damage to agriculture and public safety from 29 February 2020.**

We are particularly concerned that Defra will not be able to issue new licences when the interim licences expire on the 29 February. We are a few weeks off the main breeding season for wild birds, when ground nesting birds become particularly vulnerable to predation. We are concerned that no arrangements are in place for pest control for conservation purposes, or to protect crops and public safety.

**General Licences – Interim Licences Extension**

The week beginning 13 January provided shooting organisations, farming and landowning interests the opportunity to attend various Defra General Licence stakeholder workshops.

Our understanding from the workshops is that, due to the level of response to the 'Wild Birds General Licence Survey' (closed 5 December), the competent authority (Defra) will not be able to complete its review to issue new licences when they expire on the 29 February 2020. We are of the view that this means that further interim arrangements will need to be put in place by Defra, until you are able to publish general licences based on the evidence submitted.

Several of the signatories to this letter took legal advice on the Defra licences GL34, 35 and 36 which were pronounced as legally robust. Therefore, the organisations that are signatories to this letter recommend that you reissue the interim Defra licences GL34, 35 and 36 for 2020, to ensure that proper time is given to a review of any proposed amendments to the licences and to the species included on the licences.

*Together – for shooting, conservation, the future and for you*

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President: The Lord Dear, QPM

## **General Licences – EU Designated sites and 300m buffer**

In 2019 the only option that was available for pest bird control for conservation, serious damage and public safety purposes on an EU designated site and its surrounding 300m buffer was via an individual licence. The signatories to this letter have several concerns with this approach:

1. The individual licence application process is cumbersome and is deterring those who have historically controlled pest birds on protected sites from applying. Therefore, vulnerable species on these sites will not have protection during the breeding season.
2. We do not believe that Defra/NE are able 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 as there was last year.
3. We do not believe that a 300m buffer around European protected sites is proportionate or consistent with the way that other activities are regulated. There is no evidence that pest bird control around or within protected sites has impacted on site integrity. However, the buffer distance appears to have been chosen arbitrarily, meanwhile other activities such as farming and recreational activities can take place unrestricted right up to the border of these protected sites.

Natural England 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 individual licences for conservation purposes. The section four defence allows an individual to apply for the licence for preserving public health or safety and prevention of serious damage to agricultural and timber and then if necessary undertake lethal control before the licence is issued, provided there was no alternative satisfactory solution and they undertake the relevant notification process. We do not believe that Defra/NE are able to allow the necessary protection of red and amber listed species on EU designated sites for 2020, and we do not believe it is acceptable for Defra to fail in their duty to protect the interest features of these sites purely due to administrative delays.

Quite simply, the bureaucracy involved in the process of gaining individual licences, especially for conservation reasons, could mean that 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:

1. Where the pest bird control is in order to protect species for which the site is designated. In these circumstances the control is necessary for the management of the site's objectives.
2. Where consent for pest bird control has been granted on an EU designated site, the granting of that consent should provide the conditions of operation and trigger the HRA, not the application for the individual licence.

The failure of NE to undertake the HRA for consents at the point of designating SSSI sites as European Protected Sites is complicating the application of general licences to these sites now and impacting on vulnerable red and amber listed species. If NE had applied the HRA at

the correct point in the procedure of continuing to grant consent for activity on an EU designated site, then a general licence could easily operate on these sites and within 300m. Almost a year on from being aware of this, NE and Defra have still not done the relevant HRA but instead are placing the burden of proof that likely significant damage is not being done on the user. We therefore would ask that Defra reverts to the general licence position pre-April 2019, which allowed them to operate on EU designated sites, where the required consents were in place and without the need of a 300m buffer.

To-date the signatories to this letter have not had an opportunity to discuss with Defra and NE as promised how a general licence can be developed to operate over EU designated sites and within the 300m buffer, we would therefore like to be afforded the opportunity to work with Defra and NE to deliver this in 2020.

### **Wild Justice – Pre action protocol letter – Gamebird releasing**

On 20 January, Wild Justice renewed their challenge of Defra on game bird releasing within 5km of an EU designated site. The renewed challenge appears to be in light of a perception of Defra's inaction to take forward the promised review, mentioned in your letter of the 11 September to Wild Justice.

This current challenge has caused considerable concern amongst our members who are planning next year's shooting activities.

We have mapped the potential impact of 5km buffer around EU designated sites and 62% of the UK would be affected. Should releasing be stopped we estimate that up to £1 billion could be taken off the value of shooting to the economy, with the loss of 44,000 jobs across shooting and its supply chains. The £133 million that shooting puts into conservation would also be at risk.

We remind you that NE already have legislative tools to modify or stop activities adjoining EU designated sites. These tools are very rarely used and in the context of shooting rarer still. This provides a strong indication that this challenge from Wild Justice is being used as a mechanism to attack shooting sports and is not actually necessary because Defra agencies already have the tools they need to deal with any genuine issues.

We would therefore ask that Defra provides clarity on its proposed review into game bird releasing and assurance that this will not affect the release of game birds in 2020 or beyond.

On both these areas of work it is imperative that we see workable solutions, especially in light of the fact that NE's expenditure on monitoring SSSIs has fallen by 65% in the last nine years to £700,000 in 2018/19. We do question whether the Government has the capacity to manage any further complexity in these areas.

We would be grateful for a quick response to the above concerns given the urgency of the matter.

Yours sincerely,



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Chairman  
BASC



Sir Jim Paice  
Chairman  
GWCT



Tim Bonner  
Chief Executive  
Countryside Alliance



Liam Bell  
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