



Scottish Natural Heritage Dualchas Nàdair na h-Alba

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National Operations Unit
Scottish Natural Heritage
Great Glen House
Leachkin Road
Inverness
IV3 8NW

8 December 2016

Dear respondents

2017 General Licences – Outcome of Consultation

Thank you for responding to the consultation on Scottish Natural Heritage's General Licences for 2017. We received helpful feedback from the consultation which will assist us achieve our on-going aim of producing a clear, proportionate and sufficiently enabling suite of Licences in line with our general licensing principles.

The consultation generated nearly 130 responses which will be published shortly on our website, with the majority of comments on General Licences 1, 2 and 3 which are the most commonly used licences (issued for the purposes of conservation of wild birds, preventing serious damage, public health and safety and preventing the spread of disease, respectively).

The key changes from the 2016 General Licences for 2017 will be:

- **Addition of resident greylag goose on General Licence 2 during July and August**
- **Permitting the use of meat bait in Larsen mate and Larsen pod traps on General Licences 1 to 4**
- **Removal of reporting requirement for lesser black-backed gull on General Licence 3**
- **To issue our 2017 General Licences in a new, simpler format** (see Annex B for a sample format)

In addition, we are proposing to:

- **Develop a Code of Practice for trap operators during 2017/2018**
- **Revise the trap registration system during 2017/2018 in discussion with Police Scotland**
- **Develop and implement a communications plan with representative organisations**
- **Explore new and responsive licensing solutions to prevent agricultural damage by Ravens**

The rationales for these changes are presented in more detail in our consultation report in Annex A.



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Finally, I attach a briefing note about our General Licences for 2017 in Annex C for consideration of how best to disseminate to your membership (if applicable) and/or other interested individuals. We hope this approach will help raise awareness about the need for our General Licences and when they can be used.

Currently, we are finalising our General Licences for 2017 and will publish these separately on our website later in December.

Once again thank you for your response to our consultation.



Robbie Kernahan
Head of National Operations
Scottish Natural Heritage

SNH General Licences can be found at: <http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/bird-licensing/general/>

Annex A

Report on the public consultation on General Licences for birds for 2017

Introduction

Scottish Natural Heritage held a public consultation about General Licences for 2017 to seek views on how we might improve the suite of 14 General Licences. We wanted to hear from those who use these Licences and others with an interest in them. We were not consulting on the principle of General Licences, rather canvassing views about how they work in practice, what they should cover and how they are worded or set out.

The consultation was open for 12 weeks, from 18 July to 10 October 2016 and asked 18 questions.

This document summarises the consultation responses we received and sets out our decisions.

Overview of responses to the consultation

A total of 127 responses were received from representative/membership organisations (for example, British Association for Shooting & Conservation, Scotland, Scottish Association for Countryside Sports, National Farmers Union, Scotland and the Scottish Gamekeepers Association), individual members of the public, conservation organisations (for example, Royal Society for the Protection of Birds (RSPB) and Scottish Wildlife Trust) and animal welfare bodies (including Animal Aid).

Responses to the consultation will be published shortly on our website.

108 (85%) of responses were submitted by individuals and 19 (15%) responses were submitted on behalf of organisations. Not every respondent answered every question and responses were not always definitive. The broad conclusions from the array of views expressed are outlined below.

Summary of responses to consultation questions

General questions

Question 1: General Licence format – are additional improvements required?

Responses to this question were roughly equally split around the need for revising the format of our General Licences. Having considered the feedback, our view is that there may be merit in a simpler format. We have developed a new format which we intend to use across our suite of General Licences for 2017. We hope the new format will help user application and I attach a sample Licence at Annex B to this letter. The language used in the new format is simpler but does not alter the terms or requirements of the conditions.

Question 2: How might we work with others to better communicate and raise awareness of General Licences?

Most respondents (operators and the wider public) see a need for improving awareness about General Licences with many suggestions put forward. Ideas ranged from writing articles for industry publications, through to better use of social media (by us and through partnership with large membership organisations) and promoting discussion at game fairs or agricultural events. We plan to work with representative organisations to develop a communications plan which takes forward many of the suggestions submitted by

respondents for improving the reach and sense of shared responsibility to raise wider awareness of General Licences amongst both users and the public.

Questions on General Licences 1, 2 and 3

Question 3: Species lists. Which (if any) species should be removed from General Licences 1, 2 or 3, and why? And,

Question 4: Species lists. Which (if any) species should be added to General Licences 1, 2 or 3 and why?

Whilst there were mixed views, most respondents to our consultation did not want any species removed from General Licences 1 to 3.

Many respondents called for certain species to be added, notably the raven (particularly to General Licence 2), and some suggested that greylag geese should be added to General Licence 2.

Raven. There is an increasing demand for individual raven licences to prevent damage to livestock and this is an issue of real concern to many farmers. However, raven populations are far lower than the other native species covered by General Licences and they are arguably less widespread. On this basis and given that there remain some regional sensitivities and uncertainties in relation to raven populations in Scotland we do not consider it appropriate to include them on General Licences.

We do accept that ravens can cause serious damage to livestock in particular and will explore new ways of licensing to try to tackle problems more effectively in areas where they are a particular problem (see Question 6 below).

Further, we have a specific need to improve our understanding of raven distribution and viability and are progressing a project which will look at these issues. The results of this work will help inform current licensing decisions (including the adoption of novel licensing approaches) and also ensure that the rationale for any potential future inclusion on a General Licence is clear.

Greylag goose. We have made a decision to add resident greylag geese on to General Licence 2 to allow their killing or taking during July and August for the prevention of serious damage to foodstuffs for livestock, or crops. This decision is in keeping with the principles for inclusion of species on General Licences. There is a proven demand for individual licences and we accept that in many situations scaring and other alternative management action is not always effective and so there is no alternative solution to the killing or taking of these geese. Importantly, the resident populations of greylag geese are not of conservation concern. The coverage for these two months means that there will be no confusion with migratory greylag geese.

More generally in relation to the species listed on General Licences 1-3 we recognise that these lists have remained largely unchanged for many years. We are considering commissioning further work to re-examine and bring up-to-date the rationale for inclusion of these species to make sure that they are in keeping with our principles for General Licences in order to inform future changes.

Question 5: Reporting requirements. What were the views on our proposal to drop the reporting requirement for the lesser black-backed gull on General Licence 3?

This proposal was generally supported by those respondents who expressed an opinion on this issue.

Having considered the responses and the need to take a proportionate approach to reporting requirements, we have decided to remove the reporting requirement for the amber listed lesser black-backed gull on General Licence 3 for 2017. The reporting requirement for the red listed herring gull on this Licence will remain. Reference to the latest [Birds of Conservation Concern](#) publication describes why species like the herring gull are red listed.

Question 6: Alternative licensing approaches. What were respondents views on exploring novel licensing approaches?

Respondents expressed mixed views on the merits of exploring alternative approaches to some situations that might not be in keeping with the principles of General Licences but where a more flexible, adaptive or light-touch to licensing might still be appropriate.

Having considered the issue, our view is that there may be potential to employ alternative approaches towards managing some species in some situations. Particularly we will explore new approaches to managing raven issues where serious damage to livestock is prevalent (see question 4 above). We will develop and implement trial approaches during 2017.

Trap operation

Question 7: What support was there for the development of a Code of Practice on trapping under General Licence?

Respondents expressed mixed views on the need for a Code of Practice and, if developed, what status a Code should attract (mandatory or advisory).

We consider that there would be benefits in the development of a Code and given the links to moorland management we would like to discuss progression of this work with members of the Moorland Forum. This Forum is already properly constituted with representatives from the key organisations whose members operate traps. Further, it has relevant expertise having drawn up snaring guidance for practitioners.

A trapping Code of Practice would build on existing industry guidance, incorporate the findings from the crow cage trapping reports and likely remove some of the prescription from within the Licences themselves. We will raise this opportunity with the Moorland Forum early in 2017 and look to see its development through the Principles of Moorland Management project.

Trap types

Question 8: What additional trap types should we consider adding to General Licences 1, 2 or 3, and why? And

Question 9: What trap types should not be used under General Licence 1, 2 or 3, and why?

Of those expressing a view many respondents wanted additional trap types to be added (whether specific designs, or more generally the ability to use any effective trap). This issue is linked to the possible development of a Code of Practice for trap operators and so we anticipate the issue being discussed as the Code develops. In the meantime we propose to keep the existing types and description of traps largely unchanged. Any applications to use traps not covered by the General Licences can

be made on an individual basis and we can use this opportunity to assess their effectiveness and any risks as appropriate.

Baits

Question 10: What were the views on permitting the use of meat baits with Larsen mate and Larsen pod traps providing operators tell us they are using these traps and what they caught (currently meat-based baits are not permitted in these traps)?

There were mixed views expressed by respondents on this proposal, with some strong concerns voiced.

We have taken the decision to allow the use of meat baits, primarily because this improves the effectiveness of the trap (as evidenced by our recently commissioned research on this topic). Although, this increased effectiveness could also increase the potential for capture of non-target species, our research illustrates the welfare impact associated with the trapping mechanism on non-target species caught is relatively low.

In light of this and the fact that the General Licences already permit the use of meat-based baits in other trap types, we are comfortable with allowing the use of meat bait in the Larsen mate and pod traps from 2017 onwards providing that those intending to do so register their intention in advance and that they tell us what is caught. This would also enable us to trial arrangements for trap-registration in future and could be used to support future research in this area.

Registering traps used under General Licence

Question 11: What were the views on SNH registering details of trap operators?

And

Question 12: If SNH takes over registration, how could we make the system work so that operators are accountable but allows for effective trap deployment?

Mixed views were expressed on SNH registering details of trap operators.

We consider that there would be benefits to SNH establishing and being responsible for a trap registration system, but there is some work to be done to explore the resource implications of this and allay any concerns about our management of trap operator data.

During the course of 2017 we will continue discussions with Police Scotland and Scottish Government about any potential improvements which can be made to the process. These discussions will take note of the various suggestions respondents have put forward as to how the current process for registration of traps might be improved.

Additional comments

Question 13: Were there any other comments on General Licences 1, 2 and 3?

A number of additional comments were provided, and these are noted. Many of these related to welfare concerns related to traps under these General Licences and they will be considered as the proposed Code of Practice is developed.

General Licence 4

Question 14: What were the views on our proposal to remove General Licence 4 and develop individual licences with Scottish airports?

There were relatively few detailed views expressed on whether or not to retain General Licence 4. This Licence is widely used but only by airport managers. Notably, the Civil Aviation Authority is in favour of retention. We recognise that this Licence could be badged as a 'class' licence but the value of making this change is questionable. Having considered the issues we have decided to retain General Licence 4 and aim to improve dialogue with individual airports to understand more how birdstrike can be better managed at the local level.

General Licences 5-10 and 11

Question 15: What were the comments on General Licences 5-10?

We received few comments on these Licences in this consultation and propose to leave them unchanged.

Question 16: What were the comments on General Licence 11?

We received few comments on this Licence in this consultation and propose to leave the Licence unchanged.

General Licences 12-14

Question 17: What were the comments on General Licences 12-14?

We received few comments on these Licences in this consultation and propose to leave them unchanged.

General Comments

Question 18: Were there any further comments on General Licensing in Scotland?

A range of comments were received in response to this question which tend to emphasise points expressed in answer to previous questions in the consultation. We hope that our decisions and proposals recorded above show how we intend to clarify key areas of concern.



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Annex B

Re-design of General Licence 01 for 2017

DRAFT

General Licences



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GL 01/2017: To kill or take certain birds for the conservation of wild birds

General Licences allow authorised people to carry out activities that would otherwise be illegal under the Wildlife & Countryside Act 1981 (as amended). They cover situations where we accept that there may be no other satisfactory solution. However, they should only be used as a last resort. Operators must be able to explain what other alternatives they have tried if challenged.

Terms and conditions

If you operate under General Licence 01/2017 you must meet the following terms and conditions otherwise your actions may be illegal which could lead to prosecution.

What can this General Licence be used for?	Authorised people (operators) can carry out the following activities for the purpose of conserving wild birds; <ul style="list-style-type: none">• to kill or take certain wild birds listed below• to attempt to kill those birds, where the attempt results in injury to the bird concerned• to take, damage or destroy the nests or eggs of those birds• to keep or confine particular species of wild birds for use as decoy birds in traps
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Who is authorised to use this General Licence?	An operator may be the owner or occupier of the land on which the action will be carried out, or any person authorised by the owner or occupier of that land.
When and where is this General Licence valid?	Across Scotland from 1 January to 31 December 2017 unless previously revoked, or a restriction applies.
What restrictions apply to the use of this General Licence?	<ol style="list-style-type: none"> 1. SNH reserves the right to exclude the use of this General Licence by certain persons and/or on certain areas of land where there is evidence to suggest that a wild bird or birds have either been killed, injured or taken or where there has been an attempt to do so other than in accordance with a licence, or where General Licences are being misused. 2. Those convicted of a wildlife crime on or after 1st January 2012 unless, in respect of that offence, they were either dismissed with an admonition, they are a rehabilitated person (for the purposes of the Rehabilitation of Offenders Act 1974 and that conviction is spent), or a court discharged them absolutely. <p>Any person not able to use the General Licence can still apply to Scottish Natural Heritage for an individual licence.</p>
What other information must operators know before considering use of this General Licence?	<p>Operators must:</p> <ul style="list-style-type: none"> • understand this General Licence and comply with its terms and conditions • only use it for the conservation of wild birds • only use it if satisfied that appropriate non-lethal methods of control (e.g. scaring or bird proofing) are either ineffective or impractical
What are the registration and reporting requirements for operators using this General Licence?	<p>(a) Trap registration: All traps used must carry a tag or sign that gives the number of the local police station or wildlife crime officer for the area. The tag or sign must also carry a unique code that allows the owner to be identified by the police. The operator of the trap will contact their local wildlife crime officer to obtain this code in advance of using any trap.</p> <p>(b) Meat bait registration for certain types of traps: Operators intending to use meat bait in Larsen mate and Larsen pod traps must register their intentions with SNH licensing team before use.</p> <p>(c) Reporting requirement: Operators using meat bait in Larsen mate and Larsen pod traps must provide a</p>

	return of non-target capture.																		
What species may be taken or killed under this General Licence?	<table border="0"> <tr> <td><u>Great black-backed gull</u></td> <td><u>Larus marinus</u></td> </tr> <tr> <td><u>Carrion crow</u></td> <td><u>Corvus corone</u></td> </tr> <tr> <td><u>Hooded crow</u></td> <td><u>Corvus cornix</u></td> </tr> <tr> <td><u>Jackdaw</u></td> <td><u>Corvus monedula</u></td> </tr> <tr> <td><u>Jay</u></td> <td><u>Garrulus glandarius</u></td> </tr> <tr> <td><u>Rook</u></td> <td><u>Corvus frugilegus</u></td> </tr> <tr> <td><u>Ruddy duck</u></td> <td><u>Oxyura jamaicensis</u></td> </tr> <tr> <td><u>Magpie</u></td> <td><u>Pica pica</u></td> </tr> <tr> <td><u>Canada goose</u></td> <td><u>Branta canadensis</u></td> </tr> </table>	<u>Great black-backed gull</u>	<u>Larus marinus</u>	<u>Carrion crow</u>	<u>Corvus corone</u>	<u>Hooded crow</u>	<u>Corvus cornix</u>	<u>Jackdaw</u>	<u>Corvus monedula</u>	<u>Jay</u>	<u>Garrulus glandarius</u>	<u>Rook</u>	<u>Corvus frugilegus</u>	<u>Ruddy duck</u>	<u>Oxyura jamaicensis</u>	<u>Magpie</u>	<u>Pica pica</u>	<u>Canada goose</u>	<u>Branta canadensis</u>
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What methods of taking or killing are permitted under this General Licence?	<ul style="list-style-type: none"> • Pricking of eggs • Oiling of eggs using paraffin oil (also known as Liquid paraffin BP or light/white mineral oil) • Destruction of eggs and nests • A Larsen trap • A Larsen mate trap • A Larsen pod trap • A multi-catch cage trap • Shooting with any firearm, including semi-automatic firearms, shotguns or air guns • Targeted falconry • By hand 																		
What general welfare requirements are there when using this General Licence?	<ol style="list-style-type: none"> 1. Operators are responsible for the welfare of any bird or other animal under their control and they must comply with all relevant legislation including the Animal Health and Welfare (Scotland) Act 2006. This includes providing decoy birds with adequate food, water and shelter and a suitable perch that does not cause discomfort to the bird's feet. Decoy birds must also have adequate protection from the prevailing or anticipated wind and rain. 2. Any bird which this General Licence allows you to kill must be destroyed humanely. 																		
What decoy birds can be used in a Larsen trap?	<table border="0"> <tr> <td><u>Carrion crow</u></td> <td><u>Corvus corone</u></td> </tr> <tr> <td><u>Hooded crow</u></td> <td><u>Corvus cornix</u></td> </tr> <tr> <td><u>Magpie</u></td> <td><u>Pica pica</u></td> </tr> </table>	<u>Carrion crow</u>	<u>Corvus corone</u>	<u>Hooded crow</u>	<u>Corvus cornix</u>	<u>Magpie</u>	<u>Pica pica</u>												
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What decoy birds can be used in other multi-catch cage traps?	<table border="0"> <tr> <td><u>Carrion crow</u></td> <td><u>Corvus corone</u></td> </tr> <tr> <td><u>Hooded crow</u></td> <td><u>Corvus cornix</u></td> </tr> <tr> <td><u>Magpie</u></td> <td><u>Pica pica</u></td> </tr> <tr> <td><u>Jackdaw</u></td> <td><u>Corvus monedula</u></td> </tr> <tr> <td><u>Rook</u></td> <td><u>Corvus frugilegus</u></td> </tr> </table>	<u>Carrion crow</u>	<u>Corvus corone</u>	<u>Hooded crow</u>	<u>Corvus cornix</u>	<u>Magpie</u>	<u>Pica pica</u>	<u>Jackdaw</u>	<u>Corvus monedula</u>	<u>Rook</u>	<u>Corvus frugilegus</u>								
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What are the limitations when using decoy birds?	<ol style="list-style-type: none"> 1. Any dead or sickly decoy bird must be removed immediately from a trap. 2. Only one decoy bird may be used in the Larsen trap and it must be kept in a separate compartment. Any 																		

	<p>decoy bird must be removed from the trap when the trap is not in use.</p>
<p>What other trapping conditions are there?</p>	<ol style="list-style-type: none"> 1. A Larsen or multi-catch cage trap need not satisfy the dimension requirements of Section 8(1) of the 1981 Act. 2. Any trap must not be designed or used in such a way so as to be likely to cause injury or unnecessary suffering to any bird trapped. 3. When in use, all traps must be checked at least once every day at intervals of no more than 24 hours except when not possible because of unexpected severe weather conditions. In such cases, operators must make every effort to inspect the trap as soon as possible. A check must be sufficient to determine whether there are any live or dead birds or other animals in the trap. 4. Any trap not in use must be immobilised and rendered incapable of use. For multi-catch cage traps, the access doors must be removed from the site or securely padlocked open so that no bird can be confined. Other traps not in use must be rendered incapable of catching any birds or animals by either removing them from site or securing them shut with a padlock. 5. Any Larsen mate or Larsen pod trap must be firmly pegged or staked down, or tethered prior to use so that the trap cannot be moved should a non-target species be caught. 6. Any bird which this General Licence allows you to trap and which can be killed under this Licence must be killed humanely as soon as reasonably practicable after discovery. 7. Operators must release unharmed immediately any bird found in any trap which is not a species covered by this General Licence.

Notes	<ol style="list-style-type: none"> 1. This General Licence does not exempt any operator from complying with relevant firearms and public safety legislation. 2. Intentionally or recklessly killing, injuring or taking any wild bird of a species not authorised under General Licence is an offence. It is the responsibility of operator to ensure that any traps or methods of control permitted under this Licence do not intentionally or recklessly kill, injure or take any non-target species.
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Definitions

For the purposes of this General Licence;

“Multi-catch cage trap” means a cage large enough to be entered by the operator, which is covered in mesh and uses either a roof-funnel, ground-funnel or ladder/letterbox entry point for birds to gain access to the cage.

"Larsen trap" means a portable cage-trap which has a closed compartment for confining a live bird as a decoy and one or more spring or gravity activated trap-doors which are either top or side mounted.

“Larsen mate trap” means a portable spring-operated cage-trap comprising two shell sections hinged along one edge connected by one or more springs and kept open by a split-rod/trip-perch (as manufactured by Elgeeco; or any trap which is equivalent to it in all relevant respects). When open (set) the minimum distance between any two corners of the trap must be 39 cm. The trap must not shut tightly along the majority of the length of the meeting edges.

“Larsen pod trap” means a portable spring or gravity operated cage-trap which has a single compartment with two side-mounted, spring activated trap-doors which can be set independently.

"humanely" means taking all reasonable precautions to ensure that any killing of birds under this Licence is carried out by a single, swift action.

"wild bird" means any bird of a species which is ordinarily resident in or is a visitor to any member State or the European territory of any member State in a wild state but does not include poultry. "Bird" includes all stages from chick to adult.

“wildlife crime” means any offence under the Wildlife & Countryside Act 1981, the Conservation (Natural Habitats &c.) Regulations 1994, the Protection of Badgers Act 1992, the Protection of Wild Mammals (Scotland) Act 2002, the Animal Health & Welfare (Scotland) Act 2006, the Protection of Animals (Scotland) Act 1912 and the Wild Mammals (Protection) Act 1996 (all as amended).



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Head of Wildlife Operations
for and on behalf of Scottish Natural
Heritage
? December 2016

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Annex C

General Licences for birds for 2017: a briefing note



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General Licences for birds for 2017

Following a public consultation held earlier this year Scottish Natural Heritage (SNH) is to publish its General Licences for 2017 shortly. There are important changes to some of these Licences and users are urged to check the content of the new Licences before acting under them to ensure they stay within the law.

Background

General Licences enable people to carry out activities that would otherwise be illegal without the need to apply for an individual licence. These Licences provide a 'light-touch' approach to regulation and are based on these 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.

Key Changes for 2017

- Resident greylag goose is to be added to General Licence 2 during July and August to allow their killing or taking for the prevention of serious damage to foodstuffs for livestock, or crops. SNH accept that in many situations scaring and other alternative management action is not always effective and



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so there is no alternative solution to the killing or taking of these geese. Importantly, the resident populations of greylag geese are not of conservation concern.

- Meat-based baits will be allowed in Larsen mate and pod traps providing that those intending to do so register their intention with SNH in advance and tell them what is caught. This decision has been taken because this improves the effectiveness of the trap and whilst might increase the capture of non-target species, they know from their crow cage trap research that the welfare impacts associated with the trapping mechanism is relatively low.

Raven will not be added to General Licence 2 as this would not fit with the basic principles of General Licences. However, SNH accept that ravens can cause serious damage, to livestock in particular, and will explore new ways of licensing to try to tackle problems more effectively in areas where they are a particular problem.

In addition, SNH is keen on the development of a Code of Practice for trap operators and will approach the Moorland Forum to look at taking this forward. They are also considering the possibility of taking on the trap registration work from Police Scotland and will consider both of these proposals more during 2017.

For more information about these changes and to see their consultation report, please go to their website: <http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/bird-licensing/general/>

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