

General Licensing Changes Summary - February 2020

Introduction

In 2019 Scottish Natural Heritage (SNH) conducted a review of General Licensing in Scotland. This document provides a summary of that review and the changes that we will make to General Licences, which will come into force on the 1st of April 2020. Where we have made changes we have done so on the basis of the most up to date evidence available.

Background

Licences enable actions that would otherwise be illegal. Annually, we issue around 2,500 individual licences which cover a number of situations and circumstances ranging from disturbance licences for research to allowing control of species to prevent serious damage to agriculture.

We also issue a number of General Licences which avoids the need for individual licences and is a light-touch approach to regulation 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 an offence
- That the actions permitted follow relatively standardised practices
- That they cover situations where we accept that there is 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.

The circumstances under which any species licence any can be granted, whether general or specific, involves our assessment of three broad 'tests';

- *Purpose*: That there is a legitimate reason for carrying out the act and that this fits with a licensing purpose given in the legislation.
- *Alternatives*: That there is no satisfactory alternative to granting a licence; and,
- *Impacts*: That the activity would not be detrimental to the conservation status of the species in question.

There are currently 15 different General Licences covering activities affecting wild birds, for purposes such as preserving public health or air safety and preventing serious damage. Our aim is to have General Licences which are enabling, clear, proportionate, flexible and legally compliant. They also need to balance species conservation with the wide range of other legitimate activities, interests and concerns from land-management to public health and safety.

Public Consultation

In the autumn of 2019 we held a consultation seeking views on the application of General Licences. The consultation ran for 12 weeks, and we received over 700 responses. The key areas we were seeking views on aimed to:

- i. Help inform the evidence base and rationale for inclusion of certain species currently listed on General Licences in Scotland.
- ii. Help inform whether there are other satisfactory solutions available without recourse to management under licence.

We have undertaken an analysis of the consultation responses, supplemented by additional information from a series of bilateral meetings we held with stakeholders during the consultation period, to create a consultation report which is available [online](#).

This work, combined with our commissioned [report](#), consideration of additional published literature, expert ornithological advice and the evidence we have gained through specific licence applications, has been used in order to inform the changes we feel are necessary for the 2020 General Licences.

What changes have been made?

The review we have undertaken has resulted in a number of changes relating to the following areas;

- The Species listed on General Licences 1 to 3
- The withdrawal of General Licence 4
- Additional safeguards for the use of General Licences on certain designated sites
- New trap registration process

Species Changes

Taking all of this work into account and, having assessed the extent and quality of evidence to inform which species of wild birds should be included on General Licences 1-3 in Scotland, there are sixteen specific changes which we are making. These, and the rationale for doing so, are listed below.

General Licence 1 - for the conservation of wild birds

Key changes: Rook and great black-backed gull will be removed from this licence

Rook - there is no established scientific or strong anecdotal evidence that this species predated on wild bird eggs and chicks or causes significant changes in the abundance of any wild bird population. We consider therefore that test 1 is not met and so this species will not be listed on General Licence 1.

Great black-backed gull - We consider that tests 1 and 2 are met for great black-backed gull but given its declining conservation status and the potential impact of control under General Licence, test 3 is not passed and so this species will not be listed on General Licence 1.

General Licence 2 – to prevent serious damage to agriculture

Key changes: Great black-backed gull and collared dove will be removed from this licence. The restriction on killing greylag geese to prevent damage during the remainder of close season will be removed

Great black-backed gull - We consider that tests 1 and 2 are met for great black-backed gull but given its declining conservation status and the potential impact of control under General Licence, test 3 is not passed and so this species will not be listed on General Licence 2.

Collared dove - We consider that there is insufficient evidence that collared dove causes serious damage to foodstuffs for livestock and crops therefore test 1 is not met and so this species will not be listed on General Licence 2.

Greylag goose - Greylag geese are currently included on General Licence 2 on the basis that they cause widespread agricultural damage to grass pasture, emerging crops, roots and rape. We are satisfied that tests 1, 2 and 3 are met throughout the close season and therefore we are extending greylag control under General Licence 2. This will ensure there are no administrative barriers to prevent damage to agriculture from greylags and respond to the increasing demand from farmers.

Raven – During the consultation we sought views on the inclusion of ravens on General Licence 2. The response was mixed, but having undertaken the assessment, we consider that tests 1 and 2 are passed. However, due to significant regional differences in abundance of the raven and the regionalised demand, we are not proposing to add raven to General Licence 2, but we will simplify the process for licence applicants. This will still enable us to monitor the number of ravens killed and where licences are being used.

General Licence 3 – to preserve public health, public safety and prevent the spread of disease

Key changes: Carrion crow, hooded crow, rook, jackdaw, magpie, woodpigeon, collared dove, great black-backed gull, herring gull and lesser black-backed gull will be removed from this licence

Carrion crow, hooded crow, rook, jackdaw, magpie, – Well established evidence exists that these species are vectors of various pathogens, which may be detrimental to livestock, poultry and humans (e.g. *Cryptosporidium parvum*, *Giardia lamblia*). However, there is little published scientific literature to demonstrate specific transmission of disease and how this risk is greater for these species compared to other birds. We consider that test 1 is not passed and so these species will not be listed on General Licence 3.

Woodpigeon and collared dove – As for the other species, woodpigeons and collared doves host a number of animal and zoonotic diseases and parasites. The potential for these species to spread disease (i.e. to act as vectors) has not been established with any certainty and it isn't clear that the circumstances are suitable for them to act as a significant vector of animal and zoonotic diseases. We consider that test 1 is not passed and so these species will not be listed on General Licence 3.

Great black-backed gull, herring gull and lesser black-backed gull - A primary concern in towns and cities is the degree to which gulls can be aggressive towards people. This may arise in the defence of nest sites on roofs, defence of chicks that have hatched and may have fallen

to the ground, as well as gulls stealing food, occasionally from people's grasp. Another area of concern in terms of public health arises from complaints which focus on noise (territorial calls at what some consider being anti-social hours).

Gulls are also known to host several pathogens including *Salmonella* types, as well as some specifically avian diseases such as avian botulism; although as with other species the extent to which transmission of disease is an issue is less clear.

Most local authorities rely on General Licence 3 to manage gull populations in towns and cities, including Aberdeen, Elgin, Edinburgh, Dumfries and Inverness. Most control focuses on nest and egg control, though chicks are often also taken and killed where they may pose a threat after falling to the ground (traffic safety is often cited as a reason).

We consider that tests 1 and 2 are met for these gull species but given increasing concerns about their declining conservation status and the need to better understand the impacts of any licensed control we consider, test 3 is not passed and so these species will not be listed on General Licence 3.

Annex 1 – Shows a summary of the changes in species for 2020 General Licences

General Licences and Designated Sites

Key change – Anyone intending to use a General Licence on certain Special Protection Areas and Special Areas of Conservation can only do so with approval from our licensing team

One other area that has come under focus, although not directly as a result of our consultation, relates to geographical considerations associated with European protected sites. Given their particular importance to conservation, we must ensure that any impacts on a site are properly considered before any plan or project can be undertaken, using a process known as a Habitats Regulations Assessment (HRA). Some types of activity which are allowed under General Licences have the potential to affect both Special Areas of Conservation (SAC) and Special Protection Areas (SPAs); therefore we have completed a new HRA for General Licences 1-3 in order to conclude whether any additional restriction is necessary.

To date, General Licences have largely had no geographic restrictions on their use. Although there is no clear evidence that their use is having an adverse impact on the integrity of any protected area, there is potential to do so. As a result, a number of sites in Scotland will be excluded, which will prevent users from operating under the General Licences here without prior approval from our licensing team. The permitting arrangements will take in to account the sensitivity of particular features for which each site is protected and whether it could or will be impacted by actions authorised by the General Licences.

We are developing simple assessment arrangements and where individual permission is sought for activities on excluded sites, we will ask the applicant-

- what they want to do
- where they want to do it
- when they want to do it

We will then consider the potential impacts and any necessary conditions/restrictions to enable approval where possible.

Users wishing to carry out licensed activity under General Licences 1, 2 and 3 on excluded sites from 1 April 2020 will contact Licensing@nature.scot or ring 01463 725 364.

Maps showing sites where use of General Licences is restricted without prior permission is available at- <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/birds-and-licensing/general-licences-birds>

Trap registration

Key change: Users of traps under General Licence will need to register with SNH

In order to use any trap under our current suite of General Licences users are required to have registered with Police Scotland, and include contact details for Police Scotland on the trap. Registration is by landholding and Police Scotland hold the records for around 1700 landholdings which have been registered. We have been previously consulted on the benefits of taking over the responsibility for this registration with Police Scotland and the consensus is that this would be beneficial. Thus, from 1st April 2020 we will be taking over responsibility for registering those who wish to use traps under our General Licences from Police Scotland.

To aid accountability and transparency, individuals will require to register rather than registering landholdings or farms. This will ensure that as a regulator we have direct contact with those trapping under our General Licences which will lead to clearer understanding of user responsibilities and aid communication in the future.

As of mid-February those wishing to register with us can do so by visiting-

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/birds-and-licensing/general-licences-birds>

Trap registration should only take 5 minutes and you won't need any special information other than your own contact details.

General Licence 4 - Air Safety

Key change – This General Licence will be withdrawn

As part our review we looked at the number of airports and aerodromes in Scotland using General Licence 4 - Air Safety. There are less than 30 users of this licence with the majority already applying for additional individual licences to control species not listed on the current General Licence. Our decision is to withdraw this General Licence because we consider that individual licences for each user will better fit their needs and allow us to streamline the process whilst meeting our European protected site responsibilities. We will provide airports and aerodromes with individual licences suitable for their needs and we will be contacting them direct in the next few weeks to ensure suitable licensing coverage for air safety issues after 1st April 2020.

Our revised approach to Gull licensing

All gull species are being removed from our General Licences. A new protocol for applications involving gull species has been devised and will be in place by the 1st April. This will include provision for site management, pest controller licensing as well as covering one-off situations involving gulls.

In summary:

Prevention of Serious Damage & Conservation of Wild Birds

Where applicants are concerned about the impacts of gulls on livestock, agricultural interests or on other wild birds we will expect individuals to make licence applications. As with all of our licences we will ensure these are as simple to apply for as possible whilst ensuring we can meet our legal responsibilities and species' conservation status.

Preserving Public Health & Safety

One off applications

For those situations where gull species are causing an impact on a small, unpredictable, scale – such as a single nesting pair on a residential roof – we will ensure that a licence is issued as quickly as possible.

Recurring applications

In situations where year-on-year applications to us are made, we expect the site manager/owner to take steps to minimise the impacts that gulls are having. We will be tracking these applications and ensuring that any measures proposed – such as netting or spike strips – are put in place between applications.

Pest Controllers

We will still operate a site list for pest controllers however the process will differ slightly from previous years.

After site details are submitted, controllers will be issued with a document specific to that site. It is then the controller's responsibility to ensure that each site has an individual return submitted and to pass on any management advice to their client. Our aim going forward will be to ensure that site owners/managers implement the advice pest controllers have provided to avoid further gull issues or they may not be able to obtain a licence in future years.

For further information visit- <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/birds-and-licensing/birds-licences-public-health-and>

Annex 1 – Summary of Changes in Species for 2020 General Licences

GL 01		GL 02		GL 03	
To kill or take certain birds for the conservation of wild birds		To kill or take certain birds for the prevention of serious damage to livestock, foodstuffs for livestock, crops, vegetables and fruit		To kill or take certain birds for the preservation of public health, public safety and preventing the spread of disease	
Species	Likely Outcome of Assessment	Species	Likely Outcome of Assessment	Species	Likely Outcome of Assessment
Magpie	Retain	Feral pigeon	Retain	Feral pigeon	Retain
Carrion crow	Retain	Collared dove	Remove	Woodpigeon	Remove
Jackdaw	Retain	Great black-backed gull	Remove	Lesser black-backed gull	Remove
Great black-backed gull	Remove	Resident Greylag goose	Extend control period	Great black-backed gull	Remove
Hooded crow	Retain	Hooded crow	Retain	Herring gull	Remove
Canada goose	Retain	Canada goose	Retain	Carrion crow	Remove
Ruddy duck	Retain	Carrion crow	Retain	Collared dove	Remove
Rook	Remove	Woodpigeon	Retain	Canada goose	Retain
Jay	Retain	Rook	Retain	Jackdaw	Remove
		Magpie	Retain	Magpie	Remove
		Jackdaw	Retain	Rook	Remove
				Hooded crow	Remove

Red-Remove

Green-Retain (no changes)

Amber-Retain (changes)