

Natural England Licensing Review: Wild Take of Birds of Prey

Policy Options for Falconry and Aviculture

October 2023

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Executive summary

Natural England (NE) is responsible, on behalf of DEFRA, for determining licence applications to take native birds of prey from the wild ('wild take') in England for use in falconry and aviculture. Wild take of birds of prey largely ceased in the 1980s due to conservation concerns. Since then, captive-bred birds have been used by falconers and aviculturists instead.

In early 2022, with the support of DEFRA, NE launched a review to inform the development of a recommendation to DEFRA for a specific wild take licensing policy for native birds of prey based on the latest evidence, expert advice, and in-depth stakeholder insights from across the falconry and non-falconry communities. To facilitate this review process, wild take licensing was temporarily suspended.

A key question that the review has sought to address is the extent to which captive-bred birds represent a satisfactory alternative for falconers and aviculturists to use in place of sourcing birds from wild populations. Answering this question has involved gathering evidence relating to, amongst other issues, cultural aspects of falconry practice and how falconry traditions have changed over time, the views of practicing falconers and other key interest groups, and evidence on the behaviour and genetics of captive and wild populations.

The review process included an 8-week public call for evidence, facilitated stakeholder workshops and semi-structured interviews, a literature review and technical genetics report, and engagement with relevant experts and other statutory agencies.

The review has concluded that:

- Wild take is not integral to the present-day practice of falconry or aviculture in England. Few modern falconry texts define falconry as involving the use of 'wild' birds of prey and there are limited historical references to the cultural importance of wild take or of wild-taken birds to British falconers. No clear consensus exists within the falconry community or in the available falconry literature regarding the cultural importance of wild take as a core aspect of falconry practice.
- Despite rapid growth in the popularity of falconry in recent decades, the available evidence suggests that there are sufficient birds of the relevant species readily available – via captive populations – to meet current demand. There is no evidence of significant inbreeding risks in these captive populations and captive-bred birds are generally considered to perform to a similar standard as wild birds when used for falconry purposes.
- Most non-falconers are opposed to licenced wild take on ethical grounds and have concerns regarding the potential impacts of falconry and wild take on the conservation and welfare of the species affected. Both falconers and non-falconers are supportive of additional measures to ensure that individuals keeping birds of prey have suitable experience in caring for such birds.

- Few respondents to the public call for evidence expressed a desire to gain commercially from wild take. However, risks identified relating to the illegal trade in birds of prey nevertheless suggest a need for strict controls on commercial use of such birds alongside improved traceability and other measures to be taken forwards by the responsible agencies. Difficulties in tracing individual birds under current arrangements mean there is a credible risk that the offspring of a wild bird taken under licence could be illegally laundered via commercial breeding operations into the domestic and international trade.

On the basis of the above conclusions, NE's recommendation to DEFRA is that the government should adopt and publish a clear policy statement for England setting out:

- that licences permitting the wild take of native birds of prey for falconry or avicultural purposes **should not be issued** other than in exceptional circumstances;
- that the commercial use of native birds of prey taken from the wild under a licence issued for falconry or avicultural purposes – and any offspring of such birds – **should not be permitted** other than in exceptional circumstances; and,
- that the power to grant licences remains on statute, with the adopted policy (as above) subject to future evidence-based review as required.

Background

Falconry and aviculture are purposes under section 16(1)(e) of the Wildlife and Countryside Act (WCA) 1981 for which licences permitting the wild take of native birds of prey may be granted. The Secretary of State entered into an agreement with Natural England (NE) authorising it to perform such licencing functions on behalf of DEFRA, in accordance with government policy, through a Part 8 Agreement under section 78 of the Natural Environment and Rural Communities Act 2006.¹

Since the 1980s, when licenced wild take of native birds of prey for falconry and aviculture ceased due to conservation concerns, falconers and aviculturists (hereafter 'falconers') have largely relied on the use of captive-bred birds of prey. In recent years, however, there has been renewed interest in applying for bird of prey wild take licences for these purposes. Three licences granted in 2020 were the first issued for over thirty years. Due to this prolonged cessation, there was no specific policy, recent precedent or guidance upon which NE could base its approach to determining applications. This made the licence application assessment process difficult and time consuming and resulted in decisions that faced considerable public criticism and threats of legal challenge.

In early 2022, NE concluded that its approach to bird of prey wild take licensing for these purposes was not based on a sufficiently robust understanding of the evidence or of conflicting stakeholder views. With the support of DEFRA, NE launched a review to inform the development of a specific bird of prey wild take licensing policy based on the latest evidence, expert advice, and in-depth stakeholder insights from across the falconry and non-falconry communities. Wild take licensing is temporarily suspended during the review process, which is scheduled to conclude in late 2023/early 2024.

DEFRA stated that: *"The decision to undertake this review was taken following consultation with DEFRA officials, who accept NE's view that it does not have an existing approach to wild take licensing that it can be confident is based on robust evidence and takes proper account of stakeholder views. We therefore support action to address this situation and recognise why it is sensible for NE to suspend licensing, review the evidence and engage with stakeholders, and arrive at a policy framework in which it can have confidence."*

¹ The original s.78 agreement was established in 2006 and has received five subsequent administrative amending agreements: [Natural England framework document 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101444/natural-england-framework-document-2022.pdf)
<https://www.legislation.gov.uk/ukpga/2006/16/contents>

Objectives of the Review

Develop, implement and evaluate a specific policy framework and licensing regime for wild take of native birds of prey, based on up-to-date evidence and informed by key stakeholder and other relevant views.

Make the assessment of future licence applications less time-consuming and result in decisions that are transparent, evidence-led and legally robust.

Improve stakeholder relationships, reduce conflict and the volume of complaints received by developing greater stakeholder understanding of NE's role in sustainable use licensing and the licensing process.

Use an evaluation framework to enable lessons to be learned about both the process and impact of the project, testing a new approach to resolving species licensing conflicts that could be applied to other areas of sustainable use licensing policy development and more broadly across NE's work.

Ensure that NE's approach to bird of prey wild take licensing does not undermine efforts to combat the illegal trade in birds of prey or lead to adverse conservation or welfare outcomes.

Other Satisfactory Solutions

The review evidence gathering process was directed at providing material to inform the application of the relevant statutory tests, in particular the *“other satisfactory solution”* test under section 16(1A) of the WCA. The main alternative to wild take considered by the review was the continued non-licensed use of captive-bred birds of prey sourced via captive populations of the relevant species. In considering whether there are other satisfactory solutions, two key points addressed were:

Is the act of wild take an integral component of falconry or avicultural practice?

To assess this question, it was necessary for NE to consider whether the act of wild take is an integral component of falconry or avicultural practice, or whether it is simply an alternative means of securing a supply of birds to train, fly and breed – with the other being to source birds from current captive stocks. Case law relating to the EU Birds Directive (upon which the UK's domestic legislation is based) concerning the trapping of finches in Malta, which is also a traditional activity, ruled that the word 'satisfactory' in this context should not necessarily be interpreted as requiring that the solution to be perfect or to allow for the activity to be practiced in exactly the same way as was the case historically or traditionally. A satisfactory solution may also involve a degree of inconvenience or require those concerned to adapt their practices. In addition, a solution cannot be

considered unsatisfactory merely because it would be viewed with disfavour by those seeking to undertake the activity in question. The above case also ruled that, were the activity itself to be considered of value, then capture followed by ringing and release (or similar) could potentially be considered satisfactory.²

Is the genetic provenance of the birds used for falconry an integral component of the tradition and does it influence the performance or suitability of such birds when used for these purposes?

It was necessary for NE to consider whether the genetic provenance of the birds used by falconers is an important facet of the tradition, and how this relates to the genetics of birds that can be sourced via captive stocks. Alongside this, it was also necessary to consider whether there is scientific evidence of genetic issues that might result in captive-bred birds not representing a satisfactory solution for these purposes. Case law relating to the granting of licences in Belgium to capture wild birds to enable aviculturists to stock their aviaries ruled that the taking of wild birds to address genetic problems when breeding for avicultural purposes would only be justified if there was “*objective scientific evidence*” to support it.³

Other solutions that NE is aware of are the import of captive-bred birds or the use of wild-disabled birds for breeding. Historically, the import of wild-taken birds was an important route by which birds were sourced for falconry usage.

If additional genetic input were considered to be essential, import of birds of the relevant race/sub-species could be an alternative, as could breeding from wild-disabled Great British (GB) birds that are unsuitable for release back to the wild⁴. However, the current approach taken by the UK's Convention on Trade in Endangered Species (CITES) scientific and management authorities, with the support of DEFRA, is to refuse to grant the permits that would be required to use such birds or their offspring for these purposes unless it can be demonstrated that there will be a conservation benefit to the species in question. This limits the potential for these sources to act as an alternative.

The National Wildlife Crime Unit (NWCU) has also noted that there is a risk of criminality associated with allowing the breeding of wild-origin birds declared as disabled (i.e.

² See C-557/15: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62015CJ0557>

³ See C-10/96: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61996CJ0010>

⁴ See: Fleming, L. V., Douse, A. F., & Williams, N. P. (2011). Captive breeding of peregrine and other falcons in GB and implications for conservation of wild populations. *Endangered Species Research*, 14(3), 243-257.

declared as unfit to be released back to the wild) due to the lucrative overseas market that currently exists for wild-origin birds and their offspring (see Wildlife Crime section and Commercial Use of Wild Birds under WCA and CITES section).

Methodology of the Wild Take Licensing Review

The methodology for the review process was informed by procedural justice theory, and specifically the idea that the extent to which a group of stakeholders will be willing to accept the outcome of a process is dependent on how highly they rate the quality of their experiences when being engaged with as part of that process, regardless of whether the outcome favours them or not. Relevant factors pertinent to this include the extent to which stakeholders feel that they are included, that their knowledge is respected, that the process is transparent and clear, and that their voices are being heard and will make a difference.

As such, a key component of the review process has been social science research and participatory stakeholder approaches, drawing on best practice as set out in new International Union for Conservation of Nature (IUCN) guidelines on Human-Wildlife Conflict and Coexistence⁵.

The review included the following key elements:

- Initial stakeholder engagement followed by an 8-week public call for evidence (CFE) with respondents (n=143) asked to provide evidence to support their views and to signal if they were willing to take part in follow-up interviews/workshops.
- Follow-up semi-structured interviews with a sample (n=12) of individual falconers and non-falconers who responded to the CFE followed by a thematic analysis of the transcribed interviews. Interviewees were selected via the identification of subgroups based on answers to key CFE questions.
- Commissioned evidence including a literature review on the traditional practices and cultural aspects of falconry as related to wild take in GB and a technical report on bird of prey genetics and wild take.
- Review of wild take licensing approaches across the four UK nations, Europe and the USA.

⁵ [IUCN SSC Guidelines on Human-Wildlife Conflict and Coexistence \(hwctf.org\)](https://www.hwctf.org/)

- Facilitated multistakeholder workshops to review evidence (March 2023; n=28 participants) and consider draft policy recommendations (July 2023; n=22) – see Annex 1 for a list of organisations that participated in the workshop(s).
- Engagement with academics, expert groups, and other statutory bodies.

Quantitative data were analysed to produce percentage data sets. Qualitative data were analysed to find thematic evidence through recurring statements and summary comments for and against each of the key questions to provide context. Responses were categorised as: falconer or non-falconer and organisational or individual. Qualitative data from both the CFE and the semi-structured interviews were analysed thematically.

The project has been overseen by a project board made up of senior (G7 and above) NE staff and has included input from across a range of NE teams including licensing specialists, social scientists, ornithologists, policy experts, legal experts and project management experts. As part of the review process, NE has engaged regularly with the relevant DEFRA policy team to keep them informed of progress.

In July 2023, NE's Science Advisory Committee (NESAC) endorsed the project methodology as scientifically robust and appropriate and agreed with the preliminary conclusions that NE had reached based on the available evidence. All evidence reports (as listed in Annex 2) will be made publicly available via Natural England's 'Access to Evidence' catalogue in due course⁶.

Overview of Falconer CFE Respondent Views on Wild Take Licensing

(a) Interest in obtaining wild take licences: 49% of falconer respondents to the CFE stated they were potentially interested in obtaining a wild take licence. Falconry organisations that responded stated that 0-10% of their members would be interested in obtaining a licence. The extent to which the individual falconer respondent sample is representative of the wider falconry community is unclear based on the survey methodology. However, the discrepancy between individual and organisational respondents with respect to interest in licences suggests that individuals interested in wild take are likely to be over-represented in the individual falconer sample.

Reasons given: The most frequently stated reasons given for wanting a licence were that wild take is a traditional part of falconry and an important aspect of falconry

⁶ All supporting documents can also be provided to DEFRA on request. Documents are currently in draft form but will be published via NE's [Access to Evidence](#) page in due course.

culture, that wild populations are now large enough to sustain wild take, and that current captive populations are in some way inadequate (e.g., due to perceived genetic or behavioural issues). For example, one stated that “...*this key element of “proper” falconry, I believe, is essential to keeping the ancient and ever relevant sport which we practice and love alive for future generations*”.

Species most frequently mentioned by those wishing to take birds: The species that were most frequently mentioned were peregrine (58%), sparrowhawk (58%), merlin (22%) and goshawk (10%). One individual falconer respondent mentioned buzzard and golden eagle. However, many falconer and non-falconer respondents considered the latter two species to be unsuitable for inclusion in a future wild take licensing regime. In the case of golden eagles, it was stated that this was due to their rarity in England. Many falconers also considered merlin to be unsuitable for inclusion due to their rarity.

(b) Not interested or unsure: 37% of falconer respondents to the CFE stated they were not interested in obtaining a wild take licence and 14% were unsure.

Reasons for lack of interest: The dominant reasons given by those not interested in obtaining a licence were the view that the desired birds can readily be sourced via captive stocks, that there are no differences in the abilities of wild and captive-bred birds if appropriately trained, and that any genetic issues can be addressed via better studbook management/record-keeping. Some falconers also expressed concerns that licenced wild take could attract adverse publicity and cause reputational damage to falconry more broadly. For example, one stated that “...*fieldsports, like falconry, are under increasing pressure...it would take very little to change the balance of public opinion...in a modern internet age, that could be a death knell*”.

Other Key Review Findings

1. Cultural Importance of Wild Take to Falconry

The first question that NE sought to assess in summarising the evidence gathered relates to the question of whether the act of wild take itself is integral to the satisfactory practice of falconry in GB, or whether it is simply one of several routes by which falconers can source birds to train, fly, hunt and/or breed with for falconry or avicultural purposes.

This question has been assessed using qualitative and quantitative data from the CFE, the follow-up interviews and workshops and the literature review. Together, these have helped to inform our understanding of the cultural and historical aspects of falconry practice in GB, the relationship with wild take, and the views of the stakeholders involved.

It is important to note here that NE did not seek to answer this question by relying solely on the views of those who currently practice falconry, many of whom may never have experienced wild take due to wild population declines in the latter part of the 20th century

and the subsequent introduction of regulatory controls in the 1980s. Instead, a key aspect of NE's approach to answering this question was to look at the historical falconry literature itself, and in particular the literature regarding the practice of falconry prior to the 1980s. Nevertheless, the views of current practitioners were still considered to be highly relevant, noting that cultural practices and traditions can and do change over time for a variety of reasons and also that the views of those keen to see a historical practice revived should also be taken into consideration.

The findings are summarised below:

(i) History of falconry in GB

Falconry has been practiced in GB since at least the 8th century. The literature review noted that in many ways it *“remains remarkably similar to the way it was practiced...hundreds of years ago”*. However, there have been a range of changes over this period as its popularity has waxed and waned. For example, for a time falconry was almost exclusively practiced by the nobility and on horseback, with such falconers often relying on others to capture and train the birds on their behalf. Some birds were also imported for these purposes, including from continental Europe (notably the Netherlands) and from as far afield as Africa. Other changes that have occurred over its history in England include changes in some of the main quarry species targeted.

(ii) Core aspects of falconry practice

As an activity, falconry is typically defined by those who practice it primarily as involving the use of a trained bird of prey to hunt specific 'quarry' species in the wild. For example, the International Association for Falconry (IAF) describe the *“ancient art of falconry”* as *“a hunting tradition defined as taking quarry in its natural state and habitat by means of trained birds of prey”*⁷. Similarly, the British Falconers' Club (BFC) define it as *“the sport of taking wild prey (or quarry) in its natural state and habitat by means of trained hawks”*⁸.

As such, falconry is primarily a hunting tradition. However, some do consider the use of a bird of prey taken from the wild to be a core aspect of falconry practice. For example, amongst individual falconer respondents to the CFE, 12% considered wild take to be a core aspect of falconry practice and were concerned about the potential loss of the *“cultural experience”* of taking birds from the wild. Some of these falconers thought it should be kept on statute but not pursued at present.

⁷ [International Association for Falconry \(iaf.org\)](http://International Association for Falconry (iaf.org))

⁸ [What is Falconry? – The British Falconers' Club \(britishfalconersclub.co.uk\)](http://What is Falconry? – The British Falconers' Club (britishfalconersclub.co.uk))

The literature review found that few modern falconry texts retain the historically common definition of falconry as involving use of ‘wild’ birds of prey as well as limited historical (i.e. pre-1980s) references to the potential cultural value or importance of wild take or of wild-taken birds to the practice of falconry in GB.

A number of organisational respondents referred to the fact that falconry has been inscribed on the UNESCO ‘Representative List of the Intangible Cultural Heritage of Humanity’. However, the literature review noted that the UK has not ratified this convention, and neither the inscription decision nor the nomination make explicit reference to the wild take of birds of prey as a necessary or essential element of falconry practice⁹.

(iii) Changes to falconry since the 1980s cessation in wild take licensing

Since the 1980s, falconers have largely relied on the use of captive-bred birds. Conversely, prior to the mid-1900s, captive-bred birds of prey were largely non-existent. According to the literature review, captive-breeding is now generally agreed to be sufficient in terms of its ability to provide a consistent supply of birds that perform to an acceptable standard, in line with the needs of GB falconers. In many cases, they are considered to perform at least as well as wild-taken birds in terms of their hunting abilities and flight performance.

Key changes in the practice of falconry and/or aviculture since the 1980s that were highlighted by falconer respondents to the CFE included that the vast majority of birds used are now captive-bred, that there has been an increase in the captive-breeding stock, and that the number of practicing falconers has also increased.

The literature review concluded that *“the ability of falconry to adapt in the face of change has allowed the sport to flourish”*. In fact, it has grown substantially in popularity over recent decades – despite the cessation in wild take licensing – in large part thanks to advances in captive-breeding.

One falconer respondent stated that when the 1981 Act came in *“falconry was likely to disappear...there were fewer than 400 active falconers”*. By comparison, in 2007, The Hawk Board estimated there were around 25,000 individuals in the UK keeping 70,000 birds of prey, 5,000 of which were described as practicing falconers who hunted with birds of prey and 2,000 of which bred birds of prey.

No more recent estimates are available, although The Hawk Board have confirmed in correspondence that they have *“no evidence to suggest that there has been anything other than a modest increase in falconers and raptor keepers”* since the

⁹ [Falconry, a living human heritage - intangible heritage - Culture Sector - UNESCO](#)

2007 estimate was produced. The Hawk Board currently has around 8,000 members, and the British Falconers' Club around 1,000 members.

The 2007 report, referred to above, also estimated that the numbers of birds that were being bred in captivity was expanding at a rate of 11% per annum and that UK falconry was self-sustaining in terms of the domestic production of captive-bred birds, as well as exporting substantial numbers of birds each year. In fact, captive-bred birds dominate today's practice of falconry in GB and across Europe more widely. The literature review cites Kenward and Gage (2008)¹⁰ who reported that only 88 wild birds of prey were licenced to be taken in the EU in 2005 compared to the tens of thousands that were captive-bred.

Based on the above, it seems clear that the cessation in wild take licensing since the 1980s has not had a negative impact on the popularity of falconry in GB.

(iv) Satisfactory alternatives to wild take

When asked about alternatives, many falconers that responded to the CFE referred to use of captive-bred birds. Few discussed a need for any alternative to wild take itself. 43% of those that responded to this question considered there to be alternatives to taking birds from the wild and, of these, 58% considered the alternatives to be satisfactory. Amongst these individuals, there appeared to be a clear consensus that current captive populations are sufficient to supply falconers with the birds that they need. Most of the falconers that were interviewed also thought that the increased supply of and access to captive-bred birds, had displaced the need for wild take. However, others felt that there were issues with the genetics of captive-bred birds that may influence their performance when used for falconry (see Genetics section for details).

Amongst falconer interviewees, being outside in nature was valued the most, and a number suggested that individuals could experience something similar to wild take by taking part in other outdoor activities such as nest monitoring and bird ringing. Despite most interviewees being against the issuing of licences, there was nevertheless a popular view that wild populations have reached levels able to sustain wild take without a detrimental impact and some argued that it should therefore remain on statute in case required in future.

In conclusion, it is certainly the case that the capture of native wild birds was an historical aspect of falconry in GB and for a time the only means (beyond importing) by which birds to use for falconry purposes could be sourced. Since the 1980s, alternative routes by

¹⁰ Kenward, R.E., & Gage, M. J. G. (2008). Opportunities in falconry for conservation through sustainable use. Sielicki, J. & Mizera, T. (Eds.) Peregrine Falcon Populations – status and perspectives in the 21st Century. Poznań: Poznań University of Life Sciences Press.

which falconers can source birds have become available, notably via captive-breeding stocks.

At the present time, based on the evidence as summarised above, NE does not consider the taking of birds of prey from the wild to be integral to the satisfactory practice of falconry or aviculture in England, providing that the required birds can be sourced via captive stocks. Despite the cessation of wild take licensing in the 1980s, falconry and aviculture in GB appear to be flourishing, with captive-bred birds widely considered to be, and widely accepted as, an alternative to sourcing birds via wild populations. No clear consensus exists within the GB falconry community or in the available falconry literature (including historical texts) regarding the specific cultural importance of wild take as an act in itself to GB falconers or to the practice of falconry in England at the present time.

2. Genetics

Three potential genetic issues emerged as part of the review process in relation to current captive populations. Each of these needed to be considered in turn to reach a conclusion on the matter of whether birds sourced via captive stocks can represent an “*other satisfactory solution*” to sourcing birds from the wild. On each of these issues, there were marked differences in responses between those falconers who were and were not interested in applying for wild take licences according to the results of the CFE. A review of the genetic evidence surrounding these issues was undertaken by NE ornithologists and will be published alongside the other evidence reports in due course.

(i) **Genetic provenance: sourcing birds that are a close genetic match to wild birds**

Some falconers stated a preference for flying birds that are a close genetic match to native (GB) populations in the wild and argued that this was linked to a desire to preserve their cultural heritage. Some noted perceived difficulties in sourcing birds of the desired (GB) genetic provenance from current captive stocks. However, the falconry literature review identified few texts describing the cultural importance of such genetic issues to GB falconers in any detail. Amongst interviewees, bird lineage and traits were described as more important factors, and most felt able to source birds of recognised GB lineage from current captive stocks.

There are no birds of prey that are currently recognised as endemic to GB and no native wild breeding population that currently belongs to a recognised race or subspecies distinct to GB. There is some evidence of genetic differentiation in captive and wild populations of at least some species¹¹, but the differences involved

¹¹ Weaving, A., Jackson, H. A., Nicholls, M. K., Franklin, J., & Vega, R. (2021). Conservation genetics of regionally extinct peregrine falcons (*Falco peregrinus*) and unassisted recovery without genetic bottleneck in southern England. *Conservation Genetics*, 22, 133-150.

do not appear to be considered significant enough to warrant preservation in their own right or classification of the populations concerned as distinct races or sub-species.¹²

Whilst using birds of the same race/sub-species as native populations in the wild is clearly important to some falconers, a close genetic match between the birds falconers fly and wild populations of the same species does not appear to be core to falconry practice in England for the majority of falconers at the present time based on the findings of the CFE and literature review. In most cases, the precise extent of genetic similarity or difference between the birds used may only be detectable in a laboratory setting in the absence of any clear phenotypic differences¹³.

Most falconers who responded to the CFE agreed that the key barriers to sourcing birds of the desired genetic provenance at present are poor record keeping/studbook management of captive populations. It is also notable that many falconers are happy to fly non-native and hybrid birds of prey.

In conclusion, NE has found no objective scientific evidence to suggest there is currently a need for wild take in England to enable falconers to source birds that are a sufficiently close genetic match to wild GB populations. It is considered likely that birds of GB lineage and/or that approximate to wild populations can be sourced from captive stocks.

(ii) Inbreeding and the genetic health of captive populations

No objective scientific evidence was found to support this concern. It is possible to exclude a risk of inbreeding in current captive populations of the key species of interest to falconers based on the overall size of these captive populations alone, assuming appropriate pairings and accurate record keeping¹⁴. The growth in UK exports of captive-bred falcons suggests that UK stocks are sufficient in size not only to meet demand in the UK, but also that there are surpluses that can be exported each year. This accords with the views of several falconer interviewees in relation to the captive-bred surpluses that currently exist amongst certain species.

¹² (R. Vega, personal communication, May 2023).

¹³ (L. Webster, personal communication, September 2022)

¹⁴ Information regarding the numbers of birds currently held in captivity was provided by JNCC derived from the CITES licensing database. They estimate that there are at least 9,000 peregrines in captivity (greater than the wild population) and over 1,500 sparrowhawks. Their advice was that captive-breeding to multiple generations of each of the key species of interest is considered to be well-established.

In conclusion, NE has found no objective scientific evidence to suggest that there is currently a need for wild take in England to maintain the genetic health of captive populations. If a future need were to be identified based on objective scientific evidence, a robust plan would be needed to demonstrate how any proposal would enhance the genetic health of the overall captive population of the relevant species, including a robust system of record-keeping and coordinated studbook management, to minimise any future need for further wild take.

(iii) Genetically linked differences in the performance of captive-bred birds

42% of falconer respondents to the CFE consider there to be behavioural differences in the performance of wild and captive-bred birds when trained for falconry purposes and that these differences were particularly marked between captive-reared birds recently derived from wild stock and the progeny of birds that had been captive-bred and reared over multiple generations (e.g. due to a lack of ‘selection pressure’ in captive populations). For example, it was suggested that the latter have inferior hunting skills or possess a lack of ‘wildness’. 33% disagreed with this and 25% were unsure. Some felt these differences were important, enabling the birds to be *“very much a family companion as well as a hunting companion”*. The literature review concluded that captive-bred birds are considered to perform to a high level of satisfaction by many falconers. No objective scientific evidence assessing these behavioural deficiencies was provided to the contrary.

Even if such differences were demonstrated to exist, it is considered quite possible that these could be the result of environmental rather than genetic factors. For example, one respondent noted that *“if a wild bird is treated to the same techniques as a captive-bred bird it responds and acts in exactly the same way”* and another that *“the behaviour of the raptor will be dependent on the ability of the falconer to train and hunt with the bird”*. A number of respondents suggested that in this scenario, the option of making changes to bird husbandry techniques could be explored in more depth. Behaviour-based management has been demonstrated to be important to avian reintroduction projects, for example to ensure that captive-bred birds reared for conservation projects exhibit appropriate wild behaviours post-release¹⁵.

In conclusion, NE has found no objective scientific evidence relating to the behaviour of captive-bred birds of prey in England that support the view of some falconers that there are significant genetically-linked deficiencies in their performance when used for falconry purposes. If there are performance differences, then it is considered that these are more likely to be a result of environmental rather

¹⁵ Roberts, J. L., & Luther, D. (2023). An exploratory analysis of behavior-based and other management techniques to improve avian conservation translocations. *Biological Conservation*, 279, 109941.

than genetic factors and as such should be addressed by making changes to husbandry techniques in the first instance.

Based on the three key considerations for genetics listed above, NE considers captive-bred GB birds to constitute an “*other satisfactory solution*” to wild take.

3. Wildlife Crime

A key risk raised by respondents to the CFE and by workshop participants including stakeholder groups such as the National Wildlife Crime Unit (NWCU), the Joint Nature Conservation Committee (JNCC), the Animal and Plant Health Agency (APHA), and the Royal Society for the Protection of Birds (RSPB) – related to current issues with the illegal taking of birds of prey and/or their eggs from the wild in the UK and the laundering of such birds and/or their offspring into captive populations and the domestic and international trade. This was a particular concern in relation to peregrine falcons.

These concerns are reflected in the UK” 2022 Strategic Assessment of Wildlife Crime¹⁶ where the illegal taking, possession of and/or trade in UK bird of prey species sits within two National Wildlife Crime Priorities; bird of prey crime and illegal wildlife trade (under CITES). The NWCU was commissioned by the Home Office to undertake an illegal wildlife trade (IWT) risk assessment which examined the current situation with respect to illegal trade in the UK and globally and assessed the illegal trade in birds of prey as being a ‘High Risk’ issue.¹⁷

The evidence provided through the CFE exercise suggests that the scale of the UK’s legal trade in live falcons has increased in recent years and that the UK is now one of the world’s largest exporters¹⁸. APHA-JNCC and the relevant UK enforcement authorities, notably the NWCU, have been tracking trends in the export of peregrine falcons including hybrids for several years and report that there has been a notable increase in applications for commercial use (Article 10 or ‘A10’) certificates and export permits for birds declared as captive-bred, and a doubling in the number of individual applicants for export permits from 2019 to 2022 (see Figures below)¹⁹.

¹⁶ <https://www.nwcu.police.uk/wp-content/uploads/2022/08/Strategic-Assessment-2022-public-version.pdf>

¹⁷ <https://www.nwcu.police.uk/wp-content/uploads/2022/07/Initial-Risk-Assessment-of-IWT-Public-Version.pdf>

¹⁸ Information provided by JNCC and taken from the CITES Trade Database.

¹⁹ Information submitted by APHA-JNCC.

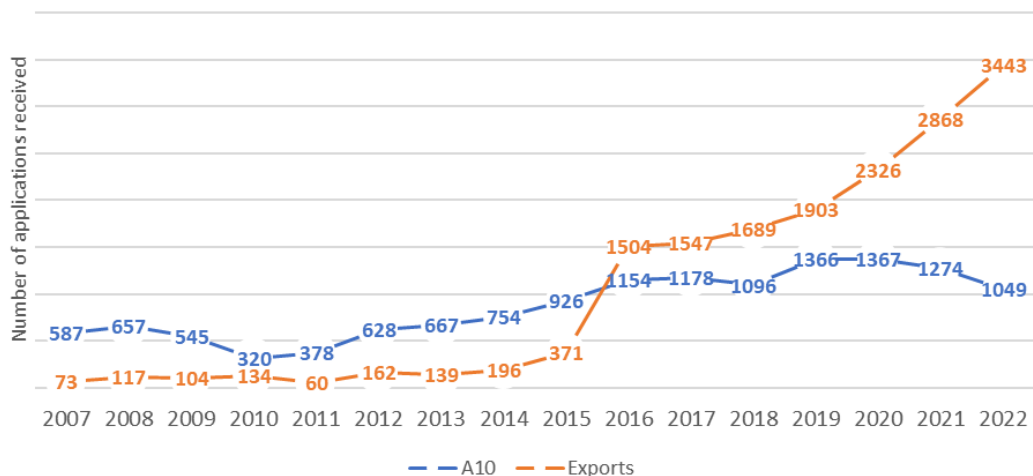


Figure 1. Total number of applications received by APHA for A10 certificates and export permits for *F. peregrinus* (incl. hybrids) (2007-2022)

Figure 1 indicates that there has been approximately a 10-fold increase in export permit applications since 2014-2015. Over the same period, applications for A10 certificates have largely remained static. [Redacted]. The majority of peregrines, including peregrine hybrids, are exported for commercial purposes and so should have a valid A10 to avoid committing an offence²⁰.

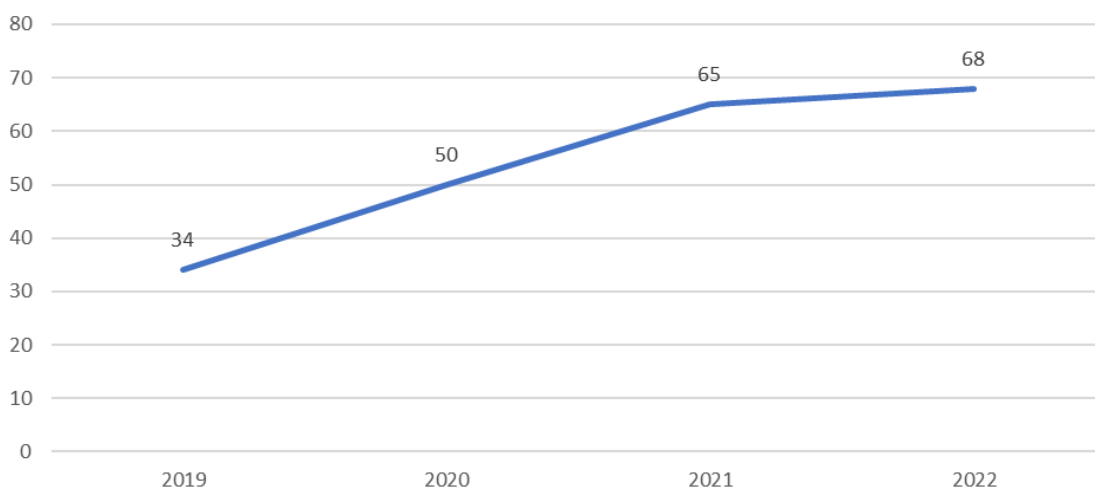


Figure 2. Total number of applicants who submitted applications for *F. peregrinus* (incl. hybrids) export permits (2019-2022)

Figure 2 shows the considerable increase in the number of different individual applicants for export permits since 2019.

²⁰ Birds declared as being exported for personal use do not require an A10.

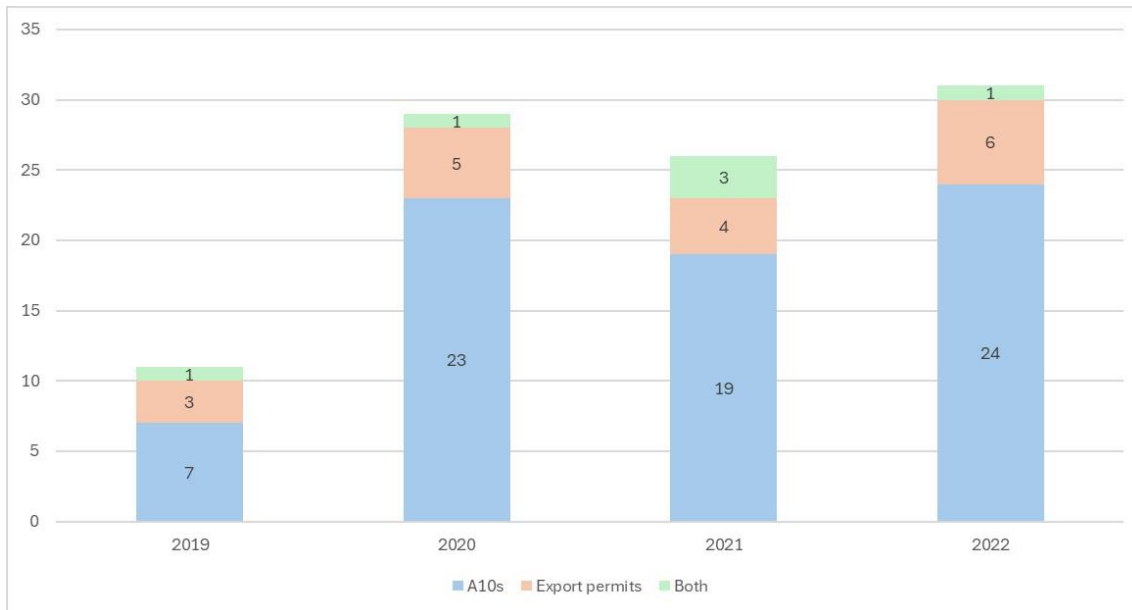


Figure 3. Number of new applicants for *F. peregrinus* (incl. hybrids) by permit type (2019-2022)

Figure 3 shows the annual number of new applicants for the relevant permits since 2019. [Redacted].

However, there is lack of firm quantified evidence regarding the overall extent and impact of the unregulated trade in native birds of prey and associated illegal activities, something that is also an issue in relation to the global trade in live CITES-listed raptors and owls more broadly²¹ and for wildlife crime investigations as a whole (as detected cases “...*may only be the ‘tip of the iceberg’ and the proportion of the total that detected cases represents is often unknown*”)²².

Documenting the prevalence and scale of offences relating to the keeping of peregrine falcons and their hybrids in captivity, and the domestic and international trade in such birds, is challenging for all relevant agencies as it sits within a complex regulatory framework. [Redacted]

²¹ Panter, C. T., Atkinson, E. D., & White, R. L. (2019). Quantifying the global legal trade in live CITES-listed raptors and owls for commercial purposes over a 40-year period. *Avocetta*, 43(1), 23-36.

²² Brochet, A. L., Van Den Bossche, W., Jones, V. R., Arnardottir, H., Damoc, D., Demko, M., ... & Butchart, S. H. (2019). Illegal killing and taking of birds in Europe outside the Mediterranean: assessing the scope and scale of a complex issue. *Bird Conservation International*, 29(1), 10-40.

The information that the NWCUC provided to NE was necessarily restricted due to the number of ongoing investigations and cases. They informed NE that since May 2021 they have been providing dedicated resources to support [Redacted] police investigations and live cases ongoing across the UK relating to peregrine falcons and their hybrids. [Redacted].

[Redacted]

[Redacted]

Other respondents had similar concerns, particularly in light of the current review and the possibility of new wild take licences being issued. For example, researchers from a project looking at the illegal wildlife trade in Europe noted that their research had demonstrated that *“the creation of legal exemptions...for traditional practices is closely linked to the illegal taking and trading of wildlife by increasing demand...and creating opportunities for wildlife laundering”*. They noted that this is because they *“...create loopholes that can be exploited for illegal activity...they create a complex legislative framework which is almost impossible to monitor and enforce effectively...it is the captive market which hides this criminality, and the accompanying paperwork and permits which allow birds to be traded and exported”*. They also stated that *“for those involved, it is easy to negotiate behind the scenes with potential buyers who will pay a premium for birds perceived to be of wild and superior genetic provenance”*.²³

Although conservationists and key statutory agencies raised concerns in relation to these issues, many falconry groups were keen to emphasise their view that there is no connection between illegal activity and the desire for licenced wild take amongst practicing falconers. It is certainly the case that no such evidence has been presented as part of the current review. Some falconer respondents to the CFE did not believe that there is currently an issue with illegal activity on the basis that there have been few successful prosecutions in recent years. A number thought that the risks were being deliberately overstated by those opposed to falconry.

There was widespread support from many in both the falconry and non-falconry communities for including appropriate restrictions on any wild take licences, were they to be granted. The NWCUC advised that there would need to be strict supervision through compliance checks on applicant eligibility, as well as in relation to the taking and possessing of the licenced birds, to detect and evidence any offences. They noted that whilst the NWCUC can provide support where it is determined that it is a police matter, any investigation into potential offences would need to be progressed by local forces and

²³ Feedback provided by the ESRC-funded ‘Beastly Business’ project team at the University of Sheffield.

would therefore be reliant on such forces having the knowledge, capability and capacity to dedicate to an investigation.

Police intelligence points to illegally wild-taken birds and their offspring being laundered into captivity and through the domestic and international trade due to the ease with which specimens held in captivity can be illegally used. NE has been advised by the UK's CITES scientific and management authorities (JNCC and APHA respectively) that the issuing of wild take licences could exacerbate existing problems around the traceability of individual birds and provide ample opportunity for such birds and/or their offspring to be laundered via captive populations into the domestic and international trade (i.e. including, but not limited to, commercially-oriented and export-driven captive-breeding operations). They advised that progress is being made to tighten up processes to address any loopholes, but that if NE were to issue wild take licences, this could make it much more difficult to ensure the UK's CITES policies and regulatory requirements are complied with.

The NWCUC advised NE that compliance monitoring, detection, investigation and enforcement is already extremely complex and challenging for the appropriate authorities in respect of the WCA and CITES regulations and the interaction between the two. Multiple areas at risk from exploitation have already been identified in relation to the use of captive held peregrine falcon or peregrine hybrids in accordance with the relevant regulations. Weaknesses within the current compliance processes and the types of operating practices that are widely being reported in the activities of keeping and trading in peregrine falcons and their hybrids add further complexity to the situation. According to the NWCUC, there is also specific risk that the (hybrid) offspring of wild-taken birds could be falsely declared as being for "*personal use*" to allow export without any requirement to obtain an A10. It is considered likely by the NWCUC that if NE issues wild take licenses it could exacerbate pre-existing issues associated with birds of prey and illegal activity due to the multiple areas identified as at risk from exploitation and the associated opportunities for criminality. It is also considered that any disparity between the UK nations could make detection, investigation and enforcement of offences even more challenging.

The NWCUC also noted that, whilst they are not the appropriate authority to advise on whether wild take – legal or illegal – should be considered as detrimental to the conservation status of the relevant native bird of prey species in the wild, the impact of any criminality should be considered in consultation with the appropriate authorities as part of the assessment of the National Wildlife Crime Priorities, within which the illegal wild take of native birds of prey currently falls.

These are not issues that NE can resolve alone via its approach to wild take licensing (e.g., via appropriate licence conditions and compliance monitoring arrangements). Rather, it seems likely to require a review of the relevant policies, procedures, processes and legislation relating to the keeping of and trade in native birds of prey, notably peregrine falcons and their hybrids to address loopholes, reduce opportunities to commit crime undetected, and improve the traceability of individual birds. This would need to include a review of WCA bird registration requirements. A corresponding increase in resourcing for the relevant agencies is also likely to be required as it is considered by the

relevant bodies that the current scale of suspected criminality outweighs current compliance and enforcement capabilities.

4. Welfare and Conservation

Most non-falconer CFE respondents were opposed to licenced wild take on ethical grounds, even in situations where there would be no impact on the conservation status of the species concerned. Many had concerns relating to the welfare of birds used for falconry, and the experience and expertise of some individuals keeping birds of prey. It was noted by both falconers and non-falconers that wild take licence applicants should be required to demonstrate that they have suitable experience in caring for birds of prey. It was suggested that NE consider working with falconry clubs where appropriate to ensure welfare standards are met.

The majority of non-falconers (91%) and non-falconry organisations (70%) responding to the CFE had concerns regarding the potential impacts of licenced wild take on the conservation status of native species in the wild, primarily due to perceived risks relating to the illegal trade (see Wildlife Crime above). It was noted that the most recent IUCN Red List assessment for GB birds found that several species of interest to falconers are currently red/amber-listed or threatened including merlin (RED and EN) and sparrowhawk (AMBER and VU).²⁴ A smaller percentage of individual falconer (20%) and falconry organisation (13%) respondents had concerns relating to the conservation impacts of licenced wild take.

Commercial Use of Wild Birds under WCA and CITES

(i) Overview of the current situation

Very few CFE respondents stated that they were involved in commercial breeding and only a few expressed a desire to gain commercially from wild take via sale of wild-taken birds or their offspring, domestically or internationally. There were however a range of views on whether or not commercial use of wild-taken birds and any offspring should be permitted. Most individual non-falconers and non-falconry organisations were against any commercial use of wild-origin birds, whereas

²⁴ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., Mcculloch, N., Noble, D., & Win, I. (2021). The status of our bird populations: The fifth birds of conservation concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN red list assessment of extinction risk for GB. *British Birds*, 114 (December 2021), 723–747.

falconers and falconry organisations were more evenly split on this issue, particularly once second-generation captive-bred birds were under consideration.

[Redacted]

(ii) **Implications for DEFRA's policy on wild take and NE's approach to wild take licensing.**

[Redacted]

NE therefore **recommends that DEFRA publishes a clear statement on the commercial use of birds (domestically or via export) taken from the wild for falconry and avicultural purposes.** Specifically, it is requested that DEFRA explains how any birds taken under an NE wild take licence ought to be treated with respect to CITES requirements by the UK CITES Management Authority (APHA) and that this is set out explicitly in a written policy statement alongside its recommended policy steer on wild take (see Wild Take Licensing Policy Options section below). This would provide much needed clarity and consistency of approach on whether and in what circumstances commercial use of such birds should be permitted, particularly given the risks that have been highlighted by the NWCU. The risks associated with the export of wild-origin birds or their offspring that are fraudulently declared as being for "personal use" (thus negating the need for an A10) would also need to be addressed as part of such a statement.

For example, DEFRA may wish to adopt a published policy regarding the commercial use and/or export of wild-origin birds of prey taken under an NE-issued wild take licence for the purposes of falconry or aviculture and of their progeny other than in exceptional circumstances, with implications for the approach taken by NE and APHA in relation to such birds. This is NE's recommended approach (see Wild Take Licensing Policy Options section) as it may be difficult for NE itself to effectively condition any licences against such future use in line with APHA's current strict approach.

It would also help to address some of the risks that have been identified in relation to wildlife crime and the illegal trade in wild-origin birds of prey and their offspring. As part of this policy statement, a clear government position should be adopted outlining the circumstances in which commercial use and/or export of wild-taken birds and any offspring should be permitted, in line with the approach adopted by the UK CITES Management Authority and informed by the latest intelligence from the NWCU. It is recommended that commercial use of such birds and any offspring only be permitted in exceptional circumstances, and likewise any exports for *"personal use"*.

Wild Take Licencing Policy Options

The proposed policy options do not pertain to the entire legislative purpose as defined under section 16(1)(e) of the WCA, namely the power to grant licences “*for the purposes of falconry or aviculture*”. The scope of the review was limited to an assessment of the evidence pertaining to the taking of native **birds of prey only** for these purposes. The policy options may therefore only be sensibly applied to birds classified as such. Consequently, the policy option chosen does not impact in any way on the assessment of applications for activities included in A41 licences (to kill wild birds in the course of falconry)²⁵. In relation to aviculture, the scope of the review was likewise limited to the consideration of activities relating to the taking, keeping, breeding and rearing of **native birds of prey only** for use by falconers and aviculturists.

1. Option One – Case-by-Case Assessment

Adopt and publish a government policy statement on GOV.UK stating that licence applications for the wild take of native birds of prey for falconry or aviculture purposes will be assessed by NE on a case-by-case basis with revised assessment criteria and licensing conditions, informed by the findings of the review.

Additional guidance from DEFRA on how this approach is implemented in practice should be provided. It is recommended under this option that the onus be placed clearly on the applicant to provide evidence that no “*other satisfactory solution*” exists. NE will use the evidence collected as part of this review to develop criteria for assessing applications and discuss/agree this with DEFRA as required.

Applicants should also be required to provide sufficient information to demonstrate they have the necessary skills and experience in caring for captive birds of prey together with appropriate animal husbandry facilities. Other recommendations include that there should be higher than the average 5% compliance, nest monitoring, and Maximum Sustainable Yield (MSY) quotas due to the risks identified through the CFE. Additionally, applicants should provide sufficient information to demonstrate they have the necessary skills and experience in relation to studbook management and record keeping if the application is for avicultural purposes and includes breeding.

As part of this policy statement (and as noted above), a clear government position should also be adopted outlining the circumstances in which commercial use and/or export of wild-taken birds and any offspring should be permitted, in line with the approach adopted by the UK CITES Management Authority and informed by the latest intelligence from the National Wildlife Crime Unit (see Commercial Use of Wild Birds

²⁵ [Wild birds: apply for a licence to kill wild birds for falconry \(A41 and LR41\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/wild-birds-apply-for-a-licence-to-kill-wild-birds-for-falconry-a41-and-lr41)

under WCA and CITES section and Wildlife Crime section). It is recommended that commercial use and/or export of such birds only be permitted in exceptional circumstances (including export for “personal use”).

2. Option Two – Presumption Against Licensing

Adopt and publish a government policy statement on GOV.UK stating that licensing the wild take of native birds of prey for falconry or aviculture purposes is not considered justified or necessary at the present time as it is possible to practice these activities satisfactorily using birds sourced from existing captive stocks. Licenced wild take may therefore only be permitted by NE in exceptional circumstances.

For the purposes of this policy statement, it is proposed that an exceptional circumstance be defined as *“a circumstance that is extraordinary or atypical and that creates a genuine need that can only be resolved through a licensable activity.”* To allow for flexibility in individual cases, such circumstances should not be specified in advance.

A possible example of a situation that might be considered exceptional would be a pandemic disease that led to widespread fatalities amongst captive bird of prey populations and consequent issues with the genetic (or reproductive) health of the surviving birds to the extent that it materially affected the ability of falconers or aviculturists to source captive-bred birds capable of performing to an acceptable standard.

As part of this policy statement (and as noted above), a clear government position should also be adopted outlining the circumstances in which commercial use and/or export of wild-taken birds and any offspring should be permitted, in line with the approach adopted by the UK CITES Management Authority and informed by the latest intelligence from the National Wildlife Crime Unit (see Commercial Use of Wild Birds under WCA and CITES section and Wildlife Crime section). It is recommended that commercial use and/or export of such birds only be permitted in exceptional circumstances (including export for “personal use”).

The power to grant licences would remain on statute and the policy could be subject to a future evidence-based review if circumstances change.

Views of Stakeholders on Wild Take Licensing Policy Options

Policy ideas and options were discussed at a set of facilitated stakeholder workshops in March 2023 and July 2023. A representative from each stakeholder organisation that had responded to the CFE was invited. Discussions during the first workshop fed into NE’s policy development thinking and led to further discussions around a refined set of ideas during the second workshop in early July.

In favour of an approach akin to Option 1, some stakeholders were pleased that it would potentially enable some falconers to preserve their cultural heritage by allowing at least a small number of individuals to experience wild take. Some stakeholders were also supportive of the fact that this option would seek to ensure that applicants had the necessary skills and facilities to care for birds of prey. However, some felt that it was difficult to give a view without more detail regarding the specific assessment criteria and licence conditions that would apply. Both falconry and non-falconry groups had concerns that this option was essentially the same as the status quo ante, a situation that has caused considerable frustration and been considered burdensome by some applicants. Some felt it would be illogical to reinstate a licensing system in which most, if not all, applications would be unable to satisfy the no “*other satisfactory solution*” test. Some also felt that it would be bad for public perceptions of falconry and could exacerbate existing issues relating to the illegal trade in wild-taken birds, as well as being expensive to monitor and police any licences granted.

In favour of an approach akin to Option Two, some stakeholders considered it to be the most rational choice given the conclusions of the review process, which mean that it is extremely unlikely that any applicant would be able to demonstrate that no “*other satisfactory solution*” to wild take exists at the present time. Some were also supportive on the basis that it would avoid attracting adverse publicity for falconry as a whole and would avoid those issues that had been identified in relation to the illegal trade in wild-taken birds. Falconry groups were supportive of the fact that the power to grant licences would remain on statute, and that the policy could be looked at in future if circumstances changed. However, it was felt that it would be important to clearly define what was meant by “*exceptional circumstances*” and what the timeframe would be for any future review of the policy if it was deemed necessary. Some stakeholders were unhappy with this option based on the argument that it would be incompatible with the preservation of falconers’ cultural heritage, that it made little sense to prevent wild take when any impacts on wild populations would be minimal, and that this option was contradictory to the law and could result in legal challenge.

Wild Take Licensing Policy – NE

Recommendations to DEFRA

(i) Recommendation for Aviculture

Policy Option Two, a presumption against licensing the wild take of birds of prey licensing except in exceptional circumstances. This option is recommended as evidence gathered as part of this review means it will be difficult for applicants to provide the evidence necessary to obtain a licence. A ‘presumption against’ policy is therefore the most transparent approach as it more accurately reflects the low likelihood of obtaining a licence and thereby avoids raising unrealistic expectations and putting applicants through a potentially burdensome application process where there is very limited chance of success.

(ii) Recommendation for Falconry

Policy Option Two, a presumption against licensing the wild take of birds of prey except in exceptional circumstances. This option is recommended for the same reasons as stated above.

Specifically in relation to falconry, the review has concluded that an “*other satisfactory solution*” exists in the form of captive-bred birds, making it highly unlikely that any applicant will be able to satisfy the relevant licensing tests. The available evidence suggests that there are no genetic issues that need to be resolved with respect to current captive populations of the relevant species of interest, beyond efforts by the falconry community itself to improve record-keeping and coordinated studbook management. The risks of inbreeding in these populations overall are considered to be small, as are any differences in performance between wild and captive-bred birds when trained for use in falconry. With respect to wild take itself, the evidence gathered as part of the review suggests that it is not widely considered to be an integral cultural aspect of the satisfactory practice of falconry in GB at the present time, despite the views of a minority of falconers to the contrary.

Next Steps and Timeframe for a Policy Decision

The stakeholder engagement and evidence-gathering process concluded in late 2023. A summary of the findings and a draft set of proposed policy options was shared with stakeholder organisation representatives at the second stakeholder workshop in early July 2023. The workshop report(s) have been finalised and shared with the relevant stakeholder groups and all evidence reports are now ready for publication (see **Annex 2** for a list of these report) to coincide with future communications on the direction of travel for wild take licensing following a decision from DEFRA.

NE has informed stakeholders that the timeframe for a decision will be dependent on other DEFRA priorities and whether further consultation is considered necessary by the relevant minister. NE will be ready to implement any proposed changes from early 2024 onwards, subject to receiving a clear and timely steer from DEFRA.

In the event that applications or enquiries are received in advance of the anticipated ministerial decision, NE will consider whether the current temporary suspension in licensing should remain in place, in consultation with DEFRA. If there are delays to a policy decision being reached, it will be necessary for NE to keep stakeholders informed of this and give them as much notice as possible of any changes.

NE's final advice to DEFRA will be submitted in October 2023. Work will continue within NE to prepare for the implementation of the new licensing regime in due course and in line with the policy that is ultimately adopted/endorsed by DEFRA. The development of the necessary forms, guidance, systems, and processes is inevitably contingent on the direction that DEFRA chooses to take, meaning that there will be a short lag between whenever a policy decision is made and when a new licensing regime can be made fully operational.

The time period within which wild take licences can be used to take chicks from the nest is approximately from mid-April to late-July, depending on the species, location and other relevant factors. For peregrine falcons, chicks would need to be taken by mid-to-late June in a typical nesting season.

NE aims to determine and issue licensing decisions within 30 working days upon receipt of a full licence application i.e. provided that the applicant has submitted all the required information such that no further information requests need to be made. It is estimated that a similar length of notice period will be required in order (i) to enable NE to have all the relevant licensing systems and process fully operational and (ii) to give prospective applicants time to prepare an application. Prospective licensees will also require a reasonable window (e.g. 30 days) within which to act on any licences granted.

On that basis, it is considered that a DEFRA policy decision will be needed by mid-January 2024 if any useable licences to take peregrine falcons are to be issued for the 2024 breeding season. For other species (e.g. sparrowhawk), a decision any later than mid-March 2024 would likely make it impractical for any useable licences to be issued.

Estimating Demand for Licences

All but one of the falconry organisations that responded to the CFE stated that between 0-10% of their members would be interested in obtaining wild take licences, of which 75% stated this would be for the purpose of falconry. Further clarification regarding interest was subsequently sought from the major falconry organisations. One responded to this request, stating that only "*a very small section of falconers*" were interested in wild take and that the number of applications involved was considered to be unlikely to get close to double figures. Of the 50 individual falconers who responded to the CFE, 24 said they would potentially be

interested in obtaining a licence. These differing values make it difficult to accurately estimate demand. For planning purposes it may be prudent to use the higher estimate of approximately 24 applications/annum. The number of applications submitted is likely to be influenced by the policy choice. A licensing regime would still need to be put in place under Option Two to cater for any exceptional circumstances that may arise.

Maximum Sustainable Yield (MSY)

Before issuing any licences, NE would seek advice from its ornithologists on the appropriate values to use for the Maximum Sustainable Yield (MSY) calculation for each of the relevant species. For peregrine falcons, and using the approach as detailed in the licence determination record for the licences issued in 2020, the maximum number of chicks to be licenced for wild take in a given year would be approx. 10 individuals/annum.²⁶ If the most recent figure available for the number of wild adult peregrine falcon pairs in the UK is used (1,750)²⁷, the above figure increases to approx. 22 individuals/annum.

Note that the approach taken to licensing would also need to ensure:

- that the natural species distribution was not impacted by the numbers of chicks being removed from one geographical area; and,
- that the smallest/weakest chick from each clutch was selected for removal.

Any impact on wild populations would be managed via the licensing regime, with numbers assessed on the basis of the most up-to-date scientific data available relating to the distribution and abundance of the relevant species. Numbers would be subject to annual review to ensure that licenced take for any species remained below 1% of annual mortality, in accordance with existing guidance. In practice, any licenced take would be expected to be well below this level.

Any licences would only permit the taking of chicks during an appropriate period of the breeding season. We would also anticipate that any licences, were they to be granted, would not permit birds to be taken from on or close to any designated protected sites where the relevant species are listed as an interest feature or from geographies where there are concerns about the status of a population. Licensees would be required to provide nest location details to NE for review and approval prior to any birds being taken.

²⁶ [Natural England issues licences for taking peregrine falcons for falconry - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/natural-england-issues-licences-for-taking-peregrine-falcons-for-falconry)

²⁷ [Peregrine | BTO - British Trust for Ornithology](https://www.bto.org.uk/peregrine)

NE would consult with other relevant bodies where necessary, for example in relation to any concerns regarding illegal activity in a particular location or other relevant considerations as they arise (such as disease outbreaks).

At present, the expectation is that the number of applications each year will not be such that a quota system is required for the allocation of any licences to be granted.

Licensing Costs

- **Costs of developing a new licensing regime:**

Based on the development of comparable licensing regimes we broadly estimate that [Redacted]. For example, developing internal and external policy guidance, staff training and getting all the necessary forms, processes and systems in place to be operational. The costs of developing a licensing regime under Option One are expected to be closer to the upper range of the estimate than under Option Two.

- **Cost of business-as-usual:**

Option One – We anticipate that it would take approximately four days to assess each application for an individual licence based on other licence assessments that carry high risk to animal welfare. [Redacted]

Option Two – We anticipate that demand under this option would be lower, potentially 10% of the estimated demand for Option One [Redacted]

- **Compliance checks:**

We estimate compliance checks to take approximately [Redacted]

Option to Charge for Licensing

NE are able to charge for licences in accordance with [The Wildlife Licence Charges \(England\) Order 2018](#) Statutory Instrument (SI)²⁸. Falconry and aviculture are currently listed as exemptions in NE's charging principles after a public consultation in which falconers successfully argued that hunting wild 'quarry' species using a trained bird of prey is a cultural tradition, and that such licences should not be subject to charges. There are no plans to revise this position, so it is currently not possible for NE to charge for any licences issued under this purpose without a review of the principles and the 2018 SI.

²⁸ [The Wildlife Licence Charges \(England\) Order 2018 \(legislation.gov.uk\)](#)

Annex 1 List of Stakeholder Organisations

Listed below are the names of the stakeholder organisations that responded to the CFE and/or were represented at the stakeholder workshops.

1. Animal and Plant Health Agency
2. Beastly Business Project, Sheffield University
3. BirdLife Europe
4. British Association for Shooting and Conservation
5. British Falconers' Club
6. Department of Agriculture, Environment and Rural Affairs Northern Ireland
7. Female Falconers Club
8. Hawk & Owl Trust
9. Huxley's Bird of Prey Centre
10. International Association for Falconry and Conservation of Birds of Prey
11. International Centre for Birds of Prey
12. International Ornithological Association
13. International Wildlife Consultants UK
14. Irish Hawking Club
15. IUCN Thematic Group on Sustainable Use and Management of Ecosystems
16. Joint Nature Conservation Committee
17. London Peregrine Partnership
18. Manchester Raptor Group
19. National Wildlife Crime Unit
20. Natural England
21. NatureScot
22. Northern England Raptor Forum
23. Peak District Raptor Monitoring Group
24. Royal Society for the Protection of Birds
25. Scottish Raptor Study Group
26. Sheffield Bird Study Group
27. The Avicultural Society
28. The British Archives of Falconry
29. The Falconry School
30. The Hawk Board
31. Wild Animal Welfare Committee

Annex 2 List of Reports

1. NE Research Report (NERR): Wild take review public call for evidence – summary report
2. NE Research Report (NERR): Wild take review – interview report
3. NE Commissioned Report (NECR): Wild take review stakeholder workshops - summary report
4. NE Commissioned report (NECR): Wild take and the cultural traditions of falconry – literature review
5. NE Technical Information Note (TIN): Genetics and the wild take of birds of prey for falconry or aviculture

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