



SACS
UK-WIDE SHOOTING
& COUNTRY SPORTS
ADVOCACY

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Use of general licences for the management of certain wild birds: a call for evidence

This is a submission on behalf of the members and affiliates of the Scottish Association for Country Sports (SACS). Whilst we would prefer a more in-depth consultation exercise on the General Licences (GLs) we are aware that one is planned to take place later this year and that the current exercise is simply to enable a short-term solution. Therefore we will keep this submission as brief as possible to convey our members' concerns.

About SACS

Though Scottish in origin and formed in 1993, SACS is now a UK-wide shooting representative body, predominantly focused on grassroots advocacy and representation. We have a large number of bird controller members in England who undertake necessary woodpigeon and corvid control, both with firearms and, in the case of corvids, cage traps as permitted under the GLs. SACS works with other related representative bodies where there is common interest.

SACS experience following NE GL revocation

Following Natural England's revocation of GLs 04, 05 and 06 SACS has been inundated with concerned calls, emails and internet messages from both members and non-members. Though the volume of calls has receded, we are still receiving a large volume of calls.

Immediately following NE's revocation announcement, and for three full days thereafter, our phone system and membership team was unable to handle the volume of calls coming in from across England. To best respond, Committee members and staff were diverting unanswered calls to mobiles 24 hours a day. We also had a large volume of non-members, often farmers, call us following our news updates and due to the fact they could not get through to their own body. Further, we also received many communications from members elsewhere in the UK concerned that the NE decision was to be replicated in their area. Our submission is reflective of the thousands of conversations, often heated and frustrated, we have had with those members and non-members directly affected by the NE GL fiasco.

Evidence sought

Defra has indicated its wish for key and limited evidence in relation to the GL matter. SACS will respond to the principle questions, though mindful that Question 4 is a repetition of Question 3.

1) Scaring and deterrents

Scaring and deterrent methods are usually employed to prevent serious damage to crops, though can also be employed by a few persons to protect lambs from corvids. Sound deterrents include static gas cannons, gas-powered horns and shooting to scare. Visual deterrents include scarecrows, people walking crops with flags, reflectors and models of dead woodpigeons. Barrier methods are totally impracticable and irrelevant to the majority of our members and those we have spoken with over the last two weeks.

It is well-evidenced by our members that, not only are gas cannons increasingly ineffective in scaring crows and pigeons, but they actually serve to inform pigeons and crows where there is new food to be found. Other concerns are raised about constant noise disturbance to local people and unnecessary disturbance to other wild birds, including ground-nesting birds, in the proximity of the fields being covered by gas cannons.

Of interest, it has been highlighted to SACS by our members that there is well-publicised online community opposed to gas cannons, which includes in its membership farmers who are fed up with gas cannons used on neighbouring farms and the effect they have on wild birds, human neighbours and livestock such as poultry, cattle and deer. Please see <https://www.b-oom.co.uk/>

Aside from being ineffective at both tackling the root cause of the problem (pest bird numbers) and scaring the birds, gas cannons are expensive at around £400 for the Scatterbird scarer.

In relation to shooting to scare with firearms, our members have found that this practice serves to lift woodpigeons into larger flocks, which can do more damage in an area in far less time. We have a member in Lincolnshire who does lethal control on one large farm and non-lethal control on another farm. The first farmer is so fed up with pigeons being scared over to his land that he has threatened to have our member expelled from the shooting syndicate on his land. Very quickly pigeons and crows understand that they face no threat from shooting and, therefore, using firearms to scare becomes less effective. GL31 backs this up:

From GL31 – woodpigeons: *“Scaring and lethal shooting (under licence) typically work best if they are linked and woodpigeons associate deterrents with lethal control and vice versa.”*

Like so much of the newly issued NE General Licences the above statement in GL31 is contradictory. This can be interpreted as: *“look, we know that non-lethal methods are ineffective by themselves, but from an ideological position we don’t like you killing things and would prefer it if you kept up the non-lethal methods as well”.*

GL31 also states: *“Scaring is most effective against large flocks of birds, since one bird that is particularly nervous and flies away, will often take the flock with it.”* Our members refer to that guidance as ‘I’m alright Jack’ in scaring large flocks away to cause damage for someone else who may not be prepared or equipped to deal with it. Not only is that ineffective in mitigating the real issue – pest bird numbers – but it is highly irresponsible.

Another point raised in the new GL31 for woodpigeons by our members is that the GL guidance to use models of dead pigeons with upturned wings is fundamentally flawed. This idea may actually lessen the damage mitigation effect of lethal control by shooting as the birds quickly get ‘savvy’ to the pretend corpses.

The fundamental issue faced by many members and farmers is a much-increased number of woodpigeons and crows, and which at certain times of the year travel in larger flocks causing serious

damage in a quicker time. Sound or visual scare tactics do nothing to reduce the number of pest birds and each year there are more and more birds to feed and each new generation wiser to the non-lethal scare tactics being employed. Woodpigeons and corvids are intelligent birds and able to communicate fear or lack of fear to their own. As one or two birds become used to scare tactics and ignore them, very quickly others follow suit.

And the challenge presented by the new GLs, apart from the elements impracticable in the context of modern farming, is that they state: *“This licence may only used...where reasonable steps to prevent predation by lawful methods have been and continue to be taken.”* And *“Reasonable endeavours must continue to be made to resolve the problem using such appropriate lawful methods alongside use of the licence.”* So, at the point that you are satisfied that alternative lawful methods of preventing damage e.g. scaring, are either ineffective or inappropriate and decide to move to lethal control, you still need to continue to use those non-lethal methods. This is complete nonsense and clearly drafted either by those with limited understanding of farming or an inherent anti-shooting bias.

However, in our view it also creates a position of **legal jeopardy** in that if non-lethal methods are still to be used, by definition you therefore cannot be satisfied in law that *“...there is no other satisfactory solution.”* as required by Section 16 of the Wildlife and Countryside Act. This is in our view legally incompetent and very poor licence drafting by NE.

Those we have spoken with are also concerned by the wording: *“Before using the licence reasonable endeavours must have been made to resolve the problem **using the lawful methods identified in Table 1** (unless their use would be impractical, without effect or disproportionate in the circumstances) and any other lawful methods that may be appropriate in the circumstances.”* A common question on this is *“Even when they are inappropriate or previously tried and failed, do we have to use all the non-lethal methods and in that order to stay within the law?”*. The GLs are unclear on this.

The new GLs provide advice in keeping a logbook of damage and non-lethal methods employed. Whilst on paper that sounds a worthy measure, in practice and in the busy farming year how on earth can upland and lowland farmers, working long hours and in all weathers, keep such a logbook? And what if they do try to keep a logbook for their daily rounds, but it is lost or water-damaged? Are they then in a position of jeopardy? Life for farmers and bird controllers needs to be simplified, not made more complex.

Another issue raised in our conversations is that the new GLs continue to allow the taking, damaging or destroying of nests or destroying of eggs, but now only while that nest is in use or being built. This shows a total lack of understanding, especially the practicality of corvid control.

Not only are the new GLs not fit for purpose and, in our view, legally incompetent, but they are fundamentally flawed in practice. It is almost as if they were drafted by those with no empathy for farmers suffering serious damage or those who, at great cost to themselves and on a purely voluntary basis, undertake the necessary lethal control for them.

What we do accept is that the law as it stands in Section 16 of the Wildlife and Countryside Act supports the GL term that they are to be used *“Only as a last resort to prevent serious damage”*. It may well be that the core issue here is impractical wording of the legislation under which licensing occurs. The view of our members is clear, the reasoning behind certain species of wild bird being on a General Licence is that the Government via its advisers and agencies has determined that those species present such a genuine and serious threat to farming and conservation – environment,

natural heritage and national food security – that their numbers need to be controlled. Not scared away to be another person’s problem in the next valley, but culled. As such the onus should be on simplifying the General Licences and incentivising control under them rather than making life as difficult as possible for GL users and putting as many people off lethal control as possible due the warped ideological mindset of those running a Government licensing agency.

The thousands of messages and communications we have received in the last two weeks have been consistent in a number of themes:

1. Indications of immediate change to voting intentions.
2. Total despair at what has happened.
3. Anger that this is a top-level Government initiative against shooting and Larsen traps.
4. A sense of betrayal for the good conservation and agricultural protection work being done by so many of our members on a voluntary basis and at great cost to themselves.
5. A number of Larsen crow trap user have burned their traps to avoid being accused of crimes.
6. Our members do not feel that this Government supports them or values their efforts for conservation.
7. A need for strong leadership and ‘getting a grip’.
8. A need to base General Licences on evidence and purpose rather than emotion and obstruction.
9. A need to simplify the General Licences and enable effective damage mitigation by incentivisation.
10. A fundamental lack of trust in Natural England and its leadership. Nothing short of a total senior leadership change would alter that widely-held viewpoint.
11. Corvids and pigeons should not be protected.
12. Controllers should not be placed in legal jeopardy by a process which should support their necessary work, not seek to hinder it.
13. Many of our members have indicated that they will now not bother to continue with pigeon or corvid control as their work is not valued. “Too much hassle and too much risk of criminal action”. For a long time the real problem has been far too little lethal control, not too much.
14. The ‘lunatics are running the asylum’.

2) Benefits delivered by the three revoked general licences?

Members and non-members have spoken at great length of their work in effective bird pest control and the benefits for farmers and conservation. We have members committing weekdays and weekends to pigeon control done in rotas. We have members in a landscape catchment communicating and planning control activities together so that birds are not just moved on to be another farmer’s problem. We have members running Larsen traps simply to ‘do their bit’ for conservation on the basis that for every £1 given to a large birds charity at least 70 pence is wasted on marketing and administration. For them, corvid trapping for conservation purposes is about doing what they can at a local level to give other wild birds and mammals a chance. They are unsung heroes of conservation now facing criminal prosecutions.

NE and the new GLs treat those persons with contempt. The new GLs are drafted in such a way that the impression is one of *“we know we have to give you a General Licence, but we’ll make it so hard to follow that you will hopefully not bother to use it anymore”*.

In effect there appear to be three options:

1. Do not permit lethal control at all – the consequences for agriculture and conservation are terrifying.
2. Do not permit voluntary recreational and farmer control of pest birds – the Government will then have to pay for contractors to do the work for natural heritage and national food security.
3. Help, support, incentivise and reward voluntary recreational and farmer control which does the necessary control for free or low cost – the problem being that with ever more stringent firearms licensing and more complex General Licences fewer folk will likely be doing this control so therefore it needs to be incentivised, not curtailed.

3) Your experience or evidence of any problems with or caused by the three revoked general licences. Are there any conditions that could be attached to general licences to address these issues?

The problem with the newly-issued NE GLs is that they are complicated, hard to follow, contradictory, impracticable and, in our view, legally inept. What is not needed is even more conditions, but fewer and simpler conditions. Currently the GLs we have are up to 11 pages long.

Further, a number of our members have literacy issues and it is our view that the overly complex current NE GLs discriminate against them, as well as creating an atmosphere of fear and reluctance to continue using the GLs.

Two years ago Scottish Natural Heritage ran its normal open consultation exercise on the SNH GLs. SACS had for some time raised the issue of the GLs being hard to follow and we invested time and resource in this consultation exercise to redraft the GLs in a new and easier to follow format, which SNH accepted. Please see: <https://www.nature.scot/general-licences-birds>

The new SNH GL format works and we have had many positive messages from members about how much simpler the licences are to read and understand and, therefore, abide by. Not everything in Scotland is a shining paragon of administrative excellence, but we would strongly urge Defra to look at the Scottish GL format as a potential option to simplify the English GLs.

At core, the principal GL conditions will be about satisfaction that lethal control is a last resort activity. The wording in Section 16 of the WCA does appear to place the onus on satisfaction on the agency issuing licences. The old GLs and those currently in use elsewhere in the UK delegate that satisfaction down to the end user. To SACS and its members the ultimate WCA agency satisfaction is totally impractical – how on earth can a Government agency be satisfied at a local level that alternative non-lethal methods are inappropriate or ineffective? In the real world that satisfaction has to be delegated to the end user, but in such a way that they are supported and incentivised to undertake necessary lethal control, not deliberately put off doing it by threats of prosecution and complicated wording.

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