

Version 1, October 2017

Licensing arrangements for shooting birds to prevent serious damage to fisheries

Notes for Guidance

1. Power to grant licences

Under the Wildlife and Countryside Act 1981:

- 1.1. All wild birds are protected. However, Natural Resources Wales (NRW) has authority under Section 16(1)(k) for the purpose of preventing serious damage to fisheries, including fish farms, to grant licences and to permit the killing or taking of wild birds;
- 1.2. If the killing or taking takes place in accordance with the terms of such a licence then the prohibition in Section 1 of the Act will not apply;
- 1.3. NRW is the licensing authority in Wales for licences to shoot birds which damage fisheries. Cormorants, sawbill ducks (goosanders and red-breasted mergansers) and herons are recognised predators of fisheries.

2. Arrangements for the granting of licences:

- 2.1. Licences relating to the shooting of birds for the protection of fisheries will normally only be granted to reinforce scaring. Licences will normally only be granted to the owner or occupier or a person authorised by the owner or occupier;
- 2.2. Applications for licences to shoot cormorants *Phalacrocorax carbo*, goosanders *Mergus merganser*, herons *Ardea cinerea*, and red-breasted mergansers *Mergus serrator*, will be considered at any time. Normally any licence to be issued will be for a limited period between 1 September – 15th March.

3. Serious damage

The following conditions apply before consideration will be given to granting a licence:

- 3.1. All applications must provide detailed evidence that serious damage is occurring or likely to occur. This may include evidence gathered from previous years' experience and any information about the numbers of fish-eating birds present in the fishery or fish farm. Careful distinction should be made between the answers to 5(b), damage to stock (which for example might include taking of young stock) and 5(c), damage to fishery (which might include effect on e.g. catches, permits etc. and other sources of income). All applicants must complete a log of action form with details of at least 10 site visits, undertaken a minimum of 3 days apart. The log of action form should be submitted alongside the application form. Failure to provide a complete log of action form will result in your application being rejected.
- 3.2. Officials from NRW may visit the site of alleged damage to carry out an assessment prior to you submitting an application in order to verify information you intend to provide on your application form and to discuss topics such as the preventative

measures currently employed or used in the past. No licences will be granted unless non-lethal scaring methods or defensive barriers are in operation where it is reasonable and practical for this to be done.

4. Licence conditions

The following conditions will apply:

- 4.1. The maximum number of birds which may be shot under the licence will be stated on it. A return of numbers of each species shot (including nil returns) must be sent to NRW within four weeks after the expiry of the licence, on the official report form.
- 4.2. The period of validity of a licence will be stated on it;
- 4.3. **The issue of a licence by the NRW to shoot birds does not in itself give the licensee the right to shoot within the area covered by the licence if it is within a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR), Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site.** It is for the licensee/owner or occupier to ensure that they comply with the legal requirements under Section 28 and 35 of the Wildlife and Countryside Act 1981 as amended, in relation to such areas;
- 4.4. **The licensee/owner or occupier may, in addition to obtaining a licence need to consult Natural Resources Wales in writing, in relation to a SSSI, NNR, SPA, SAC or Ramsar Site, 4 months prior to any action being undertaken.** Applicants are advised that if they are required to consult the NRW this should be done as soon as possible and not to await the outcome of their application;
- 4.5. Licensees will be allowed to authorise in writing up to five other people to shoot birds under their licence or six where the licensee does not participate in the killing or taking of the birds; the licensee is responsible for all activity undertaken under the licence.
- 4.6. NRW may not issue a licence to a person who has not complied with the terms of a previous licence; licences may be suspended or revoked at any time and, if so, should be surrendered to NRW immediately.
- 4.7. Other conditions may be applied as appropriate.

5. Offences

Under the Wildlife and Countryside Act 1981:

- 5.1. Failure to comply with the terms of a licence may make the licensee liable to prosecution for an offence; and
- 5.2. Applicants should note that Section 5 of the Act prohibits the use of certain methods of killing or taking wild birds: traps, snares, nets, bird lime and similar substances, electrical devices, poisonous and stupefying substances, bows and cross-bows, shotguns with large barrels, automatic and semi-automatic weapons capable of holding more than 2 rounds in the magazine, illuminating and sighting devices for night shooting, artificial lighting, mirrors and other dazzling devices, gas and smoke

chemical wetting agents, sound recordings, tethered or maimed live birds as decoys and mechanically propelled vehicles in immediate pursuit.

6. Handling of your information

6.1 All of the information held by NRW, relating to your application for a licence will be processed and managed by us in a accordance with our obligations and duties under the:

- Data Protection Act 1998;
- Freedom of Information Act 2000;
- The Environmental Information Regulations 2004; and
- All other laws relating to access to information.

With this in mind, your information, including your personal information, may be the subject of a request by another member of the public. When responding to such requests we may be required to release information, including your personal information. Our response to such requests will be in accordance with the guidelines provided by the Welsh Government Code of Practice on Access to Information which can be found at www.information.wales.gov.uk

If we receive a request under access to information legislation for any information received from you in relations to your licence application, we will consult with you before deciding how to respond to the request.

For further information about the personal data collected and its use, if you have any concerns about the accuracy of personal data, or wish to exercise any of your rights under the above legislation you should contact:

- Access to Information Officers, Natural Resources Wales, Ty Cambria, 29 Newport Road Cardiff CF24 0TP, or email ATI@naturalresourceswales.gov.uk or telephone 0300 065 3000

The Information Commissioners Office help line can be contacted on 029 2067 8400 or at www.ico.gov.uk

6.2 If you believe that harm may be caused if the information were to be disclosed under access to information legislation, you should respond to the consultation by explaining the harm that would, in your view, be caused. We will take account of your views and any other relevant facts that exist at the time the request is received, before we decide how to respond to the request.

6.3 **If you are making an application on behalf of landowners/occupiers you should make them aware that the information may be disclosed by NRW in the event of an enquiry under the FOIA and/or EIR.**

7. Data Protection Act 1998: Privacy Notice

7.1. The information requested in this application form will capture personal data about you – for example, your name and address. Your personal data will be managed and used by NRW in accordance with the DPA.

7.2 This notice informs you about NRW's use of the personal data provided in this form or any other personal data that you may submit to NRW in accordance with your licence application.

7.3 Your personal data will primarily be used for the purposes of processing and determining your application. However, NRW (or its agents) may also make use of this information for other purposes. In particular, the information may be used for the following:

- Cross-compliance and cross checking between partner organisations to prevent breaches of the schemes that each administrator.
- Allowing statutory partners to fulfil their legal duties.
- For auditing or monitoring purposes.
- Publication of certain information and responding to requests for information.

8. How to apply for a licence

8.1. Application for a licence should be made on form WCA1 'Application for a licence to kill/take Cormorants/Herons/Goosanders/Mergansers', which should be completed and sent to

**Species Protection Team,
Natural Resources Wales,
Maes y Ffynnon,
Penrhosgarnedd,
Bangor,
LL57 2DW**

Tel. 03000653000

or e-mail your completed form to specieslicence@naturalresourceswales.gov.uk

All applications should be accompanied by a map (of a suitable scale) with the boundary of the fishery or fish farm marked on it.

9. Further information

9.1 Further information regarding licensing arrangements can be obtained from the address shown above.

In this document "Natural Resources Wales" means the Natural Resources Body for Wales established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. The Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.