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## Response by the Game & Wildlife Conservation Trust to Natural England's Consultation on the Changes to Class & General Licences

The State of Nature Report 2013 describes nature as "being in crisis". It is therefore disappointing that this consultation, rather than imaginatively seeking ways to alleviate this crisis, appears only to seek ways to make the tasks of those most closely associated with wildlife management more onerous. Throughout the consultation document we are asked why a proposed change should not be made instead of being given reasons as to why the change is being proposed in the first place.

The contribution that good game management makes to the conservation of many species is well documented, and NE should be finding ways to encourage people to carry out measures that help species recovery, not gold-plating the operating standards we already have.

The consultation states that NE aspires to "reduce any unnecessary burdens on those we regulate" but then appears to find a raft of what we can only assume is what it deems to be "necessary" extra obligations, despite the fact that they have never been required previously.

Where "requests have been received" or "welfare concerns have been raised" no evidence is presented as to whom these requests have come from, what the specific concerns are or any published evidence to support them. It is also said that some of the changes are required to prevent infraction proceedings at EU level, but we are not aware of any such infractions being threatened at present.

There are also areas of concern that we have raised in the past which have not been included in the consultation. Surely if the consultation exercise is to be meaningful it should consider all areas of concern, not just a selected few?

An example of this is the current requirement for the inspection of traps to take place at "daily intervals of not more than 24 hours". This is an unduly restrictive regime, which we have raised before. We set our reasoning for this out below;

Once the initial high success part of a Larsen campaign is over, the traps are kept open to catch up new colonists. At this point the catch rate is at best modest, and most days, most traps catch nothing. In these circumstances frequent checks for the sake of new captives are not needed and it is probably preferable for the decoy birds not to be disturbed. If this inspection is done at about sunset, when the birds are more settled, the operator will technically be in breach of the law by a few minutes each day in spring.

The NE response that reverting to a 'daily check' wording leaves scope for abuse by leaving the trap for 47hrs 58mins is misguided. Going for a daily check wording maintains consistency with snares and other traps that is easy for users to understand, and therefore is in line with the stated policy aim of reducing red tape, clarity and consistency without undue burdens on users.

As we stand, operators are effectively obliged to do two checks per day with no scope for delay as a result of a flat tyre or a traffic jam.

Below are our responses to Natural England's specific questions:

(Please note that this document includes only the proposals and questions to which the GWCT has submitted a response. The complete consultation document, containing all the proposals for which NE solicited responses, can be viewed [here](#).)

### I. General Licences for the purposes of preventing serious agricultural damage or disease, and conserving flora and fauna

*Q1(a): Add the following species to General Licence WML-GL04 permitting action to prevent serious agricultural damage or disease:*

- *Greylag goose (Anser anser)*
- *Egyptian goose (Alopochen aegyptiacus)* (Note: this species is already included on General Licence WML-GL06, for the purpose of conserving flora and fauna).

*Are you aware of any reasons why the change outlined in Proposal 1(a) should not be made?*

Response: We consider the proposal to add these species to the general licence list to be sensible. It allows operators to take swift action and reduces the regulatory burden.

Assessment of Regulatory Impact: We observe that this will be positive for NE and consequently for operatives also. No estimate is proffered as to the saving operatives however.

*Q1(b): Add the following species to General Licence WML-GL06 permitting action for the purpose of conserving flora and fauna:*

- *Sacred ibis (Threskiornis aethiopicus)*
- *Indian house-crow (Corvus splendens)*

*Are you aware of any reasons why the change outlined in Proposal 1(b) should not be made?*

Response: We consider the proposal to add these species to the general licence list to be sensible. It allows operators to take swift action and reduces the regulatory burden.

Assessment of Regulatory Impact: We observe that this will be positive for NE and consequently for operatives also. No estimate is proffered as to the saving for operatives however.

*Q1(c): What is your view on the continued inclusion of the following species on General Licence WML-GL04 (preventing serious agricultural damage or disease):*

- *Collared dove (Streptopelia decaocto)*
- *Jackdaw (Corvus monedula)*
- *Jay (Garrulus glandarius)*

*Please provide reasons and any available evidence to support of your view.*

Response: We find no evidence offered as to why the status of these species should be altered. It is stated that it is not known the extent to which operatives use the GL for controlling these species. We consider that there should some knowledge of this before this change is instigated, but we consider even the cost and accuracy of doing this to be unjustified. The conservation status of these species is good, their original inclusion reflected a need and we are to be convinced that anything has changed.

Collared doves continue to be a pest of stored grain and will also take grain put out for other species.

Assessment of Regulatory Impact: This cannot be predicted other than it will negative for operatives and NE.

*Q1(d): What is your view on the continued inclusion of the following species on General Licence WML-GL06 (conserving flora and fauna):*

- *Jackdaw (Corvus monedula)*
- *Jay (Garrulus glandarius)*

*Please provide reasons and any available evidence to support of your view.*

Response: Firstly, there is no evidence, anywhere, that either of these corvid species is currently showing signs of a decline. According to the British Trust for Ornithology, both are on the increase, and jackdaws especially so. Secondly, both species are opportunist predators, and will take eggs and chicks of other wild birds, including those of high conservation concern.

A study funded by the RSPB and Natural England, and published in the scientific journal *Bird Study* (Stevens et al, 2008), found that jays were a significant predator of spotted flycatcher nests, a red-listed species whose numbers have declined dramatically. Fate was determined for 63 nests monitored by cameras, and of the 20 flycatcher nests that were predated, 60% were lost to jays both during the egg and chick stage. In another study, published in 2012 in the same journal, nest cameras found jays to be the most important predator of wood warbler nests: 18 out of 28 predated nests were attributed to jays. So, science says that jays are a significant nest predator of some woodland birds.

Jackdaws are observed frequently nesting in barn owl boxes on our lowland demonstration farm. The farm is in both ELS and HLS schemes with a number of features installed which provide habitat for small mammals. Barn owl boxes have been installed to provide nesting sites but these are ineffective where Jackdaws occupy the boxes.

Jackdaws remain predators of young birds and are particularly adept at working in family groups, distracting the adults to prey on the young. They are a problem for free-range poultry

enterprises and game laying pens. In these situations trying to put up net protection is both impractical and expensive, so control is needed to protect eggs and feed.

Assessment of Regulatory Impact: This cannot be predicted other than it will be negative for both operatives and NE.

## 2. General Licence for the purpose of preserving public health and safety

*Q2(a): Add the following species to paragraph 2(ii) of General Licence WML-GL05 permitting taking, damaging and destroying of nests, and taking and destroying of eggs, for the purpose of preserving public health and safety:*

- *Greylag goose (Anser anser)*
- *Mallard (Anas platyrhynchos)*

*Are you aware of any reasons why the change outlined in Proposal 2(a) should not be made?*

Response: We consider these changes to be sensible, allowing swift action to be taken by operatives. Destroying nests and eggs prior to hatching allows the adult pair to relocate and raise another brood elsewhere, therefore early action is preferable.

Assessment of Regulatory Impact: We consider this to be positive for operatives and for NE.

*Q2(b): What is your view on pied wagtail, robin and/or starling being added to paragraph 2(ii) of General Licence WML-GL05 permitting taking, damaging and destroying of nests, and taking and destroying of eggs, for the purpose of preserving public health and safety?*

Response: We consider these changes to be sensible, allowing swift action to be taken by operatives. Destroying nests and eggs prior to hatching allows the adult pair to relocate and raise another brood elsewhere, therefore early action is preferable.

Assessment of Regulatory Impact: We consider this to be positive for operatives and for NE.

## 3. Large gulls

*Q3(a): What is your view on removing lesser black-backed gulls from the conservation General Licence (WML-GL06) and introducing a Class Licence to permit control of herring gulls and lesser black-backed gulls for the purpose of conserving flora and fauna?*

Response: We appreciate the reasons for this proposed change are more complex. The GWCT supports the principle of enabling people to control species which impact upon their activities without un-necessary regulation. We also strongly support the principle that species protection should be ratcheted up AND down according to that species conservation status. Herring gulls are reported to have shown a 43% decline in the last decade, and consequently are Red Listed, but this is against a population increase of 81% in the period 1970- 1998 and that "the species is very common and widespread in England in winter". The Amber listing of Lesser black-backed gulls has largely been triggered by strong declines at specific sites, some being designated SPAs.

We would like to see the registration process for Class Licences to control large gull species on SSSIs adjusted so that no separate consent is required.

Assessment of Regulatory Impact: Negative for both operatives and NE.

#### 4. Crow species

*Q4(a): Change the wording 'Crow Corvus corone' to 'Carrion crow Corvus corone' at paragraphs 2(i)(a) and 6 in following General and Class Licences:*

- *WML-GL04 (preventing serious agricultural damage or disease)*
- *WML-GL05 (preserving public health and safety)*
- *WML-GL06 (conservation of flora and fauna)*
- *WML-CL12 (preserving air safety)*

*Are you aware of any reasons why the change outlined in Proposal 4(a) should not be made?*

Response: We understand that the taxonomic re-classification of *Corvus corone* is disputed. However, until this is resolved it is entirely sensible to identify carrion crow and hooded crow as separate species. When each species was considered to be a single species both were covered by the General Licence and we see no reason why this should not be the case for the separate species. No justification is given for requiring hooded crows to be subjected to individual licence requirements given their current conservation status. The suggested different licencing status will cause unnecessary difficulties for those catching carrion crows.

Most of the hooded crows seen in England are winter migrants from points east, and they leave for home early enough to not be a problem to game or other wildlife. They therefore also leave early enough not to be very vulnerable to being killed under the open general licences. However, odd ones sometimes stay, and if so they usually pair with carrion crows. In this circumstance they will be just as destructive as any other pair of crows, and it would be perverse in the extreme to be the host to such a pair and only be able to deal with one of the two birds. It would also be ridiculously burdensome and time wasting to have to apply for an individual licence to kill just one bird.

Assessment of Regulatory Impact: Negative, what is proposed will create additional work for NE and operatives.

#### 7. Trapping Code of Practice

*Q7(a): What is your view on the use of a Code of Practice to replace some licence conditions and showing best practice?*

Response: We are uncomfortable with this suggestion. The requirements of best practice to be observed under licence makes these a legal requirement and digressions can be pursued by prosecution. A Code of Practice is just that, providing advice. Advice cannot be mandatory and we oppose this being introduced as a condition of operating a licence. No mention is made of any inspection regime proposed for the Code or appeals procedure for any alleged digression, which could threaten the livelihood of an operator, and potentially his home, without conviction.

Assessment of Regulatory Impact: Unclear

*Q7(b): What are your views on the draft Code of Practice at Annex F? ([link](#))*

Response: We do not wish to comment on the detail of the Code as it stands, as we are opposed to it, other than to say that the detail is also flawed.

#### **8. Keeping trapped birds as decoys**

*Q8(a): In your view, should there be a maximum time for which decoy birds can be continuously kept within a trap? If yes, what time limit would you consider to be appropriate, and how soon could the bird be returned to a trap?*

Response: We do not think that there is any sense in attempting to regulate this. Indeed the longer a decoy bird remains so the more acclimatised it becomes to its surroundings, so consequently we cannot see the purpose of this proposal. Retaining a decoy through the winter allows trapping to begin early in the spring before dependant young are hatched. Live magpie decoys are 15 times more effective than artificial ones, and 12 times more so with crows.

If a limit is to be considered it should be for at least six months, from February until the end of July, to allow trapping to continue through the nesting season.

Assessment of Regulatory Impact: Negative for the operative and decoy bird, zero impact for NE because the proposal is impossible to monitor.

*Q8(b): In your view, should there be a maximum time period for which birds can be retained as decoys? If yes, what should this time period be?*

Response: No

*Q8(c): In your view, should the options for birds caught under General or Class Licence be restricted to dispatch, release or keeping as a decoy?*

Response: We understand why release is included as an option here but if there is no intention to either use the bird as a decoy or to dispatch it then surely the operative has no good reason to be running a trap? However there will be exceptions, such as those trapping birds for scientific purposes, such as for tagging for subsequent release.

#### **9. Referenced tagging system for traps**

*Q9(a): In your view, is there merit in the use of a referenced tagging system for traps set under General or Class Licence? If yes, how do you suggest that such a system would be organised? What do you consider the costs and benefits to be?*

Response: We see no purpose in this proposal. Given that traps are generally set on private land, identifying who is responsible for managing them is not difficult. Consequently we consider that this proposal will be costly but achieve no benefit. Perhaps an examination of the cost/benefit of this scheme, which is already in existence in Scotland, would be informative? One of our Scottish members had his tags removed from the traps and was then reported to the police for running untagged traps. Our member had to produce evidence that he had

attended a training course and purchased tags, which he was able to do. All this took up police and our members' time.

Assessment of Regulatory Impact: Negative

#### 10. Use of Larsen-Mate Traps ('Clam' or 'Butterfly Traps')

*Q10(a): In your view, should Larsen-Mate traps be specifically permitted for use under relevant General and Class Licences? If yes, what restrictions would be appropriate regarding use of this type of trap? If possible, please estimate what cost (in time and/or financial) these restrictions would have.*

Response: Yes, these sorts of traps should specifically permitted. The only restriction that should be considered is the use of carrion where it is likely that this would result in the capture of non-target species. We suggest it should be a requirement of operating these that they be tethered to the ground and that a 2-3cm spacer be included between the doors to prevent full closure around a wing, for instance.

*Q10(b): If the use of Larsen-Mate traps were not permitted under General and Class Licences, do you consider that there are situations where their use could be justified under individual licence? Please give details of these situations.*

Response: No, they should be retained under the General and Class licences.

#### 11. Humane dispatch

*Q11(a): To add the recommendation: "All reasonable precautions must be taken to ensure that unnecessary suffering of birds is avoided. Wounded birds are to be pursued and humanely despatched where practicable." to the following General and Class Licences:*

- WML-GL04 (preventing serious agricultural damage or disease)
- WML-GL05 (preserving public health and safety)
- WML-GL06 (conservation of flora and fauna)
- WML-GL21 (control of ruddy ducks for the purpose of conservation of flora and fauna)
- WML-CL12 (preserving air safety)

*Are you aware of any reasons why the change outlined in Proposal 11(a) should not be made?*

Response: This proposal implies that there is issue with people controlling pest species being complacent towards their welfare. It would be helpful to see the evidence upon which this opinion has been formed. Beyond that, and the condescending tone, we have no objection to the inclusion of the additional wording, but we see no need.

Assessment of Regulatory Impact: None

#### 14. Species exempt from sale of dead birds General Licence

*Q14(a): Amend paragraph 2(iii)(a) of WML-GL17 from:*

*"birds listed on Part I of Schedule 2 or on Parts II or III of Schedule 3 to the Act..."*

to:

*"birds listed on Parts II or III of Schedule 3 to the Act.."*

*Are you aware of any reasons why the change outlined in Proposal 14(a) should not be made?*

Response: The ban on sale as food was introduced to prevent over-exploitation. We are unsure of the level of demand for non-consumptive purposes, but would consider it to be very small. Proving the intended end use of any sale we would suggest is impossible so we'd prefer the conditions to remain as they are.

#### 19. Sale of amphibians

*Q19(a): Revoke General Licence WML-GL19, and require individual licence applications to be made for the sale of species currently covered on this General Licence, i.e.:*

- *Common frog (Rana temporaria)*
- *Common toad (Bufo bufo)*
- *Smooth newt (Triturus vulgaris)*
- *Palmate newt (Triturus helveticus)*

*Are you aware of any reasons why the change outlined in Proposal 19(a) should not be made? If you use this licence, please indicate the approximate number of specimens sold under this licence each year, and the likely time and financial cost resulting from revoking this licence.*

Response: We suggest more thought is given to this proposal with consideration as to how in future NE would deal with translocation of amphibians under a biodiversity off-set arrangement.

#### 25. Pond dipping

*Q25(a): Issue a new General Licence permitting the taking and temporary possession of great crested newts, by schools and educational facilities for educational purposes. This licence would be subject to a number of conditions, including restricting the methods of taking (including torch, hand and net, but not bottle trapping) to ensure captive great crested newts are kept in suitable conditions and for a suitable length of time.*

*Are you aware of any reasons why the change outlined in Proposal 25(a) should not be made?*

Response: We applaud this proposed change. Enabling people to interact with nature improves their appreciation and understanding of it.

#### 26. Introduction of a 'Read and understand' licence condition

*Q26(a): Add a statement to all General and Class Licences that licence users must, before taking the licensed action, have read (or had read to them) in full and understood all terms and conditions of this licence.*

*Are you aware of any reasons why the change outlined in Proposal 26(a) should not be made?*



Response: We consider it to be entirely appropriate that licence users are required to have read and understood the conditions which appertain to the licence they are proposing to operate under. For that reason they should be simple, short and clear.

## 27. Breaching licence conditions

*Q27(a): Add the following wording to all General and Class Licences:*

*'Please note that breaching the conditions of this licence means that you cannot rely on this licence to carry out an activity that would – except under the provisions of this licence – be an offence'*

*Are you aware of any reasons why the change outlined in Proposal 27(a) should not be made?*

Response: We see no reason for this change not to be made

## 28. Sanction for breaches of General Licences

*Q28(a): Amend the following text on the current General Licences:*

*'Failure to act within the purpose of this licence as set out in paragraph 1 or failure to comply with the terms and conditions may mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is, at the time of the issue of this licence, a level 5 fine (£5000) and/or a six month custodial sentence.'*

*To:*

*'This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:*

- i. may be an offence against that Act or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the Act is, at the time of the issue of this licence, a level 5 fine (£5000) and/or a six month custodial sentence; and*
- ii. may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing.*

*This sanction may be applied to other similar licences.'*

*Are you aware of any reasons why the change outlined in Proposal 28(a) should not be made?*

Response: We challenge the right for Natural England to have to withdraw permission from an individual to use a licence unless that person has been committed to trial in a court of law and found to be guilty of an offence appertaining to use of that licence. We consider this to be of critical importance not least because Natural England currently have no formal appeals process in place. There is a profound likelihood that injustice will result from this state of affairs.

Assessment of Regulatory Impact: If the right of appeal is granted then this could result in a reduced need to prosecute

*Q28(b): Include the following advice in the notes section of all General Licences:*

*'Any person not permitted to use this General Licence on account of a relevant conviction (see Condition XX) or who has had their permission to use this licence withdrawn may still apply to Natural England for a specific licence for the purpose(s) and activities covered by this licence. Any such application will be considered on its merits.'*

*Are you aware of any reasons why the change outlined in Proposal 28(b) should not be made?*

Response: We are unsure if this is a change?

Assessment of Regulatory Impact: Limited

## **29. Monitoring and reporting**

*Q29(a): Do you support our aspiration to collect more information on the level of wild bird control carried out under General Licences? Please indicate the reason(s) for your answer.*

Response: We cannot support any attempt to make the use of the General Licence more onerous. Both voluntary and mandatory collection of data increases the burden on operatives and on NE staff time in collating the information. Whilst it might be argued that "improved information on licence use would improve our compliance with EU reporting requirements", no evidence of infraction is presented. This suggests an element of "gold plating", which we think is at odds with current Government policy. We consider better use could be made of the information already included in the National Gamebag Census. Examples for two species can be viewed below. It would seem for more sensible to interrogate existing data sets rather than attempt to gather information by another more laborious route.

<http://www.gwct.org.uk/research/long-term-monitoring/national-gamebag-census/bird-bags-summary-trends/carrion-hooded-crow/>

<http://www.gwct.org.uk/research/long-term-monitoring/national-gamebag-census/bird-bags-summary-trends/magpie/>

Assessment of Regulatory Impact: Profoundly negative

*Q29(b): If your answer to 29(a) is 'yes', do you favour a voluntary or a mandatory system for gathering this information? Please indicate the reason(s) for your answer.*

Response: We do not favour any system

Assessment of Regulatory Impact: No system, no impact

*Q29(c): Do you support the idea of carrying out a trial of a voluntary reporting?*

Response: No

Assessment of Regulatory Impact: No trial, no impact

*Q29(d): Do you have any information or views on the additional effort that it would take for licence users to collect information on their use of General Licences?*

Response: The effort would be substantial yet there would be no means of knowing what proportion of people using the GL are responding, or indeed the accuracy of their response. There is then a danger of drawing erroneous conclusions.

Assessment of Regulatory Impact: Substantial

*Q29(e): Even if we do not proceed with plans to gather information on General Licence use, do you think that there is a special case for collecting this information in respect to action taken on designated sites (i.e. SSSI, SPA, SAC)?*

Response: We cannot see why there is a special need to gather this information. Who exactly is suggesting such and need and what is the purpose? This appears to have been left deliberately vague in the consultation.

Assessment of Regulatory Impact: Substantial

### 30. Action taken on European designated sites (SPAs and SACs)

*Q30(a): Add the following text to all General Licences permitting the lethal control of protected species:*

*'This licence does not authorise any action against a species that is a qualifying feature of a European designated site (Special Protected Area (SPA) or Special Area of Conservation (SAC)) on that site.'*

*Are you aware of any reasons why the change outlined in Proposal 30(a) should not be made?*

Response: Yes, because making the regime more onerous for all concerned is not the way to manage a population decline of a single species. The licencing system exists so that everything is protected, with the level of protection then varied according the conservation status of the species. This should allow species to move from one licence status to another. If the conservation status of a species, such as lesser black-backed gull, becomes reclassified as Red, then the licencing requirements should reflect that. It does not require a Habitat Regulations Assessment to be carried out to do this.

Assessment of Regulatory Impact: Substantial

*Q30(b): Add the following text to all Class Licences permitting the lethal control of protected species:*

*'This licence does not authorise any action against a species that is a qualifying feature of a European designated site (Special Protected Area (SPA) or Special Area of Conservation (SAC)) on that site, unless such use of this licence is specifically permitted by Natural England.'*

*Are you aware of any reasons why the change outlined in Proposal 30(b) should not be made?*

Response: Yes, for the reason above

Assessment of Regulatory Impact: Substantial

*Q30(c): Add the following text to the Important Information / Explanatory Notes of all General and Class Licences permitting the lethal control of protected species:*

*'Potential adverse impacts to European designated sites, i.e. Special Protected Areas (SPAs) and Special Areas of Conservation (SACs) must be considered. This includes impacts from off-site activities. Where there is the potential for adverse impacts, advice must be sought from Natural England's regional teams (www.naturalengland.org.uk/contact/ or Telephone 0845 600 3078).'*

*Are you aware of any reasons why the change outlined in Proposal 30(c) should not be made?*

Response: Yes, because for the reasons above and because no definition of "adverse impacts" is given. Unless an operator can be advised as to what this is then as it stands every intervention would require advice to be sought from NE.

Assessment of Regulatory Impact: Substantial

### 31. No Satisfactory Alternative

Q31(a): Amend the wording of the following condition from:

*'In respect to the species listed at paragraph 2(i)(a) above, this licence can only be relied on in circumstances where the authorised person is satisfied that appropriate legal methods of resolving the problem such as scaring and proofing are either ineffective or impracticable'*

To:

*'In respect to the species listed at paragraph 2(i)(a) above, this licence can only be relied on in circumstances where the authorised person has taken reasonable and appropriate steps to resolve the problem, such as scaring and proofing.'*

*Are you aware of any reasons why the change outlined in Proposal 31(a) should not be made?*

Response: Yes. This is a misinterpretation of what the regulation intended. It is for Government to be satisfied that "appropriate legal methods" were/are "either ineffective or impractical", not the individual. The reason the operative is usually acting is precisely because there is no other satisfactory alternative. In the absence of corvid control at our own research and demonstration farm the survival of song thrush nests and their contents dropped from 30% to just 11%.

Assessment of Regulatory Impact: Unknown

### 32. Removal of abandoned eggs from nest boxes

Q32(a): Amend the wording of the following licence condition from:

*'Eggs (or parts of eggs) may only be removed from nest boxes not currently in use by birds, during the period 1 August to 31 January.'*

To:

*'Eggs (or parts of eggs) may only be removed from nest boxes not currently in use by birds, during the period 1 September to 31 January.'*

*Are you aware of any reasons why the change outlined in Proposal 32(a) should not be made?*

Response: We consider this to be a reasonable proposition

Assessment of Regulatory Impact: None

### 35. Disturbance of Schedule I birds for pre-development surveys

*Q35(a): Issue a new Class Licence permitting appropriately experienced persons to disturb barn owls (Tyto alba) and peregrines (Falco peregrinus) for the purpose of Science, Research and Education, specifically in the course of surveys to inform development proposals.*

*Are you aware of any reasons why the change outlined in Proposal 35(a) should not be made?*

Response: No, other than it needs a better definition of “appropriately experienced persons”.

Assessment of Regulatory Impact: Unknown

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May 2014