



The Rt Hon Michael Gove MP
Secretary of State
Department for Environment, Food and Rural Affairs
Seacole Building
2 Marsham Street
London, SW1P 4DF

27 April 2019

Dear Secretary of State,

Changes to General Licences for Bird Control

Our organisations collectively represent the overwhelming majority of users of the General Licences issued in your name for controlling 'pest' birds in England.

On Thursday 25th April, at only two days notice, the three main General Licences were revoked by Natural England (NE), the current licensing authority. This sudden legal change has caused enormous problems and concern for everyone reliant on General Licences, and their withdrawal has come at the worst possible time of year, when lambs, young crops, and nesting birds, including declining species such as curlew and lapwing, are all in most need of protection from marauding 'pest' birds.

The system that NE has tried to put in place to provide individual licence cover for those in urgent need of control between revocation and the intended replacement General Licence has been a disaster. It was launched later than promised, and only three hours before the General Licences were revoked. Very few people could make the online application forms work, the website became inoperable through over-loading, and at the time of writing, it was still not working properly. It is apparent that NE does not have the technical knowledge to understand the practical impact, and lacks the overall resources to do the immediate job that it has set itself, with the resultant consequences of that.

People have been left without a legal means to control problem birds, and their inability to protect livestock, crops, wildlife and livelihoods in ways which the law has until now allowed has left them concerned and angry. It has been a disastrous episode, appallingly mismanaged by NE.

A key reason for the chaos is that there was no prior consultation, or even notification, of stakeholders such as our organisations in advance of the revocation being triggered. Indeed, NE wrote to some, but not all of us, on 15 March explaining that they were being taken to Judicial Review (by Wild Justice), along with the reasons for this, but assuring us that, *“Natural England is of the view that general licences are a legitimate regulatory tool.”*.... and that, *“While a decision is to be taken regarding the options for review [planned for this summer], the three contested general licences remain in place.”*

The next most of us heard on the matter was at 3.30pm on Tuesday 23 April when NE informed us of their intention to revoke the licences on Thursday 25 April. We were not warned or consulted at any stage prior to this. News of the revocations therefore came as a complete surprise to us all, with the inevitable chaos and severe practical consequences that have now become so apparent. What makes this so disappointing is that NE is pledged to work in an open and consultative way. We were in a position both to assist and advise it in solving a difficult problem - and to communicate with our members to help make a solution practical - but we were never asked. We have also been fully expected by Natural England to do its communication work for it, ensuring our members are informed of the monumental changes, and how to not fall foul of the law. It is highly probable that many are still unaware, and as a result breaking the law through no fault of their own.

As Secretary of State, you are asked to use your influence to ensure that in future, NE consults us so that the current disaster is never repeated. This needs to start immediately. For practitioners, the new General Licence for the control of carrion crow, published by NE late on Friday 26 April, is unfit for purpose, and there has to be a high probability that the further licences that NE will be introducing at pace over the coming days and weeks will likewise be fundamentally flawed. As the 'competent authority' NE has the duty and power to ensure the law is upheld. That does not mean it can act either with such arrogance that it always knows best without the need to seek outside advice, or use the law as a screen to hide behind. It's focus must be on delivering its duties in the best possible way.

Finally, may we turn to the reasons NE has given for acting as they did. NE now admits that over a period of years, they had not done their job in keeping up to date the background species damage assessments which formerly provided the evidence to ensure the legality of the General Licences. That was a serious error on their part.

NE has also indicated that the reason it had to act so fast, by 25 April, was that it was about to be brought to court by Wild Justice for a Judicial Review of the legality of its licensing system. NE admits it had received legal advice that suggested it would lose the case, but rather than fight it, if only to buy time to sort matters out (albeit at considerable financial cost, no doubt), it chose instead to rapidly revoke the three General Licences and in doing so expose rural England and its wildlife to a the chaos we are now facing.


It is noteworthy that whilst NE said it was revoking the licences on the grounds that it could not assure licence users they could operate legally under them, NE was happy nonetheless to expose our members to that risk for a period extending to weeks, we understand, after their legal advice had been received.

As Secretary of State for the Department to which NE is contracted as the current licensing authority, you are asked to undertake a full investigation as to who made what decisions, when, and why. Your Department needs to determine what changes may be necessary going forward, to ensure this sort of disaster is never repeated.

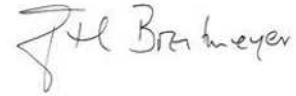
Yours sincerely



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