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Mr John F Robins
Secretary, Animal Concern Advice Line
By email:
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Dear Mr Robins

Thank you for your email of 6 October 2019 to Scottish ministers raising your concerns regarding Scottish Natural Heritage's consultation on general licences. This falls under the portfolio of Roseanna Cunningham, Cabinet Secretary for the Environment, Climate Change and Land Reform. I have been asked to respond.

All wild birds are protected. The law also recognises that in certain situations, birds may need to be controlled to safeguard other interests, such as air safety, preventing agricultural damage and protecting public health and safety where there's unlikely to be any conservation impact. They are a light touch form of regulation and they avoid the need for people to apply for individual licences for these specific circumstances. General licences are granted for these reasons where Scottish Natural (SNH) understand that there may no other satisfactory alternative. Lethal control should always be a last resort. It is also only allowed if a species is not at risk and any licensed activity will not risk the population as a whole in Scotland.

The Scottish Government expects users to comply with the conditions attached to the licence which includes a registration and reporting requirement for the use of meat baits and certain types of traps. Operators are also required to be able to communicate what other satisfactory solutions have been tried prior to the use of the licence if challenged. Where SNH have evidence that there has been illegal activity taking place in certain areas they can restrict the use of these licences.

The use of general licences is explicitly covered by the legislation in question (see Section 16(5) (a) of the Wildlife and Countryside Act) and as such Scottish Natural Heritage were not consulting on the principal of such licences. These approaches to regulation are widely used in Scotland and elsewhere by other Regulators and this is in keeping with the principles of Better Regulation.

SNH periodically reviews the list of species on the general licences and operational aspects of the licensing system to ensure they conform with best practice and developments in legal thinking.

The Scottish Government considers that general licences can be an effective and appropriate approach to regulation. However, we have to ensure that they are: adaptable; enabling; clear; proportionate; legally compliant; and do not undermine the overarching objectives of the Birds Directive. This includes balancing species conservation and welfare with these other interests.

To this end Scottish Natural Heritage have consulted widely on their general licences for 2020. This included the opportunity to provide detailed comment on specific licences as well as the opportunity to make more general comments.

The 12 week consultation was open to the public and it ran from 17th July to 9th October. Scottish Natural Heritage have had over 700 responses to the consultation and will be considering them in due course in order to shape general licences in 2020 and beyond.

I hope this proves to be helpful.

Yours sincerely



Jonathan Young
Policy Officer