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**88 Promenade, Blackpool, FY1 1HB**

**Bats: Building Inspection**

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**Simply Ecology Limited**

**Ref: SE/KDGo53/01**

**December 2020**

**For:**

**Keystone Design Associates Ltd  
Development House  
261 Church Street  
Blackpool  
FY1 3PB**

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## Control Sheet

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## Version History

Version	Date	Modified by	Approved by	Comment/Reason(s)
1	04/12/2020	N/A	JR	First Issue

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## 1.0 INTRODUCTION

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### 1.1 Background Information

1.1.1 In October 2020, Simply Ecology Limited was commissioned by Keystone Design Associates Ltd to undertake an inspection for evidence of bats at 88 Promenade, Blackpool, FY1 1HB. (OS Grid Reference SD305362). See Plan 1 for Site location.

### 1.2 Aims

1.2.1 The aims of this survey were to gather up-to-date information on the presence of bats at the site. This involved:

- Identifying potential structures of the building that could be used by bats.
- Identifying if there was any evidence of bats around the building.
- Providing an assessment of the likely importance of the site for bats and their conservation.

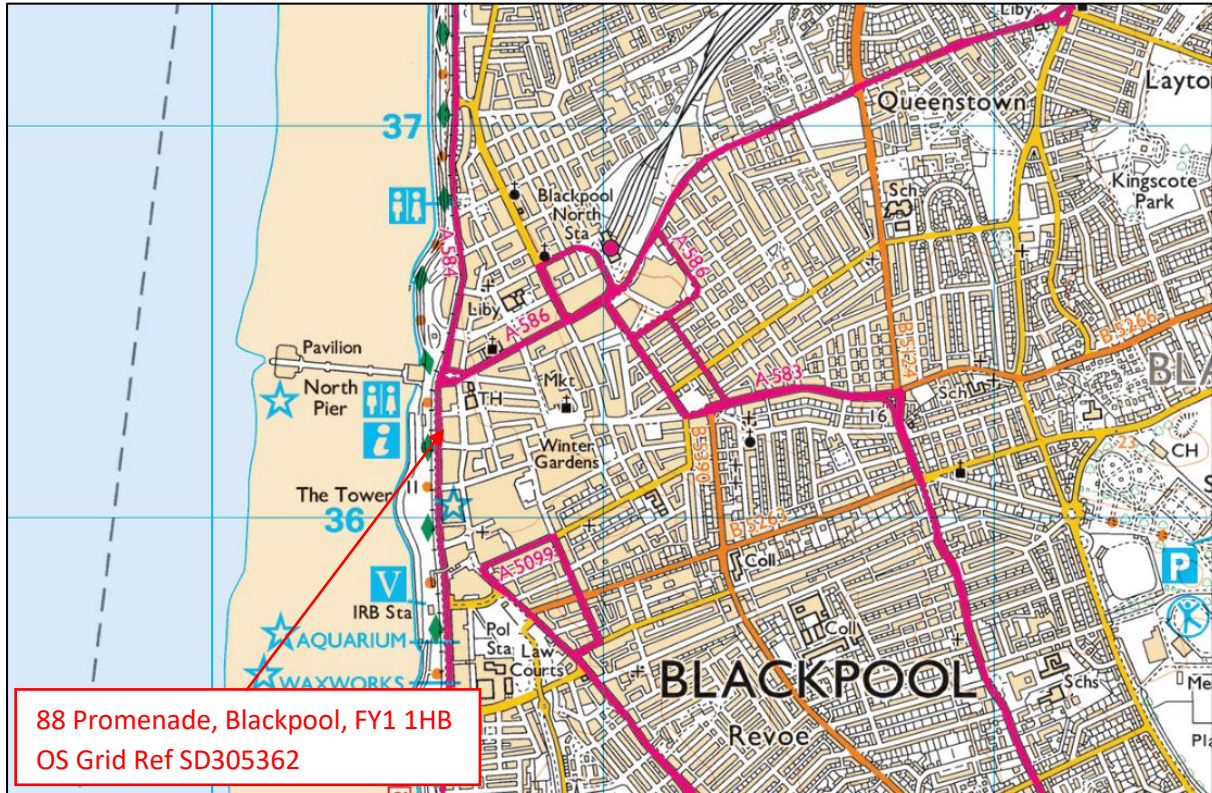
1.2.2 To achieve this, a building inspection for bats at the site was undertaken on 16<sup>th</sup> November 2020. This submission presents the results of the ecological survey at the site.

### 1.3 Site Description and Proposed Works

1.3.1 The Site was located on the seafront in Blackpool, Lancashire. The Site comprised a single unused commercial property with a 100m<sup>2</sup> footprint (see Plate 1 and Plan 2).

1.3.2 Immediately adjacent to the building, on either side, were other commercial properties – one of which was also damaged in a fire in July 2018 and is currently unoccupied. To the west facing front is the Promenade with the sea less than 100m away; otherwise, the building is set in an entirely urban landscape with few open, green spaces.

1.3.3 The proposal, to demolish the existing building and erect a six-storey building to form a cafe to the ground floor and permanent flats to upper floors at the site, requires the local planning authority to fulfil its obligations to ensure that there is no net loss for biodiversity (See Plans 3 and 4). This submission presents the results of the building inspection at the site.

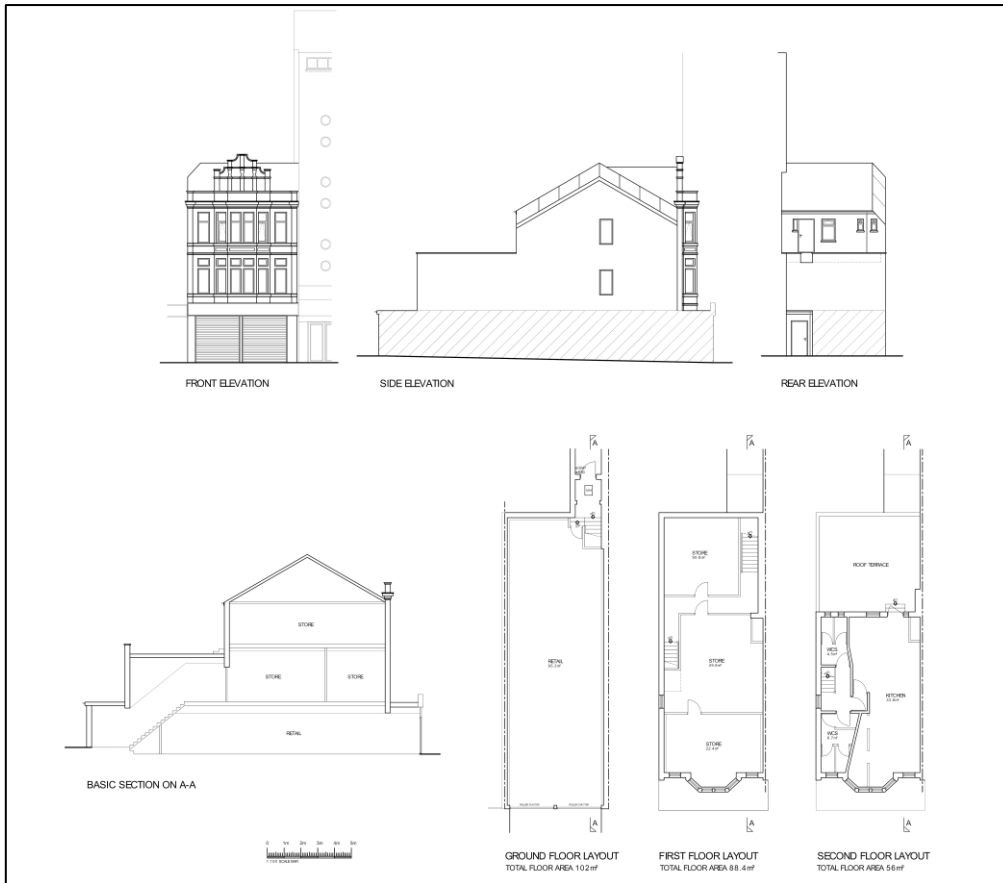


Plan 1: Site Location.

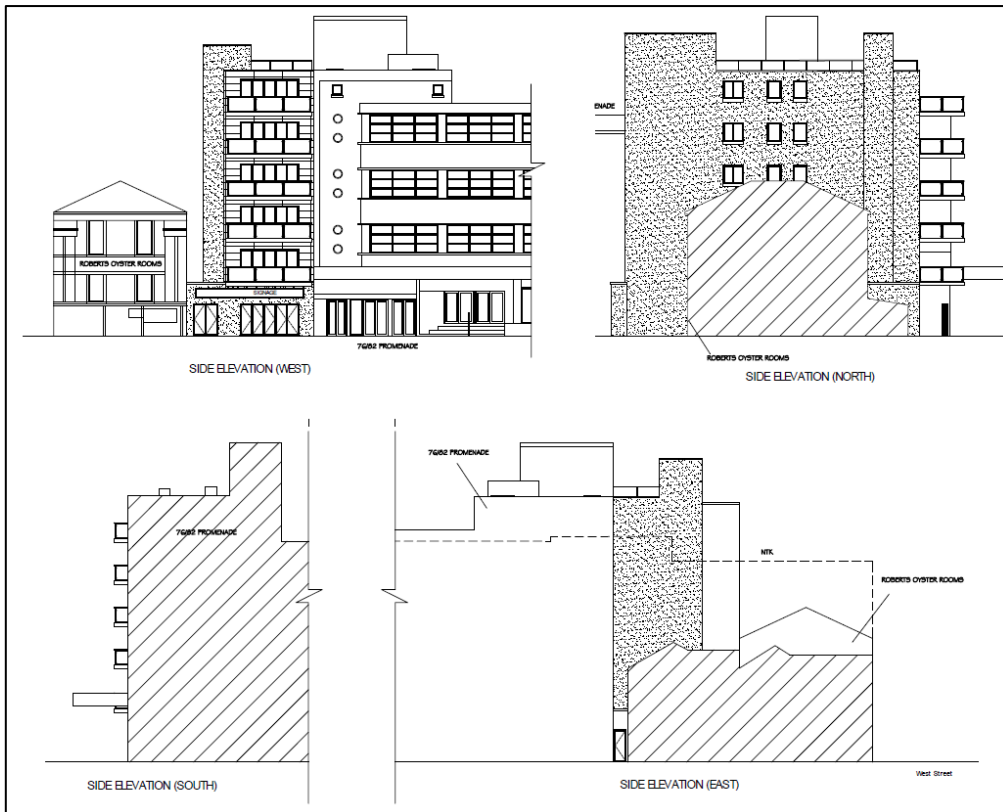


Plate 1: General view of the property.





Plan 2: Existing Floor Plans and Elevations



Plan 3: Proposed Elevations.



Plan 4: Proposed Plans.

## 2.0 SURVEY METHODOLOGY

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### 2.1 Bats: Building Inspection

2.1.1 An inspection of the proposed areas for development on the site was specifically carried out to search for bats. The building survey was undertaken in accordance with the standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (BCT 2016). The survey was carried out by Philip Wright MSc CIEEM, an experienced surveyor with five years of bat survey experience. In accordance with best practice, the survey comprised the following elements:

- An inspection of the exterior of the building to look for obvious signs of bat activity (such as droppings) and assessing the potential for entry/exit into the property. Lighting was provided by a 1600lm torch (Bikehut 1600). Any cracks or inaccessible areas were inspected using a ProVision PV-636 endoscope.
- An inspection of the interiors of all building examining walls, the underside of roofs and within any loft spaces in the property to determine whether bats were present, to look for signs of bat activity (such as discarded prey items and droppings) and to assess suitability for bats.
- Subsequent advice/action would depend on the findings of the building surveys. If potential was found, then subsequent bat activity surveys would be required in accordance with standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (Bat Conservation Trust 2016).

### 2.2 Personnel

2.2.1 The building survey was undertaken by Philip Wright MSc CIEEM. Philip is an Ecologist with Simply Ecology Limited, where he has worked since 2017. He obtained his first degree in Biology from the University of Bath and an MSc in Ecology and Conservation from Lancaster University. He is a member of the North Lancashire Bat Group and is in his fifth season of bat surveying. His wider experience includes conducting botanical surveying and habitat management work with the RSPB and with the Wildlife Trust for Lancashire, Manchester and North Merseyside.

2.2.2 The report verification was by Jason Reynolds. Jason started Simply Ecology Limited in 2007. Jason is an experienced ecologist who has been continuously employed in the field of nature conservation since 1995 (25 years' experience) and has a wealth of experience in both the statutory nature conservation agencies and private consultancy. During his career has worked in Conservation Officer roles for the Joint Nature Conservation Committee, English Nature, Environment Agency, Cumbria Wildlife Trust and Durham Wildlife Trust prior to setting up Simply Ecology ecological consultancy in 2007, where he is the Lead Ecologist. He has an MSc from The University of Aberdeen and his thesis investigated the relationship between habitat type and complexity and the foraging behaviour of Pipistrelle bats. Jason holds protected species survey licences for all British bats, white-clawed crayfish and great crested newts.

### 2.3 Timing and Constraints

2.3.1 The building inspection survey was carried out on 16<sup>th</sup> November 2020. The timing of the building inspection to search for signs of bats or barn owls posed no constraints as building inspections can be undertaken at any time of year. An assessment of the building's potential to support bats can



therefore be made according to the evidence found, building condition, location and the experience of the surveyor.

- 2.3.2 Damage caused by a fire and water used to extinguish the fire had made some areas of the building unsafe to closely examine, particularly the roof void. Access into, and thorough investigation of, this space was limited but it was still possible to make a robust assessment of the buildings' potential to support bats.

## 3.0 BUILDING INSPECTION RESULTS

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### 3.1 Site Description

- 3.1.1 The building was a three-storey commercial sea front property of brick and dressed stone with a pitched and hipped roof of overlapping slate tiles. The building was damaged by a fire in July 2018 and has been unoccupied and unused since late 2018/early 2019. The sea front position represented poor quality habitat for bats and was very exposed. The surrounding habitat was also of a poor quality, with woodland or riverine habitat lacking. This combination of factors was an important consideration when assessing the suitability of the building to support roosting bats.
- 3.1.2 The building was searched externally and internally for any signs of recent or historic bat activity in Potential Roost Features (PRFs). In addition, all areas were searched for suitable access points and roosting sites.

### 3.2 Bats

#### External Inspection

- 3.2.1 The roof was a mix of overlapping slate tiles and roofing felt. Although the tiles were generally intact there were gaps under and between slipped tiles that offered PRFs (see Plate 2). The roof was found to have a large hole allowing potentially free access for bats and birds to the internal spaces (see Plate 3).
- 3.2.2 At the rear of the building, the underside of fascia was found to be tightly sealed with no roosting potential (see Plate 4).
- 3.2.3 Although the windows and doors at the rear of the property (see Plate 5) and the shutters at the front were very well sealed with no gaps around the frames and offered no roosting opportunities, missing windows and removal of boarding up sheets allowed further free access to the internal spaces (see Plate 6).
- 3.2.4 The walls were thoroughly searched for evidence of bat activity (e.g. droppings, discarded prey items etc.). Their rough brick and rendered finishes were ideal substrates for droppings to adhere to and these would have been easily visible, but no evidence was found. There were no gaps in the mortar or render that was considered to offer any suitability as PRFs.
- 3.2.5 A thorough and comprehensive search of the ground and flat surfaces around the building found no evidence of bat activity (see Plate 7).



*Plate 2: The roof was in poor condition with gaps under and between tiles.*



*Plate 3: A large hole was apparent on the north west corner of the roof.*





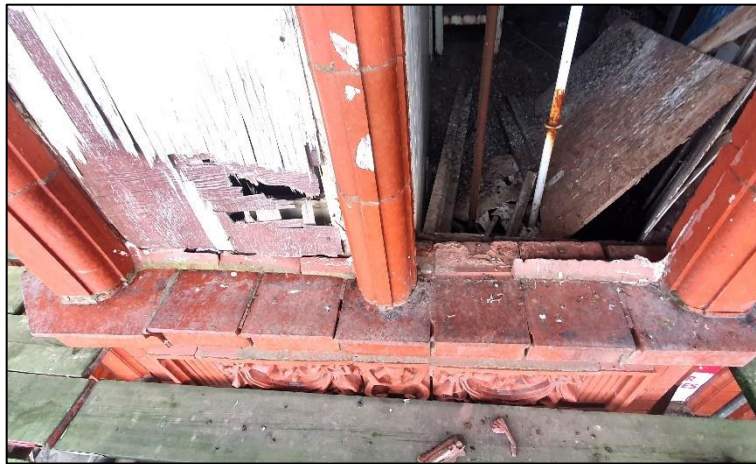
*Plate 4: The fascia at the rear of the property was found to be generally intact with no roosting potential.*



*Plate 5: The windows and doors at the rear of the property were found to be tightly sealed.*



*Plate 6: Missing windows and window bards at the front of the building allowed free access to the internal spaces.*



*Plate 7: There was no evidence of bat activity on the flat surfaces around the building.*



### Internal Inspection

- 3.2.6 As a consequence of the holes in the roof and the missing windows as outlined previously, the loft space and the upper floor of the building were potentially easily accessible for bats and birds from the outside. Large holes in the ceiling and open doors throughout much of the building meant that most of the property was, effectively, a single open space - with only one room on the first floor well sealed.
- 3.2.7 The underside of the roof was exposed in many places; here the tiles, or in some places, the roofing membrane, and support structures were visible and were generally intact. However the roof generally was with a large void with PRFs between the roofing slates and roofing support structures (see Plate 8). However, despite a thorough search no signs of bat activity were found.
- 3.2.8 Where it was considered safe to do so, the flat surfaces within the roof space were searched for evidence of bat activity, but none was found. Pigeons were present throughout the building and there was evidence in the form of birds, dead animals and droppings (see Plate 9). The loft was breezy and this compromised the thermal properties of the roof and was considered to reduce suitability for roosting.
- 3.2.9 As well as the loft space, the whole building was potentially open to bats, the remaining spaces across the first and ground floor were searched for evidence of bats – walls and flat surfaces were searched for roosting potential and evidence of bat activity but none was found (see Plate 12 and Plate 13).



*Plate 8: The underside of the tiles or roofing membranes and roof support structures were visible within the roof space; unrestricted access from the outside was possible via the gaps in the roof (red circle).*



Plate 9: The flat surfaces within the loft void had no evidence of bats. There was considerable evidence of pigeon roosting.



Plate 10: Missing windows and holes in the ceiling allowed access to the rooms on the first floor but there was no evidence of bat activity.





*Plate 11: Fire and water damage throughout much of the first and second floors was apparent – here missing a window allowed further access to the internal spaces but there was no evidence of bat activity.*



*Plate 12: Open doors throughout the building allowed unrestricted access from the second floor to the ground floor; however, there was no roosting potential or evidence of bat activity.*



*Plate 13: The walls and flat surfaces on the ground floor had no evidence of bat activity.*

- 3.2.10 A search of the flat surfaces within the garage was thoroughly and comprehensively undertaken to for evidence of bat activity, but none was found (see Plate 13)
- 3.2.11 **To summarise**, the target building was a three storey sea-front commercial property that was found to have significant fire and water damage. The building had Potential Roost Features, but despite completing a thorough search externally and internally, no evidence of bat activity was found. Taking into account the seafront position, deteriorated condition of the building and the poor quality surrounding habitat which lacked typical foraging woodland or waterbodies, it was concluded that bats were not roosting in the building and no further surveys were required.

### 3.3 Birds

- 3.3.1 Several dozen pigeons were found to be roosting within the building (see Plate 14), particularly in the roof space and on the first and second floors and a single nest was also identified (see Plate 15). Pigeon carcasses were also found on all floors.



*Plate 14: Pigeons were found to be roosting throughout the building.*



*Plate 15: A single nest containing an egg was found on the first floor.*



## 4.0 CONCLUSIONS AND RECOMMENDATIONS

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In October 2020, Simply Ecology Limited was commissioned by Keystone Design Associates Ltd to undertake an inspection for evidence of bats at 88 Promenade, Blackpool, FY1 1HB. This was to inform a future planning application to demolish the existing building and to construct a 6 storey building of residential flats and ground floor café.

### 4.1 Bats

4.1.1 The building inspection was carried out in search of evidence and/or potential for roosting bats across the entirety of the building. This was carried out on 16<sup>th</sup> November 2020. The building was in a poor state of repair with holes in the roof and broken windows. However, there were no significant features either externally or internally where bats could roost. No signs or evidence of bats were discovered throughout the entirety of the building.

4.1.2 Key considerations for the ecologist in drawing conclusions about likelihood of roosting included the highly urbanised coastal location of the property with a lack of semi-natural habitat. The surrounding habitat had extremely limited suitability for bats as it had exceedingly low foraging potential due to the urban nature of the Blackpool landscape. Furthermore, the generally poor structural integrity of the building and its exposure reduces its potential value to bats.

4.1.3 In conclusion, it was the professional ecologist's opinion that there was no reasonably foreseeable likelihood that bats were present in the building and no roost will impacted by the work. As such, the following advice is provided:

- All works can continue with no need for any supervision by the Appointed Ecologist. No Natural England licence is necessary in this instance as no impact upon any bat roost is predicted. This is due to the lack of any signs of current or historical use of the building by bats. **Reason:** This will deliver compliance with: Section 9 (1 & 4) of The Wildlife & Countryside Act 1981 (as amended), Part 3 (43; 1 & 2) of The Conservation of Habitats and Species Regulations 2017 and Section 15 (170 & 175) of the National Planning Policy Framework..

### 4.2 Breeding Birds

4.2.1 Feral pigeons were present throughout the building. Evidence of nesting was found. In view of the protection afforded to all breeding birds, their nests and eggs, development works should proceed as follows:

- ***It is recommended*** that any demolition works at the Site should be carried out outside of the bird breeding season (March to August inclusive). Where this is not possible, a suitably qualified ecologist should carry out a check to confirm the absence of nesting birds immediately prior to works commencing. If a bird nest in current use is discovered, then an appropriate buffer zone around the nest should be created where works can only continue after the nest is vacated. **Reason:** This will ensure that no offences are committed under The Wildlife and Countryside Act 1981 (as amended). The bird-nesting season is generally regarded to extend between March and August inclusive.

- 4.2.2 Although pigeons are a nuisance species they are still afforded legal protection after legal challenge in 2019. **Unfortunately No General Licence** to enable the humane destruction of the bird and its eggs is available because of the Site's proximity to a Designated Site (Liverpool Bay / Bae Lerpwl Special Protection Area) (see Annex B paragraph g).
- 4.2.3 However, a General Licence (GL41) will come into effect in January 2021 to address this shortfall. DEFRA are due to issue further information regarding the use of the GL41 within a designated Site buffer zone.
- ***It is recommended*** that the advice in relation to obtaining a Licence to cull feral pigeons is reviewed in early 2021.
  - ***It is recommended*** that endeavours should be made to humanely remove pigeons from the site before the breeding season (March-August). 1) Netting and mesh materials, spikes, scarers and gel can be used to cover the openings and exclude pigeons from the building room by room until only the external openings are available. These are then boarded over. It is important that all materials are correctly installed and maintained as they can be prone to damage. 2) Netting and mesh materials should have no gaps larger than 50 mm for pigeons (measurements refer to square mesh construction). **Reason:** To ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

## 5.0 REFERENCES

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Bat Conservation Trust (2016). *Bat Surveys – Good Practice Guidelines*. Bat Conservation Trust, London.

Department for Communities and Local Government (2018) National Planning Policy Framework. HMSO. London

Joint Nature Conservation Committee Mitchell-Jones, A.J. & McLeish, A.P. [Eds.] (2004) *The Bat Workers Manual (3rd edition)*. Joint Nature Conservancy Council, Peterborough.

Wildlife Management Advice Note - Legal measures to resolve conflict with wild birds - WML-GU01

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National Planning Policy Framework 2018:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728643/Revised\\_NPPF\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf)

Natural Environment and Rural Communities Act 2006:

[http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060016\\_en\\_1](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1)

The Conservation of Habitats and Species Regulations 2017:

[https://www.legislation.gov.uk/uksi/2017/1012/pdfs/uksi\\_20171012\\_en.pdf](https://www.legislation.gov.uk/uksi/2017/1012/pdfs/uksi_20171012_en.pdf)

Wildlife and Countryside Act 1981:

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

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## ANNEX A: STATUTORY AND PLANNING CONTEXT

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A.o.1 The client is advised that many species of British wildlife are legally protected. The following section provides a brief overview of the protection afforded to species commonly encountered during development. The Recommendations at the end of this report will advise as necessary, but it is also useful for the client to have an understanding of the legal protection as this helps to ensure that the law is complied with.

### A.1 Badgers

A.1.1 Badgers are protected under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) (WCA), and the Protection of Badgers Act 1992. It is illegal to:

- Kill, injure, take, possess or cruelly ill-treat a badger or to attempt to do so;
- Interfere with a badger sett by damaging or destroying it;
- Obstruct access to or any entrance of a badger sett;
- Disturb a badger when it is occupying a sett

A.1.2 A badger sett is “any structure or place that displays signs indicating current use by a badger”. Natural England, the Government’s statutory nature conservation body, classifies a sett as active if it has been occupied within the last 12 months.

A.1.3 Operations that might cause disturbance of an active sett entrance can be carried out under licence from Natural England. If any badgers are found during the course of the survey, this will be highlighted in this report.

### A.2 Birds

A.2.1 All wild birds are protected against killing or injury under The WCA 1981 (as amended). This protection extends to bird’s nests during the breeding season, which makes it an offence to damage or destroy nests or eggs. Birds that are listed on Schedule 1 of the Act receive additional protection against intentional or reckless disturbance during the breeding season. This makes it an offence to disturb these species at or near to their nesting site.

### A.3 European Protected Species (includes bats, otter, hazel dormouse, great crested newts, and others)

A.3.1 The client is advised that all bats and great crested newts are European Protected Species (EPS). These EPS are protected under European legislation that is implemented in England via The Conservation of Habitats and Species Regulations 2017 (Regulation 43). A full list of EPS is provided in Schedule 2 of the Regulations. In addition, these EPS also receive the protection of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9 (4)(b & c) and (5).

A.3.2 If both national and international legislation are taken together, the legislative protection afforded to these species makes it an offence to:

- Intentionally/ deliberately kill, disturb, injure or capture them.
- Intentionally or recklessly damage, destroy or obstruct access to any breeding site or resting place.
- Possess or control any live or dead specimen or anything derived from a European Protected Species.

A.3.3 If an activity is likely to result in any of the above offences, derogation from the legal protection can be issued in the form of a European Protected Species licence issued by Natural England. Licences for development purposes are issued under The Conservation of Habitats And Species Regulations (2017) and only allow what is permitted within the terms and conditions of the licence. If any EPS are found during the course of the survey, this will be highlighted in this report.

#### **A.4 Protected Mammals and Reptiles (includes water vole, red squirrel, reptiles and others)**

A.4.1 All native reptiles and a variety of British mammals also receive protection under The WCA 1981 (as amended). Schedule 5 of The WCA lists animals that are protected. The degree of protection varies. Water voles and red squirrel are examples of species with full protection. The Act makes it an offence to intentionally kill, injure, take, possess, or trade in any wild animal listed in Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places.

A.4.2 All native reptiles in the UK are protected. The commoner species such as grass snake, common lizard, slow worm and adder are protected only from unlawful killing and injuring. In practice this may require a reptile protection scheme before implementing a planning permission but no specific licence is required. Sand lizard and smooth snake listed as EPS (see A3.3 above).

A.4.4 If any protected species are found during the course of the survey, this will be highlighted in this report.

#### **A.5 Non-native invasive species**

A.5.1 A number of non-native plant species growing wild in the UK are listed on Schedule 9 of the WCA due to their invasive nature and the detrimental impact they can have on native habitats and wildlife. This legislation makes it an offence to plant or otherwise cause to grow in the wild any plant species which is included in Part II of Schedule 9.

A.5.2 This legislation should be considered during site clearance works which could lead to the spread of Schedule 9 listed plant species from the site if plant material is not properly handled and disposed of. Development proposals should also consider the removal of invasive species from areas of site that would otherwise remain unaffected by works in order to avoid the risk of these invasive plants spreading from the site in the future and enhance habitats within the site. This would in turn free up space for wildlife friendly planting, prioritising use of native species within planting schemes where appropriate.

#### **A.6 Planning Considerations**

A.6.1 When considering each planning application, the presence of protected species, such as those listed above, is a material consideration which must be fully considered by the Local Authority when granting planning permission. If a licence from Natural England is required, then prior to issuing any planning consent, the local planning authority will need to be satisfied that there is no reason why such a licence would not be issued. Therefore, in reaching the planning decision the local planning authority will need to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The three licensing tests given in the Regulations must be considered. In summary, these are that:

1. The development is required for the purpose of:

- Preserving public health or public safety;
- For other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;



- For preventing serious damage to property.
  - 2. There is no satisfactory alternative.
  - 3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.
- A.6.2 All necessary information would need to be provided to the planning authority as part of the planning application in order to address the above tests.
- A.6.3 The Natural Environment and Communities Act (NERC Act) 2006 extended the biodiversity duty set out in the Countryside and Rights of Way (CROW) Act to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity. The Duty is set out in Section 40 of the Act, and states that:
- "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"
- A.6.4 The Duty applies to all local authorities, community, parish and town councils, police, fire and health authorities and utility companies. Section 42 (S42) of this Act (the 'England Biodiversity List') also requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. This list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40(1) of the Act.
- A.6.5 Also, Local Authorities must follow the National Planning Policy Framework (NPPF) which provides guidance on the interpretation of the law in relation to wildlife issues and development. For each development proposal considered by the Local Planning Authority the NPPF states that the authority must aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

## ANNEX B: FERAL PIGOEN GENERAL LICENCE



Department  
for Environment  
Food & Rural Affairs

### General Licence

To kill or take certain species of wild birds to  
preserve public health or public safety

### WML-GL35

1 August 2020

#### LEGAL BASIS OF THIS LICENCE

The Secretary of State has issued this licence in exercise of the powers conferred by the 1981 Act. Visit [legislation.gov.uk](https://legislation.gov.uk) to view the full text of this legislation.

Section 16 of the 1981 Act provides that the offences in Part I of the 1981 Act shall not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority, which is, in England, the Secretary of State.

In accordance with section 16(1A)(a) of the 1981 Act, the Secretary of State is satisfied that, as regards the purposes covered by this licence, there is no other satisfactory solution.

In accordance with section 16(10)(b) of the 1981 Act, the Secretary of State has been advised by Natural England as to the circumstances in which, in their opinion, licences of this description should be granted.

This licence is issued under section 16(1)(i) and (5) of the 1981 Act.

#### OVERVIEW

This licence permits landowners, occupiers and other authorised persons to carry out a range of otherwise prohibited activities against the species of wild birds listed on the licence. This licence may **only** be relied on where the activities are carried out for the purposes specified, and users must comply with licence terms and conditions. Registration: Users do not need to register to use this licence.

Recording & reporting: None required (see Information and Advice note w)

Reference: WML-GL35

### SCOPE OF THIS LICENCE

Legislation: Section 16(1)(i) and (5) of the 1981 Act

Valid for the period: 1 August 2020 to 31 December 2020 (inclusive)

Area valid in: All counties of England (landward of the mean low water mark), except any European sites or Ramsar sites or within 300 metres of the boundary of such a site (see Information and Advice notes g to j)

Purpose(s) for which this licence is issued: Preserving public health or public safety

What this licence permits: Subject to all the terms and conditions of this licence and solely for the purpose(s) stated above, this licence permits authorised persons:

- i. to kill or take wild birds of any of the species listed at (a) and (b) below, to take, damage or destroy their nests or to take or destroy their eggs:

a ) Carrion Crow	<i>Corvus corone</i>
Jackdaw	<i>Corvus monedula</i>
Magpie	<i>Pica pica</i>
Pigeon, Feral	<i>Columba livia</i>
Rook	<i>Corvus frugilegus</i>
b ) Goose, Canada	<i>Branta canadensis</i>
Parakeet, Monk	<i>Myiopsitta monachus</i>

- ii. and when acting under (i) above to use any otherwise lawful methods and any of the following methods prohibited by Section 5 of the 1981 Act:

- (a) a semi-automatic weapon;
- (b) a cage trap, the dimensions of which do not satisfy the requirements of section 8(1) of the 1981 Act;
- (c) any hand held or hand propelled net to take birds whilst not in flight; and

(d) in relation to the killing or taking of Feral Pigeon (*Columba livia*) only:

- any device for illuminating a target or any sighting device for night shooting;
- any form of artificial lighting or any mirror or other dazzling device.

Who can use this licence: This licence may only be used by authorised persons (see definitions), except those with a recent conviction (see Information and Advice note c).

## DEFINITIONS USED IN THIS LICENCE AND INTERPRETATION

"1981 Act" means the Wildlife and Countryside Act 1981.

"Authorised person" is as defined in [section 27\(1\) of the 1981 Act](#) and includes the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken.

"European site" is as defined in [regulation 8 of the Conservation of Species and Habitats Regulations 2017](#) (as amended from time to time) and includes special protection areas (SPAs) and special areas of conservation (SACs) (see Information and Advice note j).

"Humane" means taking all reasonable precautions to ensure that any killing of birds under this licence is carried out in a single, swift action.

"To kill" includes accidentally to wound whilst attempting to kill in accordance with this licence.

"Secretary of State" means the Secretary of State for Environment, Food and Rural Affairs.

"Semi-automatic weapon" is as defined in [section 27\(1\) of the 1981 Act](#). It is any weapon which is not prohibited by section 5 of the Firearms Act 1968 and which has a magazine capable of holding more than two rounds of ammunition, where the depression of the trigger discharges a single shot and reloads the next, each subsequent shot requiring a further depression of the trigger, for example Firearms Act Section 1 shotguns.

"Wild bird" has the same meaning as in [section 27\(1\) of the 1981 Act](#).

Unless otherwise stated, references to legislation in this licence are references to that legislation as amended at the date of issue.



## LICENCE CONDITIONS

1. In respect of the species listed at "What this licence permits" (a) above:

before using this licence, reasonable endeavours must have been made to achieve the purpose in question using lawful methods not covered by this licence (unless their use would be impractical, without effect or disproportionate in the circumstances); and

when using this licence, reasonable endeavours must continue to be made to achieve the purpose in question using lawful methods not covered by this licence (unless their use would be impractical, without effect or disproportionate in the circumstances).

2. This licence does not authorise the use of any method of killing or taking which is prohibited by section 5 or section 8 of the 1981 Act, except those listed under "What this licence permits" above.

3. Any birds killed in accordance with this licence must be killed in a quick and humane manner. Canada geese held captive prior to being killed must be killed out of sight of other captive birds of the same species.

4. Where any cage trap is used, then only these bird species may be used as decoys:

Carrion Crow	<i>Corvus corone</i>
Jackdaw	<i>Corvus monedula</i>
Magpie	<i>Pica pica</i>
Parakeet, Monk	<i>Myiopsitta monachus</i>
Rook	<i>Corvus frugilegus</i>

5. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006. This includes providing decoy birds with adequate food, water at all times, appropriate shelter and a suitable perch that does not cause discomfort to the birds' feet (see Information and Advice note p).

6. Where any live animal not listed at "What this licence permits" above has been confined in a cage trap, if fit to be released, it must be released immediately upon discovery at the point of capture (or as close as it is safe to do so). See Information and Advice note r regarding any animals that are listed on Schedule 9 to the 1981 Act.

7. When in use, every cage trap used in accordance with this licence must be physically inspected at least once every day at intervals of no more than 24 hours except where this is not possible

because of severe weather conditions. In such cases, every effort must be made to inspect the cage trap as soon as possible. Such an inspection must be sufficient to determine whether there are any live or dead birds or other animals in the trap (see Information and Advice note o).

8. At each inspection any dead animal, including any dead bird, caught in the trap must be removed from it.

9. Where a cage trap is not in use, it must be rendered incapable of holding or catching birds or other animals. Any bait, food, water or decoy birds must also be removed (see Information and Advice note o).

### **IMPORTANT**

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 the 1981 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 1981 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence;
- ii. may result in your permission to use this licence being withdrawn. The Secretary of State 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; and may result in you not being able to rely on this licence as a defence with respect to the prohibitions within the Animal Welfare Act 2006 or the Wild Mammals (Protection) Act 1996.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence.

Issued by and on behalf of the Secretary of State on 1 August 2020.

## INFORMATION AND ADVICE

### **General information**

- a. This licence can be modified or revoked at any time by the Secretary of State. You are advised to check the terms and conditions of any subsequently issued licence prior to your first use of it so as to familiarise yourself with any changes.
- b. The common name of the species given in this licence is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.
- c. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 may use this licence unless, in respect of that offence, either:
  - i. they are a rehabilitated person for the person of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
  - ii. a court has made an order discharging them absolutely.

Any person to whom this exclusion applies must apply to Natural England for an individual licence.

### **The limits of this licence**

- d. This licence permits action only for the purposes specified in "What this licence permits". You may not use it to prevent damage to other forms of property (such as damage to houses or cars) or to prevent nuisance (such as excessive noise). If you are unsure you should seek independent legal advice before using this licence.
- e. This licence does not permit actions prohibited under any other legislation, nor does it confer any right of entry upon land.
- f. The provisions of this licence only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

### **Protected sites**

- g. This licence does not permit any action within any European sites or Ramsar sites or within 300 metres of the boundary of such a site. (For information on identifying European sites, see Information and Advice note n.)

h. If you need to carry out action that would otherwise be permitted by this licence on a European site or Ramsar site or within 300 metres of the boundary of such a site, then you will need to apply to Natural England for an individual licence, unless the action is permitted by another general licence.

i. As this general licence is not a consent for the purposes of Part II of the Wildlife and Countryside Act 1981 in respect of SSSIs it is your responsibility to get consent or assent if required before this licence can be used on any SSSI (see Information and Advice notes k to m).

j. In this licence, “European site” is as defined in [regulation 8 of the Conservation of Species and Habitats Regulations 2017](#) (as amended from time to time) and includes special protection areas (SPAs) and special areas of conservation (SACs). At the time of issue of this licence, regulation 8 provides:

“8.—(1) Subject to paragraph (2), in these Regulations a “European site” means—

(a) a special area of conservation;

(b) a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive (list of sites of Community importance);

(c) a site hosting a priority natural habitat type or priority species protected in accordance with Article 5(4) of the Habitats Directive (a site in respect of which consultation has been initiated under Article 5(1) of that Directive, during the consultation period or pending a decision of the Council under Article 5(3));

(d) an area classified pursuant to Article 4(1) or (2) of the old Wild Birds Directive or the new Wild Birds Directive (classification of special protection areas); or

(e) a site which has been proposed to the European Commission under regulation 12, until such time as—

(i) the site is placed on the list of sites of Community importance referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive; or

(ii) agreement is reached or a decision is taken pursuant to Article 4(2) of that Directive not to place the site on that list.

(2) In these Regulations, a reference to a European site—

(a) in Part 6, is a reference to a European site in the United Kingdom; and

(b) in any other provision of these Regulations, except where otherwise indicated, is a reference to a European site in England or Wales.”



## Sites of Special Scientific Interest (SSSIs)

k. A site of special scientific interest (SSSI) is a site designated through domestic law as of special interest for flora, fauna, or geological or physiographical features. This is a national designation. Natural England will, for each site, have specified operations it considers could damage the site and Natural England's consent is required for any such operations. A SSSI may also be a European site (for example, a Special Protection Area (SPA) or Special Area of Conservation (SAC)) or a Ramsar site. If a SSSI is a European site or Ramsar site, then this licence does not permit any action on the site or within 300 metres of its boundary (see Information and Advice notes g to j).

l. If a SSSI is not a European site, then this licence can be used, subject to the operations not being damaging. The notification documents for each SSSI contain a list of operations that could damage its special features and for which prior consent from Natural England is required. If the activity you need to undertake covered by this licence is not listed in the SSSI notification documents as an operation that could damage the site's special features, no further action is required and you can act under this licence. If the activity you need to undertake covered by this licence is listed in the SSSI notification documents as an operation that could damage the site's special features, you can only undertake this activity if the owner or occupier of the SSSI has applied for, and received, Natural England's SSSI consent. If you act without this consent having been given, you may be at risk of committing an offence. There is one exception: licence [WML-CL25](#) (to permit the diversionary feeding of hen harrier (*Circus cyaneus*) on grouse moors in northern England) does not require a consent from Natural England under any circumstances. See [Gov.uk](#) for further information on how to get SSSI consent from Natural England.

m. A similar process applies for public bodies and statutory undertakers (as defined under section 28G of the Wildlife and Countryside Act 1981) and this obligation applies even where the operations are carried out on land outside of the SSSI. See [Gov.uk](#) for further information.

n. To identify SSSIs, European Sites, Ramsar sites and the features for which they are designated, refer to [www.magic.gov.uk](http://www.magic.gov.uk). Consult the SSSI notification documents for details of 'operations likely to damage' (available on Natural England's Designated Sites View: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>), and consider whether your activity is likely to have an impact. Advice may be sought from the local adviser for the SSSI: <https://www.gov.uk/government/organisations/natural-england>.

## Use of traps

o. The authorised person should have regard to the inspection requirements contained in Condition 7 when considering the use of a cage trap under this licence. Cage traps should be used in accordance with appropriate good practice, including:

- Where cage traps used under the terms of a licence consistently capture birds or other animals not included in the licence, the trap should be moved to a different location in order to minimise the risk of non-target species being caught again.
- Cage traps should not be used during severe hot or cold weather conditions, or when such conditions are reasonably anticipated.
- When not in use, it is necessary to either secure the door in a fully open or closed position or to remove the door completely in order to render any cage trap incapable of holding or catching birds or other animals.

p. Where a decoy bird is used, under section 9 of the Animal Welfare Act 2006 the person setting and operating a trap is responsible for the welfare of the decoy bird, ensuring that it has sufficient food, water and shelter, and protection from pain, suffering, injury and disease.

- Adequate food: means sufficient, palatable food, which is of a type suitable for the decoy species, to meet the needs of the bird(s). Food provision will not be considered "adequate" if the decoy bird(s) cannot readily access it, or if other birds or mammals could deprive the bird of its food.
- Water at all times: water must always be available to decoy birds and drinkable; it should be free from chemical additives and changed regularly to ensure that it is clean. The water needs to be kept ice-free during day-light hours. If this is not possible, then the conditions are not suitable for using a decoy bird in a trap.
- Appropriate shelter: decoy birds are to be provided with shelter that provides effective protection from rain and direct sunlight under the prevailing and anticipated weather conditions. The perch should be sheltered. Such provision will be influenced by the location of the trap and its exposure to the elements.

q. It is recommended that users of this licence refer to the document ['Standard Licence Conditions for trapping wild birds and using decoys under a Natural England licence'](#) (WML-GL33), which is a source of good practice, although it is not a legal requirement to comply with those conditions.

## Non-native species

r. Under section 14 of the 1981 Act it is an offence to release into the wild any animal included in Part I, Part IA or Part IB of Schedule 9 to the 1981 Act. Any animals of species listed in Schedule 9 accidentally caught by licensed trapping should be treated as follows:

- Animals of the species listed in Part I (such as the Canada Goose *Branta canadensis*, Monk parakeet *Myiopsitta monachus*, Ring-necked Parakeet *Psittacula krameri*, Grey Squirrel *Sciurus carolinensis*, Edible Dormouse *Glis glis* also known as *Myoxus glis*, and North American Mink *Neovison vison*; also known as *Mustela vison*) must not be released or allowed to escape into the wild. It is preferable that these animals are killed in a quick and humane manner as soon as reasonably practicable after discovery. These animals may only be released under an individual licence obtained from Natural England.
- Animals of the following species listed in Part IA, which are considered native to Great Britain, must be released immediately upon discovery. This is permitted under General Licence [WML-GL22](#).

Barn Owl	<i>Tyto alba</i>
Capercaillie	<i>Tetrao urogallus</i>
Corncrake	<i>Crex crex</i>
Common crane	<i>Grus grus</i>
Northern goshawk	<i>Accipiter gentilis</i>
Red-billed chough	<i>Pyrrhocorax pyrrhocorax</i>
Red kite	<i>Milvus milvus</i>
White-tailed eagle	<i>Haliaeetus albicilla</i>

- Animals of the species listed in Part IB (which are former native species and currently includes the Eurasian Beaver *Castor fiber* and Wild Boar *Sus scrofa*) may be released immediately upon discovery at the point of capture (this is permitted under General Licence [WML-GL22](#)), killed humanely or kept in captivity. These animals may only be released at another location under an individual licence obtained from Natural England.

s. Condition 1 of this licence applies only to the bird species listed at (a) in “What this licence permits”, above, which are considered to be native to Great Britain; it does not apply to non-native species (listed at “What this licence permits” (b)). People may use nonlethal

methods, such as scaring and proofing, for non-native species and are encouraged to do so where this is the best solution to a problem, but there is no requirement to comply with Condition 1 of this licence.

### Relevant legislation and good practice

t. Persons acting under this licence should have regard to legislation and good practice relevant to the action(s) undertaken including:

- Animal welfare, including the Animal Welfare Act 2006. It is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the 2006 Act). This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, including decoy birds and non-target animals. For advice on the relevance of the 2006 Act to wildlife management please refer to the Natural England leaflet '[The Animal Welfare Act 2006: what it means for wildlife](#)' (TIN072, revised as WML-GU02). Additionally, to protect the welfare of dependent young, it is advised that, wherever possible, lethal control of birds during the breeding season should be avoided and control at other times or using other lawful methods should be used.
- The disposal of the carcase(s) of any animal killed in accordance with this licence.
- The use of cage traps and the use of decoy birds (see Information and Advice notes o to q).
- The use of this licence during prolonged periods of severe weather. Users of this licence are requested to exercise restraint when undertaking shooting or scaring activities during periods of prolonged severe weather and to extend the requirements of voluntary restraint and statutory suspension of wildfowling to activities undertaken under this licence. For more information on these requirements please see the [JNCC](#) website. This website and that of the British Association for Shooting and Conservation will indicate when periods of voluntary restraint and statutory suspension apply. A statutory suspension temporarily prohibits the shooting of any bird listed in [Part I of Schedule 2 to the 1981 Act](#). Please note that although Canada goose is listed in Part I of Schedule 2, relevant licences may still be used to take or kill this species during periods subject to a statutory suspension of shooting. However licence users are expected to only take action that is absolutely necessary, and to ensure that activities do not disturb other species of wildfowl.
- The use of lead shot. Users of this licence must comply with the [Environmental Protection \(Restriction on Use of Lead Shot\) \(England\) Regulations 1999](#) (SI 1999/2170). These Regulations prohibit the use of lead shot for the purpose of shooting species of wildfowl (as defined in Schedule 2 to the 1999 Regulations) with a shotgun anywhere in the country and all use of lead shot for shotgun

shooting on most wetlands important for waterbirds (Sites of Special Scientific Interest included in Schedule 1 to the 1999 Regulations).

### **Consumption of birds**

u. Birds killed or taken under this licence may be eaten but may not be sold for human consumption.

### **Schedule 1 birds**

v. This licence does not derogate protection afforded to Schedule 1 species. Care must be taken to avoid disturbance to Schedule 1 species during the breeding season.

### **Record keeping**

w. Although this is not a legal requirement, it is recommended that users keep a record of their use of actions permitted by this licence, the problem addressed by such action, and the other lawful methods which have been used to resolve the problem.

For licensing enquiries:

Telephone 0330 159 1986

Email [GLenquiries@defra.gov.uk](mailto:GLenquiries@defra.gov.uk).