



Evidence document

Natural Resources Wales call for evidence - shooting and trapping of wild birds in Wales

JANUARY 2021

RSPCA Cymru welcomes the opportunity to respond to Natural Resources Wales' (NRW) call for evidence concerning the permissions it currently gives for the shooting and trapping of wild birds in Wales and the destruction of eggs and nests.

While the RSPCA is conscious that this is not a formal policy consultation at this stage, we do wish to use this opportunity to briefly reiterate our stance on this issue; chiefly that the avoidance of lethal control should always be prioritised wherever possible; with individual NRW licences issued or general licences used only in exceptional circumstances, and where appropriate non-lethal methods cannot realistically be undertaken, or have been implemented and shown to fail. It is through that perspective that we submit evidence to this review.

An RSPCA wildlife expert acted as a co-author to [this paper](#) on ethical wildlife control, highlighting that "efforts to control wildlife should begin wherever possible by altering the human practices that cause human-wildlife conflict and by developing a culture of coexistence"¹. We would urge NRW to consider this principle to be placed at the heart of its review into the shooting and trapping of Wales' wild bird population.

Lack of transparency and accountability

Improved reporting requirements, accountability and fostering a wider understanding of the current framework in Wales should be central to this review process. Our inspectorate regularly receives reports of wild birds which have been shot - often in very concerning circumstances. However, it isn't always possible for us to determine with certainty whether the shooting has been done legally in compliance with - for example - a general licence.

For example, in July of 2020, [three crows were shot dead over two days in Aberdare, with one found with blood pouring from the side of his head, and two others found dead at the location](#). Understandably, our emergency line received reports of this concerning the incident and our officers were duty-bound to respond and launched an appeal for information to the general public in the hope of determining the circumstances behind the death of the three crows. However, carrion crows can be controlled in Wales under two general licences - and without speaking to the individual who shot the birds, it was impossible for the RSPCA's inspectorate to know whether the shooting was carried out in compliance with a general licence, or whether it may have constituted a criminal offence under the Wildlife and Countryside Act 1981.

Similarly, in September 2020, [a gull and a pigeon were found injured on the North Park Estate in Cardigan](#). Injuring or killing pigeons and gulls is of course an offence under the Wildlife and Countryside

¹ Dubios et al, Conservation Biology Volume 31, issue 4 - International consensus principles for ethical wildlife control

Act 1981, except under licence - and, again, there could be no way for our officers to determine whether these shootings had been undertaken under any such licence or not.

Generally, the lack of transparency surrounding the system of NRW general licences makes the investigation of certain acts of potential wildlife crime, particularly bird shootings, very difficult. Indeed, the experiences of our officers highlight the lack of accountability that is currently prevalent with the system of wildlife control using general licences. NRW should consider introducing a requirement for all users to register with NRW before working under general licences, and a clear reporting mechanism for birds taken or killed under these licences; both to assess their impact on wild bird populations and, pertinently from the RSPCA's perspective and that of other enforcers, to assist with the investigation of possible wildlife crime. Should a wider consultation follow on this issue, we urge NRW to ensure transparency, reporting and data collection are a key focus.

At present, the availability for general licences in Wales does not require users to demonstrate that they have explored all the alternatives to lethal control before they resort to these methods, or to demonstrate they are competent in using such methods. To this end, it is welcome that NRW's remit for this evidence review reaffirms that the killing or taking of certain species of wild birds under licence should be done "in certain circumstances ... where there are no other satisfactory solutions"². However, we would urge NRW and the Welsh Government to therefore do more to actively promote alternatives to manage the perceived problems caused by wild birds; and to ensure an evidence base of how widely understood those alternatives are by users of general licences. Under any such ethos, straightforward changes to human behaviour which can mitigate perceived wildlife risks should be highlighted. Presently, where general licences have been used, there is no realistic way of exploring whether a user actually explored alternatives to lethal control before resorting to these measures.

Anecdotally, our officers find little understanding among the general public of the provisions of the Wildlife & Countryside Act 1981, or the need to operate under a general licence to take action in some circumstances. For example, in 2019, [the RSPCA offered advice on the protection of gulls' nests under the Wildlife & Countryside Act 1981 - after a gull nested in a busy car park in Llandudno](#). We worked with security staff at Parc Llandudno who helpfully agreed to tape off the area to try and keep people and the gull separated - but without that step, it is very possible the Wildlife & Countryside Act 1981 would have been unwittingly breached. Our officer - understandably - found there was little public awareness that gulls' nests are protected while under construction or in use and it is an offence to restrict access to a nest that is being used, unless under licence; highlighting the importance of increased public understanding of the current framework.

More generally, we have long had concerns that the knowledge and understanding of those who rely on licences in the carrying out of their work is often not at the required standard, further emphasising the importance of those utilising them being required to have a certain level of knowledge and competence. We would urge NRW, as part of this review, to consider a framework which ensures the use of general licences related to the shooting and trapping of wild birds, and the destruction of eggs and nests, is utilised consistently and competently across Wales. Unfortunately, there is a limited evidence base at present on this which - if in existence - could help inform reviews such as this one. This could include requesting relevant information from a registered user when a general licence is obtained. This could be similar to the class licence system for wildlife management in England; whereby registration with Natural England is required to undertake certain activities related to the management of wild birds whereby specific skills or experience are required to avoid additional risks to welfare or to conservation.

² Natural Resources Wales - Call for evidence to inform the review of NRW's approach to regulating the shooting and trapping of wild birds in Wales, December 2019

Pertinently, the importance of clarity in the general licence system was underlined by the recent judgement from His Honour Justice Harman, following judicial review by Wild Justice into general licences, including the conservation licence (GEN / WCA / 004 / 2021).

Statistical Breakdown - bird shootings

In the calendar years of 2018, 2019 and 2020, some 48 incidents were reported to the RSPCA's emergency line from Wales concerning wild birds that have been shot.

	Number of incidents reported to RSPCA	Bird species involved
2018	23	14 involving gulls (inc. one herring gull) 2 involving pigeons (inc. one wood pigeon) 1 involving a robin 1 involving a barnacle goose 1 involving a magpie 1 involving a jackdaw 1 involving a blackbird 2 undefined
2019	16	6 involving pigeons 5 involving gulls (inc. one herring gull) 2 involving collared doves 1 involving a magpie 1 involving a raven 1 undefined
2020	9	6 involving gulls 2 involving pigeons 1 involving a swan

A full list of RSPCA incidents relating to the shooting of wild birds - including the geographic breakdown - can be found in Annex A of this response. In addition to the incidents above, the following outlines particularly high-profile incidents - though not an exhaustive list - of shot birds dealt with by RSPCA officers in Wales in the 2018, 2019 and 2020 calendar years. One note of concern is how many incidents occur in public areas.

- In July 2020, three gulls lost their lives after being shot in Port Talbot by air rifle pellets in two separate incidents near Isaac Business Park in the South Wales town. Herring gulls in particular are a species of conservation concern in the UK and evidence indicates that overall herring gull populations are actually in decline (info [here](#)).
- Worryingly, a gull was found covered in blood in a garden at Broad Street in Barry in August 2019 - likely to have been shot mid flight or whilst on a nearby roof. Sadly, the gull had to be put to sleep to alleviate suffering (info [here](#)).
- A swan and herring gull were shot with a pellet gun at Cyfarthfa Park in Merthyr Tydfil in July 2019 with both animals having to be put to sleep by an independent vet. The swan had been shot three times with a pellet gun (info [here](#)).
- The RSPCA responded after a lapwing was found in Barry with puncture wounds under her wings, in a suspected shooting incident in January 2019 (info [here](#)).

- A collapsed gull was found to have been shot with an air rifle in Rhyl on 6 July 2018. Pellets inside the bird were found following an x-ray which had caused severe injuries to the bird's leg (info [here](#)).
- Gunshots were heard in Barry, as a gull fell to the floor from a rooftop on Plymouth Road in Barry in April 2018 after being shot. Veterinary examination suggested a high calibre gun may have been used (info [here](#)).
- The RSPCA was called after a lethargic heron was spotted by a member of the public in their back garden, at Brickfields in Buckley. Close inspection led to fears the animal was shot, due to the discovery of a suspected bullet wound (info [here](#)).

Larsen traps

The RSPCA would also like to submit evidence pertaining to the improper use of Larsen traps in Wales. We note a petition on their use in Wales was considered by the Welsh Parliament's Petitions Committee in 2019, signed by 1,943 people³ - fostering some political discourse around their use. We would share the petition's assertion that these traps should be banned in Wales. There is a substantive risk that such traps can be illegally used, given no restrictions exist on the manufacture, purchase or keeping of these devices. Since 2018, 23 incidents have been reported to the RSPCA's emergency line related to animal welfare and Larsen traps - with crows, magpies but, more distressingly for those concerned, non-target species like cats and foxes impacted. A list of RSPCA incidents relating to the use of Larsen traps in Wales, between 2018 and 2020 inclusive can be found in Annex B. Anecdotally, we fear a lack of knowledge and understanding about the conditions of the general licences dictating the use of Larsen traps creates welfare problems for the animals being controlled. There is little information presently in general licences concerning ensuring such traps are marked with the contact details of the owner - and indeed some of the recommendations for tagging Larsen traps to be found in historical NRW general licences do not appear to have been carried into more recent editions, for example GEN / WCA / 001.

It is very welcome that the Welsh Government's White Paper concerning a future Agriculture (Wales) Bill includes the introduction of a new regulatory regime for the use of snares in Wales - however we feel this consideration of snares regulation offers an opportunity to explore and legislate on the regulation of the trapping regime in Wales a whole, including Larsen traps and their impact on wild birds.

Wider wildlife legislative framework

Wildlife legislation in Wales is complex and a myriad of laws, regulations and processes regulate the framework. RSPCA Cymru has long favoured a consolidating and updating of wildlife law in Wales via a Wildlife (Wales) Bill - and believes such a legislative undertaking would provide an opportunity to focus upon the shooting and trapping of wild birds in Wales and the destruction of eggs and nests, as part of a wholesale exploration of wildlife law.

³ Senedd Cymru / Welsh Parliament - Ban the USE of LARSEN TRAPS (Multi Corvid Traps) petition, completed in November 2019

Annex A: RSPCA Incidents Relating to the Shooting of Wild Birds in Wales: 2018-2020

Local Authority	Number of Incidents	Caught Species
2018		
Caerphilly	1	Gull
Cardiff	2	Gull/Wood Pigeon
Ceredigion	1	Herring Gull
Conwy	5	Gull (4) / Jackdaw (1)
Denbighshire	4	Gull (3) / Pigeon (1)
Gwynedd	1	Undefined
Isle of Anglesey	1	Barnacle Goose
Monmouthshire	1	Robin
Newport	1	Gull
Pembrokeshire	1	Undefined
Rhondda Cynon Taf	1	Blackbird
Swansea	1	Magpie
Vale of Glamorgan	3	Gull (3)
2018 total	23	
2019		
Bridgend	1	Pigeon
Caerphilly	2	Pigeon/Herring Gull
Cardiff	1	Gull
Carmarthenshire	1	Collared Dove
Conwy	1	Gull
Denbighshire	1	Gull
Isle of Anglesey	1	Gull
Merthyr Tydfil	1	Pigeon
Neath Port Talbot	2	Collared Dove/Raven
Newport	2	Magpie/Pigeon

Rhondda Cynon Taff	1	Undefined
Vale of Glamorgan	1	Pigeon
Torfaen	1	Pigeon
2019 total	16	
2020		
Caerphilly	1	Pigeon
Cardiff	1	Gull
Conwy	1	Gull
Denbighshire	1	Gull
Neath Port Talbot	2	Gull
Newport	1	Gull
Rhondda Cynon Taff	1	Swan
Wrexham	1	Pigeon
2020 Total	9	

Annex B: RSPCA Incidents Relating to the Use of Larsen Traps in Wales: 2018-2020

Local Authority	Number of Incidents	Caught Species
2018		
Caerphilly	2	Magpie
Carmarthenshire	1	Fox
Ceredigion	1	N/A
Conwy	2	Fox
Gwynedd	1	Crow
Neath Port Talbot	1	Magpie
Pembrokeshire	1	Magpie
Powys	2	Magpie (1)
Rhondda Cynon Taff	1	N/A
Swansea	1	Magpie
Vale of Glamorgan	1	Magpie

2018 total	14	
2019		
Carmarthenshire	1	Magpie
Conwy	1	Magpie
Newport	1	Cat
Pembrokeshire	1	Magpie
Rhondda Cynon Taff	1	N/A
Torfaen	1	N/A
Wrexham	1	Jackdaw
2019 total	7	
2020		
Monmouthshire	1	Magpie
Isle of Anglesey	1	Magpie
2020 total	2	