

## **Review of 'wild take' licensing for falconry and aviculture**

### **Response to Natural England call for evidence from Wildlife and Countryside Link**

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#### **Introduction**

- Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 67 organisations to use their joint voice for the protection of the natural world.
- We have provided responses to the questions where the expertise of our members can add relevant evidence for the review to consider. Our responses to the call for evidence questions include:
  - A recommendation not to proceed with any wild take licensing for the foreseeable future, due to the fragile health of native birds of prey populations.
  - A request for any licenses granted to only apply within specified areas, as the health of birds of prey populations varies according to locality.
  - A warning that licensing is likely to provide cover for illegal nest robbery.
- Overall, we are profoundly concerned by the ecological and welfare impacts of future rounds of wild take licensing. In contrast to these likely costs, the need for licensed wild takes is not clear. There is a healthy supply of captive bred birds for falconry and aviculture.<sup>1</sup> Recent, limited progress towards recovering the populations of some native birds of prey species in the wild should not mask the ongoing vulnerability of those populations, or be used as pretext for unnecessary, damaging wild takes.

#### **Response to call for evidence questions**

##### ***Section 4 – Conservation & welfare***

#### **Do you have any concerns about the impacts that future wild take licensing in England could have on the conservation status of native bird of prey species in the wild?**

Yes.

Consideration of measures that could impact upon the populations of native birds of prey species should start with an understanding that many of these species were at extinction level in the last century or their ranges were severely reduced as a direct result of persecution, and, as recovering populations during a time of widespread natural decline, remain extremely fragile.

There are 15 birds of prey species native to the UK. In the first quarter of the 20<sup>th</sup> century, due to sustained human persecution, 5 of those species were extinct and a further 5 had declined to near extinction levels

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<sup>1</sup> A visit to just one UK online retailer of captive birds for falconry on 04.11.22 found 81 birds for sale: <https://www.birdtrader.co.uk/uk/birds-of-prey-for-sale/falcons/>

(less than 100 pairs).<sup>2</sup> Over recent decades, these species have made limited recoveries due to determined conservation efforts. These populations are still at a very early stage of recovery after near or actual wipe-out within the last hundred years and are still far short of the numbers that the UK should (and, before human intervention, used to) support. An illustrative study by Redpath et al (2010) found that there were records of only 5 successful hen harrier nests on the estimated 3,696 km<sup>2</sup> of driven grouse moors in the UK in 2008; an area of habitat estimated to have the potential to support about 500 pairs.<sup>3</sup>

These fragile, under-natural strength populations remain acutely vulnerable. Birds of prey continue to be persecuted, with the RSPB's Birdcrime 2020 report finding 2020 being the worst year on record for the illegal killing of birds of prey in England. In the words of the report:

*"Persecution in England is having an adverse effect on the populations of birds of prey such as peregrines and goshawks, which remain absent from some areas that should be strongholds for these species."*<sup>4</sup>

The ongoing decline of the natural environment poses a further threat to birds of prey populations. The 13% decline in average terrestrial and freshwater species abundance observed in the UK since 1970 degrades the food sources, habitats and ecosystems birds of prey rely on.<sup>5</sup>

Given this context, we are concerned future wild take licensing in England could have negative impacts on the conservation status of native bird of prey species.

The particular outlooks for species commonly used for falconry and aviculture (and thus potentially subject to future wild take licensing, as the call for evidence does not specify particular species) do not give confidence that wild take impacts could be shrugged off. Peregrine Falcons were near extinction fifty years ago (only 385 pairs were recorded in 1961) and had amber conservation status until 2007.<sup>6</sup> Recent minor advances in Peregrine Falcon population growth in some areas should not be used to mask this longer-term trend of slow recovery from crisis. For example, the most recent national survey of Peregrines demonstrated recovery in the lowlands and urban areas, whereas there is an ongoing decline in upland areas, particularly on land managed for driven grouse shooting.<sup>7</sup> Sparrowhawks actually went from green to amber status in 2021 due

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<sup>2</sup> <https://www.rspb.org.uk/globalassets/downloads/documents/positions/species/birds-of-prey-on-a-wing-and-a-prayer.pdf>

<sup>3</sup> [https://www.researchgate.net/publication/262892922\\_People\\_and\\_nature\\_in\\_conflict\\_can\\_we\\_reconcile\\_hen\\_harrier\\_conservation\\_and\\_game\\_management](https://www.researchgate.net/publication/262892922_People_and_nature_in_conflict_can_we_reconcile_hen_harrier_conservation_and_game_management)

<sup>4</sup> <https://www.rspb.org.uk/about-the-rspb/about-us/media-centre/press-releases/birdcrime-2020/>

<sup>5</sup> <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>

<sup>6</sup> <https://app.bto.org/birdfacts/results/bob3200.htm>

<sup>7</sup> See a range of studies, including:

<https://www.tandfonline.com/doi/full/10.1080/00063657.2017.1421610>

[https://www.researchgate.net/publication/228519176\\_Linking\\_nest\\_histories\\_remotely\\_sensed\\_land\\_use\\_data\\_and\\_wildlife\\_crime\\_records\\_to\\_explore\\_the\\_impact\\_of\\_grouse\\_moor\\_management\\_on\\_peregrine\\_falcon\\_populations](https://www.researchgate.net/publication/228519176_Linking_nest_histories_remotely_sensed_land_use_data_and_wildlife_crime_records_to_explore_the_impact_of_grouse_moor_management_on_peregrine_falcon_populations)

<https://raptorpersecutionuk.org/2015/10/11/further-declines-of-breeding-peregrines-on-grouse-moors-in-northern-scotland/>

[https://www.researchgate.net/publication/324861809\\_Raptor\\_persecution\\_in\\_the\\_Peak\\_District\\_National\\_Park](https://www.researchgate.net/publication/324861809_Raptor_persecution_in_the_Peak_District_National_Park)

to moderate population declines in England over the past decade.<sup>8</sup> Goshawk numbers remain low, hovering around 500 or so pairs.<sup>9</sup>

The recovery in native birds of prey species is at a highly delicate stage in England. Adverse human interventions, including taking young birds from nests, could negatively affect that recovery. In light of this, we oppose any wild take licensing for the foreseeable future.

**If wild take is licensed in England in future, what factors or criteria do you think Natural England should consider when assessing applications in order to ensure that licences are only granted “on a selective basis” and “in respect of a small number of birds” as set out in law?**

As stated above, Link opposes any future wild take licensing on conservation grounds.

However, if these views from the nature sector are to be overlooked and licences are to be granted, a number of factors must be embedded into the assessment process to mitigate the ecological damage. These include:

- Commissioning opinion from the RSPB, British Trust for Ornithology, Raptor Study Groups and other expert bodies as to the local populations that could best accommodate wild takes. Population health varies considerably across English regions, with birds of prey populations in upland areas managed for game shooting being particularly fragile.<sup>10</sup> This localised ecological aspect is essential to making informed decisions on a selective basis. Any future licenses should only apply within specified areas, not across ‘all counties’ in England as was the case with the 2020 licensing round.<sup>11</sup>
- Engaging with the Local Nature Recovery Strategy (LNRS) in any area where wild take is being considered. LNRSs provide expert localised opinion on ecological impacts and should play a full part in decision processes.

**Do you think there would be any conservation benefit to bird of prey species populations that are native to the UK from establishing captive breeding programme(s) via licensed wild take to supply birds for future use in falconry, aviculture or relevant conservation projects?**

No. The best places for native birds of prey species are the wild habitats they belong in. The establishment of new captive breeding programmes would constitute a distraction from the core conservation work that has helped birds of prey regain a toehold in the wild over recent decades. This work, in nature for nature, must continue to be the focus of conservation efforts if the recovery of birds of prey species is to continue.

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<sup>8</sup> <https://app.bto.org/birdfacts/results/bob2690.htm>

<sup>9</sup> <https://app.bto.org/birdfacts/results/bob2670.htm>

<sup>10</sup> See Hen Harrier populations for an example of this: <https://data.jncc.gov.uk/data/0708d38a-099c-45e8-9e96-73647cab3a97/JNCC-Report-441-FINAL-WEB.pdf>

<sup>11</sup> <https://www.gov.uk/government/publications/natural-england-issues-licences-for-taking-peregrine-falcons-for-falconry>

**Do you have any concerns about the impacts that future wild take licensing in England could have on the welfare of the birds involved?**

Yes. The Animal Welfare (Sentience) Act 2022 re-established recognition of animal sentience (the capacity of animals to experience positive and negative feelings) in UK law.<sup>12</sup> The scope of the Act encompassed birds of prey. We recommend that Natural England consult with the Animal Sentience Committee established by the Act concerning wild take welfare impacts.

Being raised in captivity, without natural parents, is likely to elicit negative feelings in birds taken from the nest. Studies across bird species suggest that birds removed from their parents when young and retained in captivity are more likely to develop behavioural problems, such as feather pecking<sup>13</sup> chewing, self-mutilation, aggression and screaming.<sup>14</sup> These young birds will have their welfare damaged by a potentially significant period of captivity, when their ability to exhibit natural behaviours – a key element of positive welfare<sup>15</sup> – will be compromised.

Wild take licensing is therefore likely to have adverse impacts for animal welfare.

***Section 5 – Illegal wild take and trade***

**Based on your experience or the evidence that you are aware of, what effect do you think future licensed wild take in England could have on the illegal taking of birds of prey from the wild across the UK?**

Link's Wildlife Crime Group produces annual reports highlighting the extent of wildlife crime across England and Wales. As highlighted in successive reports<sup>16</sup>, the licensing of harmful human interventions in nature can provide cover for wildlife crimes which involve similar activity.

The licensed badger culls of the past decade provide an example of this, having been associated with increase in the illegal killing of badgers. This is due to perpetrators being able to claim at the point of incident that the activities are being carried out under licence, and a wider sense that the activity is now deemed acceptable by the authorities.<sup>17</sup>

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<sup>12</sup> <https://www.legislation.gov.uk/ukpga/2022/22/enacted>

<sup>13</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4730119/>

<sup>14</sup> <https://www.bsavalibrary.com/content/chapter/10.22233/9781910443101.chap22>

<sup>15</sup> <https://core.ac.uk/download/pdf/29271248.pdf>

<sup>16</sup> <https://www.wcl.org.uk/wildlife-crime.asp>

<sup>17</sup> <https://www.theguardian.com/environment/2014/oct/02/illegal-snaring-of-badgers-cull>

It is reasonable to expect the licensing of wild take from birds of prey nests to lead to a similar increase in illegal nest robbery. Species used in falconry are already subject to significant levels of illegal nest robbery<sup>18</sup> – the perceived dispensation provided by official licensing is likely to exacerbate the problem.

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*For questions or further information please contact:*

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*11 November 2022*

This response is supported by the following Link members:

Wild Justice

Born Free

The Badger Trust

Institute for Fisheries Management

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<sup>18</sup> See for examples recent cases in Yorkshire <https://www.yorkshirepost.co.uk/news/crime/rspb-release-video-of-abseiling-thief-stealing-peregrine-falcon-eggs-from-peak-district-nest-after-prosecution-fails-3723943> & the Scottish Borders: <https://raptorpersecutionuk.org/2022/02/18/police-officer-gamekeeper-son-in-court-for-peregrine-theft-case/>

These cases suggest a large financial incentive for chick thieves.