

Q&A: An introduction to Area-Based Management and Licensing for cormorants in England - how it works

Contents

Understanding the new trial system	1
The background	1
The basics.....	3
Applying	6
Deciding on your application	8
Using the new trial system	9
Non-lethal management.....	9
Lethal control - using your licence.....	10
The role of FMAs (Fisheries Management Advisors)	12
Giving feedback / what happens after the trial	13

Understanding the new trial system

The background

1. Why has there been a review of policy?

As a result of concerns about cormorant predation raised by anglers the Government commissioned a Defra-led review of policy for fish-eating birds. The expert Review Group included staff from Defra, Natural England, the Environment Agency, Cefas, the Angling Trust, the RSPB and an independent fisheries consultant. The review ran for two years and last year reported its findings and recommendations:

<https://www.gov.uk/government/publications/fish-eating-birds-management-policy-review>.

2. Why has there been a change?

The Minister decided to take forward some of the recommendations made by the Review Group and these are currently being implemented. These are:

- The appointment of three Fisheries Management Advisors (FMAs) on a one year trial basis from April 2014, funded from Environment Agency rod licence income and employed by the Angling Trust.
- The establishment of a trial Area-Based Management and Licensing system.
- Further research into cormorant populations.

3. Why are you trying out a new licensing system?

The 2013 Defra-led policy review concluded that fisheries affected by cormorant predation could benefit from more active guidance at a fishery specific level about how best to safeguard their site. Further, there is an opportunity for increased take-up of the most effective management techniques to address the impact of fish-eating birds, and to consider management across several fisheries. The new Area-Based Management and Licensing trial responds to this.

4. What are the benefits of the new licensing system?

There is evidence that more effective predation management could be achieved by fisheries working together at a wider scale to coordinate the most appropriate non-lethal and, where necessary, lethal management techniques. By taking part in the trial, it is hoped fisheries will benefit from the sharing of best practice management approaches and greater access to hands-on support, as well as increased uptake of non-lethal management techniques, such as providing refuges from the birds for the fish.

5. Are cormorants and goosanders out of control?

The cormorant population has increased nationally in the last 20 years, but has remained fairly stable in the last 10 years – between 20,000-24,000 birds are currently estimated to over-winter in England. Goosander numbers have also increased in recent history but have also levelled out in most recent years. Predation problems are more localised with this species as it does not have a nationwide distribution.

6. Has there been an invasion of a non-native species of cormorant?

There are two sub-species of the bird known as the (great) cormorant which exist in Europe. Historically the UK population was largely composed of the Atlantic sub-species, *Phalacrocorax carbo carbo*, which is mainly a coastal breeder. However in recent years there has been an increase in numbers and expansion of the range of the continental sub-species *P.c. sinensis*, which commonly breeds at inland sites. This spread of the continental sub-species into the UK, and many other parts of Europe, has occurred naturally and is not an invasion of an alien species.

7. Why was there a population increase between 10 and 20 years ago?

Populations of cormorants have increased markedly in recent decades in many parts of the world. While many factors affect populations of wild birds, important factors in the increase in cormorant populations are thought to be the advent of legal protection, reduced levels of pollution (which previously impacted on things such as the breeding success of the birds) and increased feeding opportunities.

The basics

8. *When is the trial taking place?*

The Fisheries Management Advisors (FMAs) started their work in late April 2014, for one year. The Area-Based Licences can be applied for at any time until April 2015 for the 1 September 2014 to 15 April 2015 control period (where shooting cormorants under licence is allowed). The trial will therefore conclude on 15 April 2015 and it will be assessed thereafter. The new licensing forms will be available on the Natural England website from Monday 2 June 2014

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/fisheatingbirds.aspx>

9. *What's the difference between an individual licence and the new trial Area-Based Licence for cormorants?*

The licences that Natural England currently issues to an individual fishery owner or manager are known as an **individual licence**. These can still be applied for and have not changed. These licences are judged on a case by case basis and are used when an individual wishes to lethally control cormorants on a specified site (e.g. a stretch of river or a fishing lake). The individual licence allows an individual to kill a specified number of birds on that site, during a specified period of time, by shooting.

An **Area-Based Licence** is new in that it provides a group of fisheries, within a specified area, with a single licence for the whole area. This specifies the number of birds that can be killed within the area during the 1 September – 15 April period and on which sites within the area they can be killed, but does not specify the number to be killed on each site, or when they can be killed within the area (see also questions 11 and 39). Generally, it will be up to the group of fisheries to decide how and when action is taken under the licence. The Area-Based Licence is also different in that, as part of the application process, the group of fisheries must develop a 'Management Plan' setting out how they will work together to manage predation, covering both non-lethal methods and lethal control. This way, expertise and resources can be shared within the group, and across the area, to benefit everyone. Birds will be scared off to feed and roost elsewhere. Fisheries will ideally have given consideration to what can be achieved from moving the birds on e.g. less frequent feeding on sites, or the birds avoiding the area.

10. Is the Area-Based Licence effectively a general licence?

No. Cormorants are not covered by a general licence, and the new Area-Based Licence is not a general licence. **A general licence** does not need to be applied for and has no limits or reporting requirements, but its conditions must be abided by. It is in place for a range of reasons – see here

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx#general>.

The recent Defra-led policy review considered the case for a general licence for cormorants and goosanders, but it was not recommended to be taken forward.

11. Is the Area-Based Licence effectively a way to cull the cormorant population in England?

No, neither the existing or new area licences aim to ‘cull’ the cormorant population. In both cases, licensed killing of cormorants aims to use lethal shooting to enhance scaring and to deter the birds from using individual sites or broader areas to feed. The criteria that must be satisfied before a licence can be approved remain the same; see <http://archive.defra.gov.uk/wildlife-pets/wildlife/management/documents/section16cormorants.pdf>. Overall, the objective is to reduce damage resulting from predation in these sites / areas while protecting the conservation status of the wild cormorant population across England.

12. Will there be an increase in numbers of cormorants that can be shot?

For cormorants, the national limit (imposed by the previous policy review of 2004) on lethal control will be retained at the existing level for 2014/15. This is 2,000 over-wintering cormorants, or up to 3,000 for short periods. The 3,000 limit can be used by Natural England to make licensing decisions in 2014/15.

Monthly limits on the numbers that can be shot have also been removed, except in cases where evidence shows there is a real need to retain such limits and after discussion with the licensee. There has always been flexibility around these limits and fresh guidance has been issued on their use to ensure that this is clear. As in previous years, the control season can be extended locally to May to protect salmon and sea trout smolt migrations where evidence shows that it is needed.

13. I don't want to take part in the trial / try an Area-Based Licence. Can I still renew my existing licence or apply for an individual one for the first time?

Yes. The Area-Based Licences are an optional trial. However, we hope that many fisheries across England will wish to take part and help us see whether or not the new licences should be available every year.

14. What is a Primary Contact?

A Primary Contact relates only to the trial Area-Based Licence. It is the person who submits the application for an Area-Based Licence on behalf of participating fisheries, communicates with Natural England and takes responsibility for the paperwork associated with the Area-Based Licence if the application is successful. They become a licensee alongside the named representatives of participating fisheries. The Primary Contact may be a representative from one of the participating fisheries, but does not need to be. You will need to decide together who this person is.

The Primary Contact is also responsible for ensuring that each fishery knows how many birds it can kill under the overall total on the Area-Based Licence and must keep a written record of this. A letter or email to each fishery setting out how many cormorants they can kill is all that is needed. Fisheries participating in an Area-Based Licence should not shoot birds without being in possession of this written confirmation, and should not shoot more birds than the number specified, unless and until any amendment to the number is agreed in writing with the Primary Contact. You may be in breach of your licence if you do not follow these rules.

15. What is a Management Plan?

A Management Plan is developed by the group of fisheries within an area and sets out which non-lethal techniques they will use, and how they will coordinate them along with lethal control, for maximum effect. Completing a Management Plan is a mandatory element of the application process for an Area-Based Licence and if your application is successful, it is intended to be a practical plan that can be used and updated throughout the trial, in liaison with your Fisheries Management Advisor and / or Natural England Wildlife Advisor.

16. How will I know how many cormorants can be killed within our area? And how will I know how many can be killed on my site/fishery?

Your licence from Natural England will indicate 1) the total number that can be killed in the area you applied for and 2) which sites the total number can be shared across. You will have to agree with the other fisheries how you use that total number across the fisheries. Once this has been agreed, your Primary Contact will confirm this in writing to each fishery by email or letter.

17. What are the legal rules around the Area-Based Licence?

A licence is a legal document and, in common with all other licences issued by Natural England, has conditions that must be followed by anyone using that licence. The responsibilities of the users of the licence are made clear within that document. Anyone using the licence must ensure they are fully aware of the legal responsibilities with regard to the licence and remain compliant with its conditions.

18. Can I shoot goosanders and mergansers under the Area-Based Licence?

No. The area-based licences are only for the lethal control of over-wintering cormorants during the usual control period of 1 September to 15 April. The Review Group concluded in 2013 that there was insufficient evidence to support a change to the licensing of these other species. Goosanders and mergansers are subject to a different licensing system to cormorants. See:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/fisheatingbirds.aspx>. During 2014/15, Natural England will select one or two areas that can try new approaches to managing goosander. These area(s) will be announced in due course. All other fisheries will be able to include goosander and merganser in their Management Plans for any **non-lethal** approaches to control or can apply for individual site licences to lethally control them as at present.

Applying

19. How do I apply for an Area-Based Licence?

You will need to complete the application form and management plan, available on the NE website and submit this to Natural England.

20. What criteria do I need to meet to be eligible?

The current policy for licensing lethal control of cormorants remains the same; you must have a genuine need to take/kill cormorants for the purpose of preventing serious damage in areas where non-lethal methods of preventing the damage are ineffective or impracticable. Three tests must all be satisfied for a licence to be granted:

- **Serious damage:** Serious damage is being, or is likely to be, caused by cormorants at the site. It is accepted that proving damage by direct evidence alone is extremely difficult in many circumstances. If, on balance, it is reasonable to assume from the indirect or circumstantial evidence that cormorants are causing serious damage at a site then this should be taken as basis for serious damage occurring.
- **Non-lethal measures:** All other non-lethal anti-predation measures have either been tried and found to be ineffective, or are impracticable at the site.
- **Damage control:** It is reasonable to consider that shooting cormorants will reduce, or prevent from increasing, the level of damage (whether through scaring or direct reduction of numbers).

21. Do I have to fill in the application form from scratch or will Natural England accept the information I provided from previous licence applications?

If you want to take part in the Area-Based Management and Licensing trial then you must complete the new application form for it. It is intended that you will be able to get support in completing the form from your Fisheries Management Advisor. If you want to renew your individual licence and not take part in the trial, you can do this.

22. How is the application form for an Area-Based Licence different?

The application form has three key sections:

- A basic application form with basic details and declarations
- A Management Plan for the fisheries applying within the area to fill out together, about which fisheries ('sites') make up the area in question, how many birds there are estimated to be, how the fisheries propose to make decisions across the area and how they will work together to coordinate non-lethal and lethal activities
- A form for each fishery to complete within the area with details of the impact of predation and the non-lethal management methods already tried

23. How many fisheries do I need to apply with to be eligible for an Area-Based Licence?

As this is a trial, there is no minimum or maximum on the number of fisheries that should take part in, or what area should be covered by, an Area-Based Licence. However, coordinating action over a very large area with many fisheries will be more difficult. As a rough guide, we think a maximum workable area would be roughly around 100-150km² and would need to cover multiple fisheries in that area. Sufficient coverage in terms of control should also be included – e.g. if only 2 or 3 fisheries apply to participate in an area of 150km², this isn't likely to be effective. It is anticipated that between 10 to 15 fisheries per Area-Based Licence might work best.

24. How do I find other fisheries to apply for an Area-Based Licence with?

If you do not have any contact at the moment with fisheries adjacent to your own, you could consider approaching them about meeting to discuss the Area-Based Management and Licensing trial. Your Fisheries Management Advisor can help put you in touch and build local links. To apply, you will need to have good working relationships with the other fisheries in your area.

25. What happens if I ticked the auto-renew box this year [2013-14], or have been granted an individual licence, but now want an Area-Based Licence for next (2014-15)?

You should inform your Natural England Wildlife Advisor that you will be applying to take part in the Area-Based Management and Licensing trial. They will ensure that you are not automatically renewed. If you have already been renewed, and then

decide to apply to take part in the trial and your application is successful, your renewed individual licence will be revoked.

26. We have been granted an area-based licence. What happens if we now want to change back to individual licences?

As the Area-Based Licence covers multiple fisheries, if all licensees want to relinquish the Area-Based Licence and seek individual licences from Natural England, this will be considered, the area licence removed and new individual licences will be issued, with set totals on how many birds can be killed on each site (taking account of any birds already taken under licence). If only one licensee wants to change back to an individual licence, an amended Management Plan should be submitted and a revised licence issued, taking account of the birds already shot. Any site leaving the Area-Based Licence should contact their Natural England Wildlife Advisor to apply for an individual licence.

27. What will happen at the end of the season if we have an area-based licence? Will there be an auto-renew option like there is for individual licences?

After the trial ends in April 2015, we will evaluate its impact and decide whether or not to continue with Area-Based Management and Licensing, or to end it or change it. This decision will be taken by Ministers at the Department for Environment, Food and Rural Affairs (Defra). However, you will have the opportunity on your licence return form (through which you tell Natural England how many cormorants you have shot during the trial period) to indicate if you would want another Area-Based Licence for the 2015-16 control period. Once Ministers have decided whether to continue with Area-Based Licences, Natural England will let you know and consider any request you made for renewal accordingly. Of course, fisheries will want to revisit their Management Plans to see if improvements can be made in coordinating non-lethal and licensed lethal control across fisheries.

Deciding on your application

28. How long will a decision take?

Natural England will aim to determine licences within 30 days of receipt, however in certain circumstances this may take longer.

29. Who decides whether or not we get an Area-Based Licence?

Only Natural England can grant an Area-Based Licence.

30. How does Natural England decide on what number of birds we can kill across our area?

Natural England must adhere to the national policy on lethal control of cormorants under licence and ensure the conservation status of the cormorant is not jeopardised. The policy states that overall, 2,000 birds can be killed each year under licence in England during the over-wintering period (September to April), rising to 3,000 for short periods. Within this overall limit, in deciding on licence applications, Natural England's objective is to protect fisheries against serious damage using a proportionate response and the number on the licence is at Natural England's discretion. It is worth noting that the Area-Based Licences are not intended to be a way of increasing the total number of birds shot at individual fisheries, across areas, or nationally. They are intended to make the system more flexible and effective.

31. What can we do if we aren't happy with the decision and want to make a complaint?

Details of how to make a complaint or challenge a decision are provided by Natural England when it writes to licence applicants about the outcome of the application. If you pursue this and are subsequently unsatisfied with the response, Natural England has a complaints procedure, detailed on its website.

Using the new trial system

Non-lethal management

32. How do we find out more about non-lethal techniques to use?

There are many non-lethal techniques that can be tried on different types of fisheries. In 2013 the EU INTERCAFE project published a new document which contains details of control measures for cormorants. This is a very useful reference guide for both new and existing techniques. This can be found at:

http://www.intercafeproject.net/pdf/Cormorant_Toolbox_web_version.pdf

Further advice on the information required to apply for a licence is given in Natural England's advisory leaflets: *Fisheries and the presence of cormorants, goosanders and herons (TIN041)*, and in the Moran Committee's booklet *Protecting your Fishery from Cormorants*.

The Fisheries Management Advisors will also be available to assist with this.

33. How do we fund non-lethal management techniques across our area? Is there any money available to support us?

The Fisheries Management Advisors will be able to advise on what grants are available for this.

34. How will we coordinate non-lethal management?

You will need to work together to see what resources, such as people and vehicles, you have available between you, and to better understand the birds' habits in your area, e.g., where they roost, which sites they visit to feed and when. There is evidence from fisheries that collaborating with other fisheries can be beneficial, for example by:

- Working together to communicate about where birds are roosting and feeding, so that you know where they are within the area at any one time;
- Helping each other – with manpower, vehicles and equipment – to coordinate scaring techniques at the best times, to deter the birds from using the same areas repeatedly, and for too long a time;
- Sharing resources and best practice; e.g. helping each other to design and produce fish refuges and place them on fisheries;
- Sharing experience about what has and has not worked well;

35. What happens if we have started putting our Management Plan into practice but then can't agree or find it isn't working?

You should try to get together to discuss the Plan and why it isn't working. You should also be aware the results are unlikely to be instant and may take a little time to take effect.

If you find fisheries are in disagreement then you should ask your Fisheries Management Advisor for advice, or ask them to attend a meeting with all the fisheries involved. They may be able to propose a compromise solution which everyone can accept.

If you continue to disagree, you should work with your Fisheries Management Advisor to revise your Management Plan.

Lethal control - using your licence

***36. How will decisions be made on how many birds we can kill within our area?
How do we decide which birds to kill and where?***

If you are granted an Area-Based Licence by Natural England, it will state clearly on it how many birds you can kill within the overall area. Each fishery or site within the area can then use a part of the total number for the overall area - this is up to you to agree with the other fisheries. Once this has been discussed, your Primary Contact will confirm this number in writing to you by email or letter.

Fisheries are encouraged to coordinate lethal control to deter birds from the wider area e.g. by using licensed lethal control at the same time across fisheries, or by giving certain fisheries more of the total limit on the licence if they are experiencing worse problems

37. What do I do if I have concerns about our Primary Contact? What if I am confused about how many birds I can kill or if I do not agree with the decisions of the Primary Contact?

If you are confused about how many birds you – as an individual, on your site – are allowed to kill under your Area-Based Licence, you should ensure you do not kill any more until the situation is clear. You should never kill birds without having a formal notice from your Primary Contact allowing you to kill them, and you should not kill any more birds than the number specified by the Primary Contact. If you have concerns, speak to your Primary Contact or your Fisheries Management Advisor.

38. What about Authority to Shoot? Under the individual licence, each licensee can nominate six people with authority to shoot under the terms of the licence. Does this still apply?

Yes, the licensee for each site covered by the Area-Based Licence can still authorise the same number of individuals to shoot on that site.

39. What happens if the amount of cormorants Natural England licenses us to kill is insufficient and we need to shoot more birds?

The system for this will be the same as at present; if you want to kill more birds than you have a licence for, you could discuss this with your Fishery Management Advisor. However, you must apply to Natural England for a revised total and also speak to your Natural England Wildlife Advisor, although for an area based licence this request would now be through the Primary Contact. Without a licence, it is an offence to kill or take any cormorant, take, damage or destroy their nests while it is in use or being built and to take or destroy their eggs.

40. Will monthly limits be applied to Area-Based Licences?

The use of monthly limits on licences (whether individual licences or the new area-based ones) are not mandatory, and are at the discretion of the Natural England Wildlife Advisor. They would only be set in exceptional circumstances, where necessary and in discussion with the licensee.

It is unlikely that monthly limits would be placed on Area-Based Licences, but if they are needed, your Natural England Wildlife Advisor will help you to understand how that monthly limit applies to the area, and to each individual fishery. Should you be given monthly limits on your area licence, it is likely that these will apply across all the sites within the area.

41. How do Natural England's decisions on licence applications relate to the national limits on the number of cormorants that can be killed each year?

The system will continue to operate in much the same way now as it has in the past. Natural England monitors the amount of birds being licensed against the policy limit and issues licences to ensure that there is capacity for additional licences later in the season and that there is a fair spread of quota across licensees. Natural England Wildlife Advisors normally determine licence applications in their local area with no more than 10-20% of cormorants present locally covered by licences. This equates to circa 10% of the national wintering population being licensed which is in line with current policy limits. It is envisaged that this will continue.

The role of FMAs (Fisheries Management Advisors)

42. What is an FMA, who will employ them and what will they do?

A Fisheries Management Advisor is employed by the Angling Trust, for one year from April 2014, to support the delivery of best practice fisheries management approaches in England. They will work closely with anglers and fishery owners, advising them on best practice for managing their activities, to safeguard fisheries from predation and to coordinate these actions over broader areas. Their key focus will be on helping to deliver the Area-Based Management and Licensing trial in England. There are three FMAs and they will work across different areas of England.

43. Who is my FMA? When will I meet them?

The FMAs can be contacted directly by emailing cormorants@anglingtrust.net. Depending upon your location, the relevant FMA will then contact you directly

From mid-May onwards, the FMAs will begin to visit fisheries, fish farms and Regional Forums, as well as other angling events, to meet with fisheries and angling clubs and associations. You should contact your FMA directly to set up a visit.

44. Can we talk to our FMA about goosanders, herons and mergansers or are they just focused on cormorants?

The FMAs' focus is on cormorants as they are crucial to delivering the Area-Based Management and Licensing trial, which is just for cormorants. However, they will be able to provide advice on goosanders, herons and mergansers, and much of the work to reduce predation by cormorants will also help to reduce predation by these species.

45. Can we talk to our FMA about problems we are having that aren't related to fish-eating birds, such as fish-eating mammals?

As the FMAs will be focused on issues relating to fish-eating birds, particularly cormorants, they will be able to give limited advice on mammals and other problems, although they are knowledgeable about best practice fisheries management and will be able to advise with regard to other people who may be able to help. You could also contact your Natural England Wildlife Advisor or local Environment Agency Officer for more detailed advice.

46. Who do I talk to about my application or my licence, my FMA or my Natural England Wildlife Advisor?

Any decisions on licence applications, or applications for extensions, are made by your Natural England Wildlife Advisor and the Wildlife Licensing team at Natural England. It is intended however that your FMA should be your first port of call for advice. However, please note that your FMA does not have any decision-making powers on licences so may refer your questions to Natural England.

47. What is the difference between the roles of Natural England Wildlife Advisors, Environment Agency Officers and the FMAs?

The FMAs are a dedicated, full-time resource available to advise on protection against bird predation of fish, but they are also trained to sign-post you to other organisations if you require other fisheries advice, e.g., on habitat, disease and stock management.

Local Environment Agency Fisheries Officers provide broader fisheries management advice, such as on stock assessment, fish movements, habitat improvement and disease concerns. They will work closely with the FMAs where these issues overlap.

Natural England Wildlife Advisers are responsible for providing advice on managing predation problems and assessing applications to control fish-eating birds under licence. Natural England also monitors compliance with its licences.

Giving feedback / what will happen after the trial

48. Who do we talk to if we have concerns about our FMA or want to provide feedback on them or their advice?

If you are experiencing problems, or want to give general feedback, please contact the Angling Trust at admin@anglingtrust.net.

49. How do we give feedback on our experiences of the area-based licences?

Please do send your feedback to – or talk to – your Fisheries Management Advisor throughout the year of the trial. Please also complete the questions on the licence return form (the same questions are found on the individual licence and the Area-

Based licence); these are new questions that will help us evaluate the trial of Area-Based Management and Licensing, and the role of Fisheries Management Advisors. This feedback will help inform future decisions about the possible continuation of these initiatives.

50. What will happen after the trial? Will I be allowed to shoot more birds?

After the completion of the 2014/15 trial of Area-Based Management and Licensing, if monitoring of the combined need for lethal control exceeds the current national limit of 2,000 cormorants (and up to 3,000 for short periods), the limit will be reviewed. Defra remains committed to an evidence-based approach and to ensuring the conservation status of the cormorant is not threatened.