



Llywodraeth Cymru  
Welsh Government

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# Cross compliance: wild birds (SMR 2) (2024)

Summary of the rules about protecting birds.

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# Introduction

All wild birds, their eggs and nests are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird; including damaging nests, possessing eggs and live or dead wild birds. Natural Resources Wales (NRW) issue General Licences and Specific Licences to carry out distinct activities concerning wild birds.

Farmers with land designated within a Special Protection Area that provides protection for wild birds are more directly affected in this SMR.

## Main requirements

- do not intentionally kill, injure or take any wild bird (unless your action is covered by an appropriate General or Specific licence, or the bird is listed on Schedule 2 (known as the Quarry List) birds which may be killed or taken outside the closed season)
- do not intentionally or recklessly destroy the nest of any wild bird while it is in use or being built, or disturb dependent young) unless covered by an appropriate General or Specific licence (note the additional protection for rarer Schedule 1 and ZA1 birds)
- do not intentionally or recklessly destroy the nest of Golden eagles, White-tailed eagles and Ospreys (Schedule ZA1 birds) even if that nest is not in use
- do not use large-scale or non-selective methods to catch or kill Schedule 2 birds, or birds on a general licence. This includes illegal springs, traps, snares, hooks, electrical stunning devices, poisons, and crossbows. Do not intentionally damage or destroy the eggs of any wild bird (unless covered by an appropriate General or Specific licence)
- do not possess any live or dead wild bird, or any part of a wild bird including

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eggs (except for Schedule 2 birds or those covered by an appropriate general licences as detailed above, which may be taken in certain circumstances)

- do not kill or take Schedule 2 birds during the close season. In some counties in Wales Schedule 2 birds must not be taken on Sundays, even outside the close season. Pheasant, partridge, red and black grouse must not be killed or taken on any Sunday or Christmas Day

## **For land designated as a Site of Special Scientific Interest (SSSI), or proposed SSSI, or Special Protection Area (SPA)**

- Natural Resources Wales (NRW) must be notified in advance and in writing of any proposal to carry out, cause or permit a specified operation likely to damage the scientific interest of a SSSI/SPA
- written consent from NRW is required before starting any specified operation on a SSSI/SPA that is listed as likely to damage the special interest of the site. Examples include cutting and topping of vegetation, mowing, burning, draining, ploughing or other cultivations (e.g. harrowing), application of fertiliser and/or lime, spraying (including spot spraying), felling of trees, removal of dead wood and changes to stocking and stock feeding patterns. If consent is obtained then all work must be carried out in accordance with any conditions specified in the consent
- any Management Notice or Agreement served by NRW which is concerned with special interest features of the SSSI/SPA must be fully complied with
- the terms of any Restoration Order served by a Court concerned with special features of the SSSI/SPA must be fully complied with
- as an owner you must inform NRW of any changes to ownership, tenancy or lease within 4 weeks of the change taking place

## Field checks

- ensure no hedge restoration e.g. trimming, laying or coppicing of hedges is carried out within the prohibited periods (see GAEC 7: Ban on cutting/trimming during bird breeding and rearing season – 1 March to 31 August)
- check for any signs/incidents of poisoning or non-selective methods of catching/killing birds
- check for burning of land that may contain active bird nests
- check for any licences issued by NRW that may allow specific activities to take place e.g. preventing the spread of disease or preventing serious damage to livestock

## Good practice

- claimants with land designated as a Site of Special Scientific Interest (SSSI) and/or if land is designated as a Special Area of Conservation (SAC) should be aware that SMR 3: Conservation of Fauna and Flora also applies

## Further information

For further information, please contact:

- Natural Resources Wales

or see [Cross compliance: useful contacts \(2024\)](#) factsheet.

## Specific licences

<https://naturalresources.wales/permits-and-permissions/species-licensing/bird-licensing/bird-specific-licences/?lang=en>

## General licences

<https://naturalresources.wales/permits-and-permissions/species-licensing/bird-licensing/general-licences-for-birds/?lang=en>

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