



Canada Goose Cull at Windermere: Is it Legal under the General Licence?

LICENCE (General): To kill or take certain birds to preserve public health or public safety

Under this licence, authorised persons may carry out otherwise prohibited activities against Canada geese (and other species of birds) for the purpose of preserving public health or public safety. There are conditions, however, which include the requirement that the user must be satisfied that legal methods (including non-lethal methods) of resolving the problem are ineffective or impracticable. The licence is not to be used to prevent 'nuisance'.

In its document, **Management of Canada Geese on Windermere**, the LDNPA claims that the reasons for culling the geese include:

* 'To reduce the increase of water borne E. Coli bacteria levels. High levels will have implications on amenity use of the lake. Regular sampling by the Environment Agency shows concerns, especially at the southern end of the lake.'

These claims are not substantiated by fact. In an email to a member of the public who asked what scientific research had been conducted to back up such claims, the LDNPA replied: 'Thank you for your question about the scientific research relating to Canada geese. ***Windermere has had no specific studies regarding the effects of Canada geese on local habitat etc***'

E. Coli

While there has been no scientific research as to whether the geese are responsible for E. coli in Windermere, there is plenty of evidence that human sewage and farmed animal slurry enters the lake, both of which can be linked to an increased risk of E. coli.

In 2010, a local newspaper reported: 'Environment Agency statistics show that a drain on the Glebe Road has overflowed on average 248 times a year since 2000, pouring 131 million gallons of sewage on to the town's streets and into Windermere annually... Dr Nigel Calvert said: "It's a risk to people's health as waterborne diseases like salmonella and E.coli can be picked up from sewage."'ⁱ

Additionally, a national newspaper (*The Telegraph*) reported in 2009 that: 'Anne Cornthwaite and her son Henry run Ashness Farm. The spectacular views from her farmhouse windows look straight down across Derwentwater to Bassenthwaite. The run-off from her farmyard manure heap makes a similar journey - just like that from 100 other farms in the area.'ⁱⁱ This is also true of farms around Lake Windermere. The Environment Agency writes: 'The catchment area around Lake Windermere contains large amounts of farmland. During and after periods of heavy rainfall excess water

may not soak into agricultural land causing runoff into the streams and rivers entering the lake as well as the lake itself.ⁱⁱⁱ

According to the Health and Safety Executive: ‘Cattle and sheep are the main recognised carriers of *E. coli* O157.’^{iv} Three-quarters of *E. coli* cases can be traced directly back to livestock, which can harbour the infection without becoming ill.^v

With no research conducted into the effects of geese on the environment at Windermere, and with two known – and very likely – sources of possible *E. coli* contamination, the Authority cannot with any certainty blame geese.

According to the LDNPA, no research has been done to see whether geese contribute any significant levels of phosphates to Windermere. While there are such vast quantities of pollutants from traceable sources, it is not appropriate to kill geese ‘just in case’ they might be contributing.

LICENCE (General): To kill or take certain birds to conserve flora and fauna (including wild birds)

This licence permits an authorised person to kill Canada geese (and other species of birds) to ‘conserve wild birds’ and to ‘conserve flora and fauna’.

Once again, the LDNPA attempts to make a case that the proposed cull of geese on Windermere satisfies both these criteria. And again – by its own admission – there is no evidence to back up its claims (*Windermere has had no specific studies regarding the effects of Canada geese on local habitat etc*’).

Despite this, the Authority states that the purpose of the cull is:

* ‘To reduce the grazing of emergent and loss of *Phragmites* reed. The loss of localized reed beds on the shores of the lake and around some islands since the 1960s has been recorded and is of concern. Eye witness accounts have described the emergent reed growth being eaten by Canada Geese.’

* ‘To reduce the dominance of nest site areas. Indigenous ducks are aggressively challenged by Canada Geese and no longer nest on any of the lake’s islands.’

The claim about reed beds

In the absence of evidence that geese have an impact on the reed beds, the LDNPA has mentioned ‘eyewitness accounts’ that the birds ‘may’ eat the newly emerging shoots. An unsubstantiated claim that geese ‘grazing may contribute to the damage and loss of reed beds’^{vi} is not sufficient.

We do not believe – and it has certainly not been proved – that the decline of the reed beds is due to the geese. According to the Shropshire Biodiversity Partnership, this is a nationwide problem with many causes: ‘Nationally, the area of reed beds has been declining steadily since the middle of the 20th century due to drainage and lack of management. Other activities that have had a negative effect include grazing, waste tipping and development.’^{vii}

Warwickshire Wildlife Trust adds that ‘the increased demand for improved drainage to accommodate industry and agriculture has resulted in the massive decline of wetland habitat, in particular reedbeds’.^{viii} Chichester Harbour Conservancy agrees: ‘Reedbeds are in decline due to water pollution, land drainage and excessive water extraction.’^{ix}

Reed bed loss and damage is a national problem that is in large part due to poor management, drainage, water pollution and excessive water extraction (water is extracted from Windermere for water supplies to central Lancashire^x) and yet the LDNPA blames the geese, even though on the Birdspotting section of its own website, it admits it doesn’t know what is causing the decline: ‘Reed bed areas are getting smaller and smaller and we don't know why.’^{xi}

Local lake users suggest that people dragging their boats through the reeds could also be to blame. Whatever the cause of the decline, it is likely that the geese – if they eat the reeds at all – eat only the new growth shoots, not the reeds themselves. If this is the case, the birds – while not responsible for a decline in reed beds – may prevent regeneration but this can easily be managed with non-lethal measures. Since the conditions of the General Licence must first be satisfied by trialling non-lethal measures, reed shoots should be protected with chicken wire until they are sufficiently robust. This has been achieved successfully, easily and cheaply by many conservation groups, including Bolton Conservation Volunteers.^{xii} Choosing to kill geese – without scientific evidence that they contribute to the damage and without first trialling non-lethal measures – does not fulfil the terms of the General Licence.

The claim about ducks

The General Licence allows Canada geese to be killed in order to conserve other wild birds. The LDNPA has offered no evidence that any wild species of bird is threatened because of the presence of Canada geese. It is perfectly natural for populations to fluctuate and for certain species to avoid one another. Small garden birds, for example, wait for the larger birds to feed before coming in to a bird table. And in the wild, the presence of geese may mean that ducks – and other birds – choose to nest, roost and feed elsewhere but it does not mean that their populations are in decline. The LDNPA needs to provide evidence that the Canada geese are a threat to other species and not just that their presence means other species choose to live nearby but elsewhere.

LICENCE (General): To kill or take wild birds to prevent serious damage or disease

This licence allows ‘authorised persons’ to kill Canada geese (and other species of birds) in order to ‘prevent serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters and to prevent the spread of disease’.

The Authority’s claims that geese should be killed ‘to reduce water borne E. coli’ is dealt with above. It additionally claims that they cause ‘serious damage’ to ‘foodstuffs for livestock’ (in this case grass) and that they cause ‘damage’ to inland waters.

The Authority claims that geese should be shot:

* ‘To reduce the economic loss of grass crops to farmers. Due to the few areas of grassland adjoining the lake shore that provide a source of food for the geese, available grazing for farm stock is decimated and economic loss sustained.’

* ‘To reduce the levels of diffuse pollution. Where numbers of geese graze and roost, large volumes of droppings are deposited resulting in nutrients entering the lake and subsequent algal growth utilizing that resource.’

The claim about serious damage to grazing

Under the terms of the Licence, it is not enough to ‘damage’ grass, the birds – if they are to be culled – must cause serious damage. And the Authority’s claim, for which it has offered no evidence, is that the birds ‘decimate’ grazing land. If it is to make such a strong allegation, it should offer up supportive scientific evidence but of course it can’t, as it has already admitted that ‘Windermere has had no specific studies regarding the effects of Canada geese on local habitat’. Besides, the Geese Management Group, which is led by the LDNPA, consists of many local landowners, who – like David Matthews of Rayrigg Hall – may prefer there to be no geese as they could be a nuisance when it comes to wedding parties and other events on their properties. Mr Matthews has offered his land to be used to kill the geese. Of course, geese may not be killed under the General Licence for being a nuisance.

Another member of the Geese Management Group is Alastair Foston of the Deer Initiative. What he has to offer in the way of expertise in managing geese populations is unclear but at the Group’s January 2012 meeting, he offered to contact local stalkers and the British Association for Shooting and Conservation to help with the killing of the geese. With vested interests represented, the possibility of exaggerating the effects of geese grazing – described as ‘decimation’ by the LDNPA – is clear. Independent evidence of this ‘serious damage’ must be made public, if it exists.

The claim about ‘diffuse pollution’

The LDNPA claims that geese droppings in the lake cause algal growth. Freshwater algal growth is caused by an excess of nutrients, particularly phosphorous, and it is this mineral with which Windermere is ‘overloaded’.^{xiii} In a 2010 article in *The Ecologist*, the sources and effects of phosphates are well described. Nowhere does it mention geese.^{xiv}

Dr Stephen Maberly, who works for the Centre for Ecology and Hydrology, says that roughly half the phosphates in Windermere come from the sewage works, and half from the land: ‘Farmers will put fertiliser on their fields, and some of that will wash into the lake. Humans use detergents and dishwasher tablets, and human waste too will feed into the lake.’^{xv} He does not mention geese.

While slurry and fertiliser runoff from farms is well known, the raw human sewage that is pumped into the lake increases phosphate levels and the associated risks of algal bloom. United Utilities operates four sewage works that all discharge into the lake, only two of which have had nutrient-removal treatments installed.^{xvi}

In June 2011, South Lakeland District Council gave the go-ahead for up to 700 litres of raw sewage at a time to be pumped into the lake by United Utilities, a plan dubbed ‘alarming’ by Westmorland and Lonsdale MP Tim Farron.^{xvii}

Non-Lethal Methods

Under the terms of each Licence, even if the claims for culling can be substantiated, the ‘authorised person’ must have tried non-lethal methods of resolving the problem before killing birds. The LDNPA claims it has been oiling eggs and, according to Clive Hartley, goose expert and former member of the LDNPA who resigned on principle when the cull was announced, this appears to be paying off. He says that ‘the productivity of breeding birds on Windermere has been exceptionally low for the past few years, which must be put down to the success of such operations!’^{xviii}

Additionally, Mr Hartley cites the experience of one sheep farmer who fenced off a field at Wray Castle, with the specific aim of preventing geese from accessing his pasture. It was so successful that he was able to graze sheep there exclusively.^{xix}

The LDNPA claims to have tried non-lethal measures but it has yet to make public the details of such trials including how long they were tried and what the outcomes were. There are certain measures – such as the use of herding type dogs, repellents, and laser lights, preventing the public from feeding them and landscape modification – that have not, to our knowledge, been mentioned by the LDNPA. We also await their response as to whether they have consulted a humane wildlife deterrence expert. Geese Peace – which helped reduce the population of geese in Stratford-upon-Avon from 700 to 100 in three years^{xx} – has offered to advise.

ⁱ ‘Sewage spills will drive away Lake District tourists’, *The Westmoreland Gazette*, 5 May 2010

http://www.thewestmorlandgazette.co.uk/news/8137903.____Sewage_spills_will_drive_away_Lake_District_tourists___/

ⁱⁱ ‘Lake Windermere is polluted say environment watchdogs’, *The Telegraph*, 18 May 2009

<http://www.telegraph.co.uk/earth/earthnews/5345899/Lake-Windermere-is-polluted-say-environment-watchdogs.html>

ⁱⁱⁱ ‘Bathing water profile,’ Environment Agency

http://www.environment-agency.gov.uk/static/documents/bwprofiles/BW_45700_Windermere_Fellfoot.pdf

^{iv} ‘Preventing or controlling ill health from animal contact at visitor attractions’, The Health and Safety Executive, March 2011

<http://www.hse.gov.uk/pubns/ais23.pdf>

^v ‘Virus used to kill food bug’, BBC News, 23 Apr 2003

<http://news.bbc.co.uk/1/hi/health/2970215.stm>

^{vi} ‘Management of Canada Geese on Windermere’, Lake District National Park Authority

^{vii} ‘Reedbeds’, Shropshire Biodiversity Action Plan

<http://www.naturalshropshire.org.uk/LinkClick.aspx?fileticket=IQL1PY5ksSk%3D&tabid=39&mid=581>

^{viii} ‘Why are Reedbeds so important?’, Warwickshire Wildlife Trust

<http://www.warwickshire-wildlife-trust.org.uk/support-us/appeals/newlands-reedbed/why-reedbeds-are-important.aspx>

^{ix} ‘A Guide to Common Reeds’, Chichester Harbour Conservancy, 2006

http://www.conservancy.co.uk/uploads/user_documents/reedguide_000.pdf

^x ‘The River Leven’, South Cumbria Rivers Trust

<http://www.scrt.co.uk/leven-and-windermere-association/the-river-leven>

^{xi} ‘Windermere: Birdspotting’, Lake District National Park

<http://www.lakedistrict.gov.uk/visiting/windermere/wildlife-windermere/birdspotting-2>

^{xii} ‘Reedbeds on a shoestring: A guide to creating *Phragmites australis* reedbeds on a budget’, Rick Parker & Colin Mather

<http://www.boltonconservation.org.uk/Reedbeds%20on%20a%20Shoestring.pdf>

^{xiii} ‘Love your Lakes: a campaign to get phosphates out of the Lake District’, *The Ecologist*, 16 Dec 2010.

http://www.theecologist.org/how_to_make_a_difference/cleaner_air_water_land/692715/love_your_lakes_a_campaign_to_get_phosphates_out_of_the_lake_district.html

^{xiv} Ibid.

^{xv} ‘Lake Windermere is polluted say environment watchdogs’, *The Telegraph*, 18 May 2009

<http://www.telegraph.co.uk/earth/earthnews/5345899/Lake-Windermere-is-polluted-say-environment-watchdogs.html>

^{xvi} ‘Bathing Water Profile’, The Environment Agency, February 2011

http://www.environment-agency.gov.uk/static/documents/bwprofiles/BW_45700_Windermere_Fellfoot.pdf

^{xvii} ‘Raw sewage will not affect Windermere bathing spot, says utility firm’, *The Westmorland Gazette*, 29 June 2011

http://www.thewestmorlandgazette.co.uk/news/9111181.Raw_sewage_will_not_affect_Windermere_bathing_spot_says_utility_firm/

^{xviii} ‘Canada geese on Windermere’, Clive Hartley

^{xix} ‘Canada geese on Windermere’, Clive Hartley

^{xx} ‘Goose control advice is shared’, BBC News, 15 Oct 2007

http://news.bbc.co.uk/go/pr/fr/-/1/hi/england/coventry_warwickshire/7045014.stm