

CLASS LICENCE

Damage to Water Vole burrows and disturbance of water voles by 'displacement'

(Developers)



NATURAL
ENGLAND

OVERVIEW

This licence permits intentional damage or destruction of water vole burrows, and/or disturbance to water voles occupying burrows, by use of the mitigation method known as 'displacement', prior to carrying out lawful development works. For the purposes of this licence, 'displacement' means cutting vegetation back to bare earth, followed, where appropriate, by a destructive search of the burrows. Water draw-down/removal may be used in parallel with vegetation cutting, where appropriate.

This licence may only be relied upon where mitigation works include creation or enhancement of alternative compensatory habitat, such that there will be a demonstrable **net conservation gain** for water voles. Only appropriately trained and/or experienced Ecologists are eligible to register to use this licence.

Registration	Anyone wishing to use this licence must first apply to Natural England to be registered. The registration process is explained in the Information and Advice notes q-v.
Recording & reporting	Record keeping and annual reporting are a requirement of this licence
Reference	WML – CL31

LICENCE TERMS and CONDITIONS

Legislation	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Relevant section(s)	Section 16 (3)(c)
Valid for the period	1 January 2016 to 31 December 2016 (inclusive)
Area valid in	All counties of England (landward of the mean low water mark)
Purpose(s) for which this licence is issued	<ul style="list-style-type: none">• Conserving wild animals
What this licence permits	<p>Subject to all the terms and conditions of this licence and solely for the purpose(s) stated above, this licence permits Registered Persons and their Assistants to:</p> <p>disturb water vole(s) (<i>Arvicola amphibius/terrestris</i>) whilst occupying a structure or place of shelter or protection, or to damage, obstruct or destroy such a structure or place and, to temporarily take water voles whilst undertaking these activities</p> <p>by means of:</p> <ul style="list-style-type: none">• Cutting vegetation back to bare earth• Carrying out a destructive search of water vole burrows following vegetation stripping• Destroying water vole burrows following a destructive search
Who can use this licence	Persons registered to use this licence (Registered Persons) who are appropriately trained and/or experienced Ecologists, and Assistants of the Registered Person (see 'Definitions' below), except those with a

recent conviction (see Information and Advice notes j-k).

Definitions used in this licence

- a. A “Registered Person” is a person who has successfully registered to use this licence.
- b. An “Assistant” is a person assisting a Registered Person. Assistants are only authorised to act under this licence whilst they are under the supervision of the Registered Person.

LICENCE CONDITIONS

Vegetation cutting to bare earth to displace water voles

1. Before vegetation cutting takes place, the location of known water vole burrows must be identified (see Information and Advice note a).
2. The cutting of vegetation to bare earth must take place and be completed during the period 15 February to 15 April, inclusive (see Information and Advice notes b, c and d).
3. Cutting of vegetation in accordance with Condition 2 must be limited to continuous lengths of bank not exceeding 50 metres in length and where there is suitable water vole habitat in adjoining lengths of bank or in other immediately adjacent areas, which are unaffected by the works. Vegetation cutting can take place concurrently on both banks of the same watercourse, not exceeding 50 metres in length on each bank, where this is required for the development works, or to increase the likelihood of water voles being displaced (see Information and Advice note b). The unaffected habitat should be sufficient in terms of both quantity and quality to accommodate the displaced animals and those outside the footprint of the works. No subsequent attempt at displacement of water voles may be undertaken within the unaffected adjacent habitat for a period of 12 months.
4. All vegetation on the bank face within the working area should be cut, along with an appropriate ‘buffer’ around it (see Information and Advice note c). Any emergent aquatic vegetation located along the water margin should also be cut.
5. Cut vegetation, weed cuttings and arisings need to be raked off from the cut area, and must not be deposited or burned on the bank where there are retained water vole refuge areas or be left where they will prevent access to water vole burrows.
6. Where water draw-down/removal is to be used in parallel with vegetation cutting, this should be limited to the same lengths of habitat specified in Condition 3, and the same times of year specified in Condition 2.

Destructive search of burrows

7. Following vegetation cutting in accordance with Conditions 1 to 4, the cut area must be left intact, for a minimum period of five consecutive days and a maximum period of ten consecutive days.
8. Prior to undertaking the destructive search, the cut area must be surveyed for evidence of the continued presence of water voles. Where this survey records no evidence that the burrows in the cut area are still occupied by water voles, each burrow affected may be carefully excavated and searched, and destroyed once the search is completed (see Information and Advice note e).
9. Any water voles found during excavation of burrows must either be allowed to escape to an adjacent refuge area or be captured and kept in a suitable animal container, with suitable bedding material and food provided (see Information and Advice note b), for release at an adjacent refuge area on the same day.

Works for the purpose of Conservation

10. This Licence is to permit actions for the purpose of conserving wild animals, provided in section 16(3)(c) of the Act, and can only be relied upon where there is a demonstrable **net conservation gain** for water voles. This means that suitable habitat must be created, or existing habitat enhanced, within the range of the affected population. The result of this must be the reasonable expectation that there will be a significantly greater extent of good quality water vole habitat after the completion of the works than there was before the works began (see Information and Advice

note e).

Recording and reporting requirements

11. It is a condition of this licence that each Registered Person shall maintain a record of all activities carried out under the authority of this licence. This record must include the information required for each annual report to Natural England using report form WML-LR-CL31. Records are to be kept for at least 12 months after the licence expires and are to be made available for inspection by Natural England at any reasonable time.
12. It is a condition of this licence that the Registered Person sends an annual report to Natural England (at the address given below) even if the licence is not used. Report form WML-LR-CL31 must be submitted for the period from 1 January to 31 December, inclusive, by no later than 31 January of the following year.
13. If Conditions 11 and 12 are not met then the Registered Person will, by default, no longer be considered registered to act under this licence.

IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

- i. may be an offence against the 1981 Act or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the 1981 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- ii. may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing. This sanction may be applied to other similar licences.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and Conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence.

Issued by and on behalf of Natural England on

INFORMATION AND ADVICE specific to this licence

- a. Before carrying out works the site should be surveyed by a suitably competent person to check for evidence of occupied water vole burrows. Areas where burrows are located should be identified, in accordance with Condition 1, either on the ground or on a site plan, in a way which enables the persons carrying out the work to clearly identify their location.
- b. "*Water Voles: Survey, Impact Assessment and Mitigation for Development and Other Construction Activities*" (Dean, Strachan, Gow and Andrews, 2015) should be referred to for guidance on best practice for mitigating the impact on water voles on sites affected by development. In particular, persons acting under this licence should take account of best practice guidance and factors, such as local climate and prevailing weather conditions, which may influence the optimum time for carrying out displacement.
- c. The area within which vegetation cutting or water draw down/removal is undertaken should include the entire working area plus an appropriate buffer area around it (either side of the working area, and back from the bank top). The buffer should comprise at least an additional 3 metres either side of the working area and on the bank top (at least 3 metres back from the bank), where suitable habitat for water voles is present.
- d. Before commencing work, the presence of other protected species, including white-clawed crayfish, certain reptiles and badgers, should be considered. The works will also need to take account of the bird nesting season.
- e. Where monitoring does find fresh signs of activity, the monitoring period may need to be extended and vegetation cutting or water draw down/removal repeated, or trapping considered. Trapping will require a separate, specific licence.
- f. For temporary works, restoration of the affected section to improve habitat quality, compared with that prior to

the works, would be an acceptable and proportionate way of demonstrating net conservation gain for water voles.

INFORMATION AND ADVICE for all Class and General Licences

General Information

- g. Natural England checks compliance with licences and the attached Conditions and where breaches occur will apply its published compliance and enforcement position (see Natural England's [Compliance and Enforcement Position](#)).
- h. Any request for information in a licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.
- i. Ordinarily, licences will be reissued on 1 January each year (*NB you do not need to re-register for those with registration requirements*). Please note, however, that they can be modified or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. You are advised to check the terms and Conditions of a licence prior to your first use of it each year in case of amendments.
- j. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 (all as amended) may use a General or Class Licence without the permission of Natural England unless, in respect of that offence, either:
 - (i) they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
 - (ii) a court has made an order discharging them absolutely.
- k. Any person not permitted to use a General or Class Licence on account of a relevant conviction or who has had their permission to use a licence withdrawn can still apply to Natural England for a specific licence for the relevant purposes and activities. Any such application will be considered on its merits.
- l. Persons acting under a licence should have regard to legislation and good practice relevant to the action(s) undertaken, including animal welfare and the Animal Welfare Act 2006. It is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the 2006 Act). This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, including decoy birds and non-target animals.
- m. The common name of the species given in a licence is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.

The limits of licences

- n. Licences permit action only for the purposes specified on that licence.
- o. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.
- p. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

Registering to use this licence

- q. Only Registered Persons, or persons supervised by a Registered Person may act under this licence. Anyone seeking to become a Registered Person must apply to Natural England. You can register online to use this licence: <https://www.gov.uk/get-a-wildlife-licence#before-you-start>. Alternatively applications can be submitted by email or post (contact details below). Applications require supporting evidence (including references) indicating appropriate knowledge and experience of the species covered by this licence and the management techniques permitted (see [Reference guidance](#)).
- s. Once registered, a person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration is not required. Failure to comply by the terms and conditions, including the recording and reporting requirements, will, by default, render registration null and void. The annual reporting process is used to verify a person's desire to remain registered.
- t. It is the responsibility of Registered Persons to maintain their expertise at an appropriate level to act under this licence and it is also their responsibility to ensure that Assistants have appropriate training, experience and instruction to act under this licence.
- u. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- v. A person's registration may be revoked by Natural England, for example, if that person breaches the

conditions of this licence. In these circumstances Natural England will normally give 28 days' notice of our intention to revoke a person's registration.

Contact details for Natural England

For licensing enquiries:

Telephone 0845 601 4523

Fax 0845 601 3438

Email wildlife@naturalengland.org.uk

Postal address Wildlife Licensing, Natural England, First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB

For other enquiries use the Enquiry Service:

Telephone 0300 060 3900

Email enquiries@naturalengland.org.uk

Web <https://www.gov.uk/government/organisations/natural-england#org-contacts>

Using and Sharing Your Information



The data controller is Natural England, Foss House, Kings Pool, 1 – 2 Peasholme Green, York YO1 7PX.

Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and to ensure that it is accurate. The information will be used by Natural England to undertake licensing functions. To do this we may have to discuss applications, licensing decisions, reports and returns with third parties.

Natural England recognises there is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. Therefore, we may make information publicly available (for example, survey records are normally made available via the National Biodiversity Network Gateway and to Local Record Centres). Information released may include, but is not limited to, your name or business name, application and licence details as well as reports and returns. Natural England, however, realises that some licensed activities can be sensitive and we will not release information that could harm people, species or habitats. In some cases, for example, this may mean not releasing the names and addresses of individuals or the location of the licensed activity.

Natural England or its appointed agents may use your name, address and other details to contact you in connection with occasional customer research aimed at improving the services that Natural England provides to you.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.