

CLASS LICENCE

To survey great crested newts for scientific (including research) or educational purposes

Level 1



OVERVIEW

This licence permits the surveying of great crested newts by **hand, nets, torches and aquatic funnel traps (including bottle traps) but excludes the use of pitfall traps and box traps**. This licence may only be relied upon where surveying is carried out for scientific (including research) or educational purposes, and users must comply with licence terms and conditions at all times. These conditions include a requirement to submit a report of licensed activities each year.

To use pitfall traps a Level 2 survey licence is required (see Information and Advice note b).

Registration Anyone wishing to use this licence that does not currently hold a personal survey licence for this species must first apply to Natural England to be registered.

Recording & reporting There are data recording and annual reporting requirements.

Reference WML – CL08

LICENCE TERMS and CONDITIONS

Legislation Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations) and Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')

Relevant section(s) Section 16(3)(a) and section 16(5) of the 1981 Act and Regulation 55(2)(a) of the 2017 Regulations

Valid for the period 1 January 2019 to 31 December 2019 (inclusive)

Area valid in All counties of England (landward of the mean low water mark)

Purpose(s) for which this licence is issued Science (including research) and education.

What this licence permits Subject to all the terms and conditions of this licence and solely for the purposes stated above, this licence permits Registered Persons, Accredited Agents and their Assistants (see Definitions) to disturb and take **great crested newts (*Triturus cristatus*)** while surveying by means of:

- Hand
- Nets
- Torches
- Aquatic funnel traps (including bottle traps).

Who can use this licence Persons registered to use (Registered Persons) and Accredited Agents and Assistants of the Registered Person (see Definitions), except those with a recent conviction (see Information and Advice note p)

Definitions used in this licence "*Registered Person*" is a person who has successfully registered to use this licence in accordance with Condition 5.
An "*Accredited Agent*" is a suitably trained and experienced person who is able to carry out work under a licence in accordance with Condition 5.
An "*Assistant*" is a person assisting a Registered Person or Accredited Agent in accordance with Condition 5.

LICENCE CONDITIONS

1. No work shall be carried out under this licence on a National Nature Reserve or a Marine Nature Reserve except with the prior written permission of Natural England (contact details for the relevant advisers are available from the Enquiry Service – details below).
2. Persons acting under this licence must abide by the most up to date iterations of the relevant species guidance. In this context the relevant species guidance includes:
 - i. The advice on trapping in the “*Great Crested Newt Mitigation Guidelines*” (see Information and Advice note c), and
 - ii. “*Amphibian Disease Precautions – a guide for UK fieldworkers*” (see Information and Advice note d).
3. All great crested newts taken under this licence must be liberated at the site of capture immediately after examination.
4. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Information and Advice note e).
5. To use this licence you must either:
 - a. register with Natural England to use the licence (see Information and Advice notes g - h);
 - b. be authorised as an Accredited Agent (see Definitions) by a Registered Person, in which case you are only permitted to act under the authority of this licence if you are in possession of a letter signed by the Registered Person appointing you by name as a duly Accredited Agent for the purpose of this licence. Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request; or
 - c. be authorised by a Registered Person or their Accredited Agent to act as an Assistant (see Definitions), in which case you may act under the authority of this licence so long as you are doing so under the direct supervision of a Registered Person or their Accredited Agent.
6. The Registered Person is responsible for all activities carried out under this licence, including activities carried out by their Accredited Agents and their Assistants.

Recording and reporting requirements

7. The Registered Person must maintain a record, which must be kept for at least 12 months beyond the expiry date of this licence, in accordance with the requirements of Annex A. Records are to be made available for inspection at any reasonable time by Natural England.
8. The Registered Person must comply with the reporting requirements specified in Annex A. Reports, including ‘nil’ returns, must be submitted for the period from and including 1 October to 30 September by no later than 31 October each year.
9. If Conditions 7 and 8 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 2017 Regulations and/or 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 2017 Regulations and/or 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.

INFORMATION AND ADVICE specific to this licence

- a. Persons acting under this licence may photograph great crested newts in connection with licensed work, provided that this causes no additional disturbance.

Level 1 and Level 2 survey licences

- b. There are two survey licences for great crested newts. These differ in the methods of surveying permitted: Level 1 (reference WML-CL08) permits surveying by hand, net, torch and aquatic funnel trap (including bottle trap), and Level 2 (reference WML-CL09) additionally permits the use of pitfall traps. This is the Level 1 survey licence. To register to use the Level 2 licence you require additional experience and/or training and will need to apply to Wildlife Licensing (see Information and Advice notes g- i).

Guidance on surveying

- c. The "[Great Crested Newt Mitigation Guidelines](#)" is available from Gov.uk. More general advice is given in the "[Great Crested Newt Conservation Handbook](#)", available from www.froglife.org.
- d. "[Amphibian Disease Precautions – a guide for UK fieldworkers](#)" (ARG-UK Advice Note 4) is available from www.arg-uk.org.uk. You will be expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version.

Relevant legislation and good practice

- e. 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. For advice on the relevance of the 2006 Act to wildlife management please refer to the Natural England leaflet '[The Animal Welfare Act 2006: what it means for wildlife](#)' (TIN072).

Biosecurity

- f. Users of this licence should consider the risks of activities to biosecurity and take relevant precautions when visiting sites with freshwater to avoid the spread of amphibian and fish diseases, as well as invasive non-native species. General biosecurity advice can be found on the GB Non-Native Species Secretariat (NNSS) [website](#). Specific biosecurity guidance for water users on the GB NNSS [Check, Clean, Dry](#) pages.

Registering to use this licence

- g. Only Registered Persons, or persons authorised or supervised by a Registered Person (see Conditions 5 & 6), 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. 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 '[Phytophthora](#)').
- h. 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.
- i. 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 Accredited Agents and Assistants have appropriate training, experience and instruction to act under this licence.
- j. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- k. 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.

The law

- l. Surveying great crested newts requires derogation under two separate legal statutes. Therefore, Natural England has issued this licence in exercise of the powers conferred by Section 16(3)(a) and section 16(5) of the 1981 Act and under regulation 55(2)(a) of the 2017 Regulations, being satisfied that as regards the purpose set out at paragraph 1 there is no satisfactory alternative and that the action authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

INFORMATION AND ADVICE for all Class and General Licences

General Information

- m. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.
 - n. 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.
 - o. 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.
 - p. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, 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 this 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.
- Any request to use the licence by a person to whom this note applies will be considered on its merits.

The limits of licences

- q. Licences permit action only for the purposes specified on that licence.
- r. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.
- s. 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.

Protected sites

- t. With the exception of WML-CL25 (*To permit the diversionary feeding of hen harrier (*Circus cyaneus*) on grouse moors in northern England*), a licence is not permission from Natural England for an activity that could damage a Site of Special Scientific Interest (SSSI). The notification documents for each SSSI contain a list of operations that could damage its special features and for which prior permission from Natural England is required. Owners and occupiers of sites notified as SSSIs are required to give written notice to Natural England before beginning any of these operations, or allowing someone else to carry out these activities. A similar process applies for public bodies and statutory undertakers (as defined under Section 28G of the Wildlife and Countryside Act 1981 (as amended)) and this obligation applies even where the operations are carried out on land outside of the SSSI. See Gov.uk for further information.
- u. In considering whether to issue consent or assent for activities on a SSSI that is a European Site, in other words a Special Protection Area (SPA) or Special Area of Conservation (SAC), Natural England will consider whether there is likely to be a significant effect on features of European importance (alone or in combination) and carry out a Habitats Regulations Assessment, as required.
- v. To identify SSSIs, European Sites and the features for which they are designated, refer to www.magic.gov.uk. Consult the SSSI citation for details of 'operations likely to damage', and consider whether your activity is likely to have an impact. Advice may be sought from the local adviser for the SSSI: <https://www.gov.uk/government/organisations/natural-england>.

Using and Sharing Your Information

- w. There is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. We may make information publicly available, for more information, please see our [Privacy Notice](#).

Contact details for Natural England

For licensing enquiries:

Telephone 020 802 61089
Email wildlife.scicons@naturalengland.org.uk
Postal address Wildlife Licensing, Operations Delivery,
Natural England, Horizon House, Deanery Road, Bristol,
BS1 5AH

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>

ANNEX A - Recording and reporting

Records

Each Registered Person must maintain a record, which shall be kept for at least 12 months beyond the expiry date of this licence, of the following information for each survey undertaken using this licence (this also includes surveys conducted by Accredited Agents and Assistants acting under their authority):

- Date survey undertaken;
- Location (administrative area and a 6-figure (minimum) Ordinance Survey grid reference); and
- Number of great crested newts observed during each survey.

Reporting

1) A report, detailing the information stipulated above, including 'nil' returns, must be sent by each registered person to Natural England Wildlife Licensing (contact details below) for the reporting period 1 October to 30 September no later than 31 October each year.

2) *Link to application and report forms:*

<https://www.gov.uk/government/publications/great-crested-newts-survey-or-research-licence-level-1>

3) Registered Persons (or a person acting on their behalf) must also submit data collected under this licence to the relevant [local record centre](#). Data for each reporting period (as detailed in 1) above) is to be submitted no later than 31 October each year.

Where data is not submitted to the record office by the Registered Person then the name of the person submitting data on behalf of the Registered Person must be stated in the Licence Report submitted to Natural England see 1) above).

Commercial confidentiality

If you encounter difficulties releasing data due to client confidentiality restrictions then you are advised to remind your client that it is a condition of using this licence that survey information is reported. Furthermore, the licence may only be used if this condition is met and withholding information may lead to a licence breach (which under Regulation 60 of the 2017 Regulations is an offence).

To help avoid such difficulties, it is recommended that your contractual terms and conditions make it clear that submitting records to Natural England and other bodies specified in licences is a legal requirement. If a client is not prepared to accept such terms and conditions then you may not use this licence without the **prior** permission of Natural England Wildlife Licensing (contact details above).