

CLASS LICENCE

To survey and temporarily mark hazel dormice for scientific or educational purposes

Level 2



OVERVIEW

This licence permits the **surveying of hazel dormice** (*Muscardinus avellanarius*) by hand, including handling dormice in nest tubes and nest boxes, and the temporary marking of dormice by fur-clipping. This licence does not permit the use of traps to survey for dormice. Neither does it permit dormice to be translocated. All non-surveying activities will require a separate personal licence.

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. If you already hold a personal survey licence then you will be registered to use this licence when your end-of-licence report is received (we will notify you once registration is complete).
Recording & reporting	There are data recording and annual reporting requirements.
Reference	WML – CL10(b)

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 (b) and section 16(5) of the 1981 Act and under Regulation 55(2) (a) and (b) 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) or education, and marking or examining a mark on a wild animal.
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 and their Assistants to: <ul style="list-style-type: none">• disturb and capture hazel dormice (<i>Muscardinus avellanarius</i>) while surveying by means of taking by hand, which includes handling dormice found in nests (including in artificial nest boxes and nest tubes), and• temporarily mark hazel dormice (<i>Muscardinus avellanarius</i>) by means of fur-clipping.
Who can use this licence	Persons registered to use this licence (Registered Persons) and Accredited Agents and Assistants of the Registered Person (see Definitions), except those with a recent conviction (see Information and Advice note m).
Definitions used in this licence	A " <i>Registered Person</i> " is a person who has successfully registered to use this licence in accordance with Condition 4. An " <i>Accredited Agent</i> " is a suitably trained and experienced person who is able to carry out work under a licence without the personal supervision of the Registered Person in accordance with Condition 4. An " <i>Assistant</i> " is a person assisting a Registered Person or Accredited Agent in accordance with Condition 4.

LICENCE CONDITIONS

1. Persons acting under this licence must abide by the advice on surveying and handling dormice in the most up to date edition of the '*Dormouse Conservation Handbook*' (see Information and Advice note b).
2. All hazel dormice taken under this licence must be liberated at the site of capture immediately after examination and / or marking.
3. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Information and Advice notes c & d).
4. To use this licence you must either:
 - a. be a Registered Person (see Information and Advice notes f - j for registration procedures and Definitions);
 - 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. Accredited 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.
5. The Registered Person is responsible for all activities carried out under this licence, including activities carried out by their Accredited Agents and their Assistants.
6. Whilst engaged in work permitted by this licence all persons registered or authorised to act under this licence must have access to a copy of this licence and produce it to any police officer or any Natural England officer on demand.

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. Reporting requirements must be met for the period from and including 1 January to 31 December by no later than 31 January the following 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.

Issued by and on behalf of Natural England on 1 January 2019

INFORMATION AND ADVICE specific to this licence

Level 1 and Level 2 survey licences

- a. There are two survey licences for dormice. These differ in the methods of surveying permitted: Level 1 (reference WML – CL10(a)) permits surveying by taking by hand, including handling of dormice in nest tubes and nest boxes; and Level 2 (reference WML – CL10(b)) additionally permits marking by way of fur clipping. To register to use the Level 2 licence you require additional experience and/or training. This is the Level 2 survey licence.

Guidance on surveying

- b. Advice on surveying and handling dormice is given in the latest edition of the '[Dormouse Conservation Handbook](#)'. You are 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.

General welfare considerations

- c. Persons acting under this licence may photograph hazel dormice in connection with licensed work provided that this causes no additional disturbance.
- d. 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 (2006 Act). 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

- e. Users of this licence should consider the risks of activities to biosecurity and take relevant precautions when visiting heathland and woodland sites to avoid the spread of invasive non-native species, and tree and plant pests and diseases such as [Phytophthora](#) and Ash dieback [Chalara](#). General biosecurity advice can be found on the GB Non-Native Species Secretariat [website](#). Further information on plant biosecurity is available on the Animal and Plant Health Agency's [website](#).

Registering to use this licence

- f. Only Registered Persons, or persons authorised or supervised by a Registered Person (see Condition 4), may act under this licence. Anyone seeking to become a Registered Person must apply to Natural England. You can <https://www.gov.uk/get-a-wildlife-licence> 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 '[Reference guidance](#)').

Please note that any person issued with a personal survey licence before the first issue of this class licence will not normally be expected to provide additional evidence of experience to be registered to use this licence. Personal licence holders will become Registered Persons upon receipt of the end-of-licence report for their current personal survey licence.

- g. 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.
- h. 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.
- i. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- j. 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.

INFORMATION AND ADVICE for all Class and General Licences

General Information

- k. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.
- l. 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.

- m. 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.
- n. 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

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

- r. 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.
- s. 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.
- t. 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

- u. 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 requirement

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 hazel dormice observed during surveying conducted under the authority of this licence (including disturbed, handled or marked).

Reporting

Registered Persons are required to satisfy both of the following annual reporting requirements:

1. Maintaining registration

To maintain your registration you are required to complete a report that will be emailed to you each year by Natural England Wildlife Licensing (normally in December). The report will ask you to confirm: if surveys have been carried out in the preceding 12 months; that any survey records have been submitted (see 2 below), and whether you wish to continue to be registered.

2. Submitting your licence return and recording scheme data

If you (or any Accredited Agents or Assistants) conduct any surveys during a reporting period then please enter details of each survey conducted online at:

http://surveydata.ptes.org/dormousemonitoring/licence_return_data.php.

In addition, if dormice are observed during surveys conducted under this licence then the relevant data must be submitted to the appropriate recording scheme administered by **People's Trust for Endangered Species (PTES)**.

- Repeat nest-box monitoring data is to be submitted to the **National Dormouse Monitoring Programme (NDMP)**, whereas
- one-off or incidental records are to be submitted to the **National Dormouse Database (NDD)**.

Data for both recording schemes are to be submitted online at:

www.ptes.org/dormousemonitoring

The deadline for completing both reporting requirements is 31 January in the year which follows the calendar year to which the reports relate. In practice, you may find it easiest to submit survey records as and when surveys are carried out.

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).

About dormouse monitoring

The PTES is responsible for collating dormouse data for both the NDMP and the NDD.

The **NDMP** has been running since 1988, in collaboration with Natural England and Royal Holloway University of London. This long-term dataset uses repeat nest box monitoring data from over 200 sites across England and Wales to determine key information such as dormouse population trends. If you regularly check dormouse nest boxes at a site but are not yet registered as an NDMP monitor, or wish to set up a new site at which you can install nest boxes and visit at least twice a year (May/June and Sept/Oct), then please contact susan@ptes.org or call 020 7498 4533 for further information and recording forms. Contributors to the dataset receive a copy of 'The Dormouse Monitor' newsletter twice a year, which contains results of analyses along with other articles of relevance, and you can also sign up to an online dormouse discussion forum. The Dormouse Monitor is also available on the PTES website www.ptes.org.

The **NDD** collates one-off or incidental records of dormice, including nests and dormouse-chewed nuts. These records come from a variety of sources such as environmental consultants, wildlife groups and members of the public. The dataset is extremely valuable as it enables up to date dormouse distribution maps to be produced, which can then be used to inform conservation projects. Data from the NDD are also submitted to the National Biodiversity Network (NBN) Atlas, enabling them to be accessed and used by all.