

CLASS LICENCE

To permit the maintenance of waterbodies inhabited by the **white-clawed (or Atlantic stream) crayfish** *Austropotamobius pallipes*

The logo for Natural England, featuring the words "NATURAL ENGLAND" in a bold, sans-serif font. "NATURAL" is in white and "ENGLAND" is in red, both set against a yellow rectangular background.

OVERVIEW

White clawed crayfish are given only partial protection under the Wildlife and Countryside Act 1981, it is actually lawful to undertake works which would kill them but it is unlawful to move them without a licence. Due to the concerns regarding the severely declining conservation status of the species it is important that all activities that would result in death of native crayfish are avoided where possible.

Therefore this licence permits the movement of white-clawed crayfish from working areas to safe locations to allow necessary maintenance of waterbodies inhabited by the species. It is offered to encourage movement, rather than incidental killing, of this species, which will benefit populations in the longer term. It allows works to be undertaken during a defined period of the year only, and where there is only likely to be a small and temporary impact.

Whilst some crayfish will still be killed and small amounts of habitat damaged or destroyed by maintenance activities we expect that this will be reduced or very limited and that affected populations will survive with equal if not improved conservation status.

If you wish to take crayfish using hand, hand net or drop net techniques then this licence gives authorisation under both the Wildlife and Countryside Act 1981 (as amended) and the Salmon and Freshwater Fisheries Act 1975 (as amended) and you do not require a separate permit from the Environment Agency in respect of the 1975 Act.

If works cannot be undertaken in compliance with this licence then contact Natural England for advice before proceeding with the planned works. It is possible that you may require an individual licence to undertake the proposed works.

Registration	Anyone wishing to use this licence must first apply to Natural England to be registered using form WML-A29. The registration process is explained in Information and Advice notes i-m .
Recording & reporting	There is a data recording and annual reporting requirement.
Reference	WML – CL23

LICENCE TERMS and CONDITIONS

Legislation	Wildlife and Countryside Act 1981 (as amended ('the 1981 Act') and Salmon and Freshwater Fisheries Act 1975 (as amended).
Relevant section(s)	Sections 16(3)(c), 16(3)(f), 16(3)(g), 16(3)(h) and 16(5) under the 1981 Act and section 27A of the Salmon and Freshwater Fisheries Act 1975 (as amended).
Valid for the period	1 July 2016 to 31 October 2016
Area valid in	All counties of England (landward of the mean low water mark)

Purpose(s) for which this licence is issued

- conserving wild animals;
- preserving public health or public safety;
- preventing the spread of disease, or
- preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

What this licence permits

Subject to all the terms and conditions of this licence and solely for the purposes stated above, Natural England and the Environment Agency authorise Registered Persons, their Accredited Agents and their Assistants to:

Take **white-clawed (or Atlantic stream) crayfish** (*Austropotamobius pallipes*) while engaged in maintaining waterbodies by means of the following two methods only:

- hand
- hand net
- drop net (when fished in attendance)

Subject to all the terms and conditions of this licence and solely for the purposes stated above, Natural England authorise Registered Persons, their Accredited Agents and their Assistants to:

Take **white-clawed (or Atlantic stream) crayfish** (*Austropotamobius pallipes*) while engaged in maintenance of waterbodies by means of:

- Crayfish trap **only**

NB in order to operate traps lawfully you will need a separate permission from the Environment Agency as well as this licence.

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 q).

Definitions used in this licence

A "**Registered Person**" is a person who has successfully registered to use this licence.

An "**Accredited Agent**" 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. A Registered Person should only authorise an Accredited Agent if they can personally assure that the individual is appropriately experienced, skilled and competent to undertake activities under this licence. See Condition 6.

An "**Assistant**" is a person assisting a Registered Person or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either

LICENCE CONDITIONS

General:

1. The licence permits the taking (including capture) of white-clawed crayfish only between 1 July and 31 October (inclusive) when undertaking maintenance of waterbodies including those activities related to:
 - i. Road, rail and foot bridge repairs
 - ii. Culvert repairs
 - iii. Canal Lock repairs
 - iv. Silt trap maintenance
 - v. Bank works of c.10-20m in length
 - vi. In-channel works of c.10-20m in length
 - vii. Reservoir maintenance operations e.g. spillway and sluice works.
2. Any person relying on this licence must carry a copy with them whilst undertaking any activities under this licence.
3. Traps may only be used under this licence when a separate permission from the Environment Agency has been granted. Any trap used must conform to specifications set by the Environment Agency.
4. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Information and Advice notes e-g).
5. To use this licence you must either:
 - i. be a Registered Person (see Information and Advice notes i-m for registration procedures and Definitions);
 - ii. 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
 - iii. 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.

Biosecurity and non-native species:

7. Before and after work at each site, all equipment, footwear, clothing and vehicle parts (wheels, tracks and buckets) must be disinfected. Disinfection must be with a hypochlorite or multipurpose virucidal disinfectant where surfaces are compatible. Where they are not compatible an iodophor (at or above 100ppm available for iodine) must be used. All equipment, vehicle parts and footwear are to be cleared of gross contamination prior to disinfection.
8. Non-native crayfish cannot legally be returned to the watercourse once they have been trapped, and appropriate and humane methods for their disposal must be in place (see Information and Advice notes b and c).
9. The Registered Person must ensure, before any works commence on site, that all those involved in the licensable works understand:

- that crayfish may be present and the basics of the legislation;
- the measures that will be used to prevent harm to white-clawed crayfish;
- good working practices;
- licensable activities;
- identification of white-clawed crayfish and what to do if one is found.
- identification of non-native crayfish and what to do if one is found.

A written record that this has been undertaken must be kept and made available to Natural England or any police officer on request within two days.

Licensable works: Work Planning

10. Work planning must include an assessment of the likely impact of the works upon white-clawed crayfish. Prior to undertaking any works the following should be completed: a survey of the area identifying working area(s), receptor site(s), and other areas of works (downstream siltation measures). Any site assessment or survey must be undertaken at the correct time of year and using the correct methods.
11. An assessment of likely impacts must be made and plans to avoid or mitigate for these drawn up. It may be very easy and also cheap to leave the site with improved opportunities for crayfish after the works have completed by allowing suitable habitat, especially refuges (eg large stones) to remain.
12. Suitable receptor sites for white-clawed crayfish must be identified in advance. These should normally be upstream of the works to avoid siltation impacts. If no close suitable upstream sites are available, then a downstream site may be identified instead and suitable methods employed to prevent siltation. The receptor site should be close enough to the works area to allow re-colonisation of that area by animals dispersing from the receptor site after works have been completed. It must also be large enough to avoid exceeding the habitat carrying capacity (see Information and Advice note h).
13. If improvements to identified receptor sites are required or desired, then these must be put into place before works commence.

Licensable works: Capture and Relocation

14. Any hand capture, netting or trapping exercises must be undertaken in accordance with best practice.
15. All white-clawed crayfish taken under this licence must be released within the same watercourse or waterbody from which they were taken and at the closest possible safe location to the site of capture.

Licensable works: In Channel Activities

16. Any mechanical excavator or equipment should work from the bank side only, not in the waterbody, unless absolutely necessary and only after dewatering the channel or working area.
17. Pumps: Any pumps must be fitted with a suitable mesh guard to reduce chances of drawing up crayfish, fish, and other animals, and must be checked regularly.
18. Draw downs: This phase of any de-watering exercise is likely to reveal the most animals as individuals will leave their refuges when water levels drop and can be seen moving towards the water level. If de-watering of the work area is undertaken then a systematic search and removal of crayfish should be undertaken throughout the working area during and immediately after draw down. Any and all suitable habitat and features within the draw down area should be searched by hand in a systemic manner to maximise the chances of discovery and removal of individuals.
19. Clearing footprints for structures: Any bund, silt trap or other works footprints and pump head zones must be searched and cleared of crayfish before construction begins. Once the area is clear of crayfish, material must be installed with minimal delay to prevent crayfish re-entering the area. Should larger than expected numbers of crayfish be found during any footprint searches then

trapping of the work area should be considered.

17. Bund removal: This must be undertaken under supervision of a licensed ecologist to ensure no animals are harmed. Any white-clawed crayfish discovered on bund removal will be captured, recorded and moved to the nearest receptor site.

Licensable works: Movement and Relocation to receptor areas

18. Clean, disinfected buckets must be used to transport crayfish in clean water taken from the working channel. Unless the animals are to be moved quickly, the buckets must have battery powered aerators and be checked regularly.
19. Sufficient staff, disinfected clothing and equipment must be provided for any capture and relocation program. Should numbers detected during the capture exercise exceed those expected and provided for, then the program must be delayed until sufficient staff are present.
20. Captured crayfish should be transported in similar size classes to prevent predation.
21. Crayfish must only be released into receptor sites which have suitable habitat and have the carrying capacity for the numbers of animals present and being released.
22. Where possible individuals should not be released at a refuge which was used in prior releases to prevent competition and predation.

Recording and reporting requirements

23. It is a condition of this licence that the Registered Person shall maintain a record, which must be kept for at least two years 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.
24. It is a condition of this licence that the Registered Person complies with the reporting requirements specified in Annex A. Reporting requirements must be met for the period 1 July to 31 October (inclusive) by no later than 31 January the following year.
25. If Conditions 18 and 19 are not met then the Registered Person will, by default, no longer be considered registered to act under this licence.
26. The Registered Person must inform Natural England of any breach of this licence as soon as practicable after it becomes known to them.

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

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INFORMATION AND ADVICE specific to this licence

Guidance on surveying

- a. Surveys should only be carried out during July to October (except where surveying is taking place post a de-watering exercise which may also be carried out in November to December). During the winter months crayfish show little activity spending long periods of time torpid in refuges, hence it would be difficult to locate crayfish or survey accurately. In the spring month females carry eggs and young during which time breeding success can be affected by handling.

A [Class Licence WML-CL11](#) is available for surveying white-clawed crayfish.

Non-native species of crayfish

- b. There are six species of non-native crayfish in England and Wales and it is illegal to release any of these species into the wild. Under section 14 of the Wildlife and Countryside Act 1981 it is an offence to release or to allow to escape into the wild any crayfish of a kind which is not ordinarily resident in Great Britain in a wild state or which is included in Part 1 of Schedule 9 to the Act. The Schedule currently includes the following crayfish species: noble crayfish *Astacus astacus*, signal crayfish *Pacifastacus leniusculus*, and the Turkish crayfish *Astacus leptodactylus*; however it is illegal to release any non-native species. It is recommended that any non-native crayfish caught under this licence should be killed in a quick and humane manner as soon as reasonably practicable after discovery. Non-native species may only be released under an individual licence obtained from Natural England.
- c. The Environment Agency have produced a leaflet to aid identification of crayfish species: [Crayfish identification, distribution and legislation](#).

Biosecurity

- d. 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 non-native invasive species. There is specific biosecurity guidance for different water users on the non-native species secretariat [check, clean, dry](#) pages.

General welfare considerations

- e. It is the responsibility of each person relying on this licence to use appropriate equipment (e.g. traps and nets) and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.
- f. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006. Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4 of the Act). This applies to the treatment of animals (including non-target animals) caught in traps and nets.

- g. **Water voles** and **otters** can be caught and die in traps set for crayfish, which is why this licence imposes restrictions on the types of traps that may be used to only those permitted by the Environment Agency (see Condition 4).

Sites with lots of water voles are unlikely to have many crayfish; they prefer different habitats. If there are water voles where crayfish are to be trapped then it is advisable to use baited drop nets. These are open traps which are safe for water voles, unlike the more traditional, funnelled, closed traps. The Environment Agency has issued the following additional advice:

Do not put traps near water vole burrows (a water vole burrow must not be blocked with a crayfish trap);

- If it is safe to do so, position traps away from the banks (traps in the middle of a stream or watercourse are less likely to catch water voles);
- If you do accidentally catch a water vole, stop trapping immediately and let your local Environment Agency Fisheries Officer know;
- You can modify your trap by cutting escape holes into the roof. Holes that are 6–8 cm across will be sufficient to allow water voles to escape.

Please note: an offence may be committed if you allow water voles or otters to drown in crayfish traps.

White-clawed crayfish receptor sites

h. Receptor site improvements are desirable, and can be very simple and cheap to employ - such as light coppicing of bank side trees to increase light levels in stream, or the provision of locally suitable and channel-appropriate refugia such as large stones.

Registering to use this licence

- i. Only Registered Persons, or persons authorised or supervised by a Registered Person (see Conditions 7-8), may act under this licence. Anyone seeking to become a Registered Person must apply to Natural England. Applications should be submitted using form WML-A29, which is available from Natural England website or from Wildlife Licensing (contact details below).
- j. 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.
- k. 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.
- l. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- m. 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

- n. 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](#)).
- o. 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.
- p. 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.
- q. 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:
 - they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
 - a court has made an order discharging them absolutely.
- r. 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.
- s. 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

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

- w. This licence conveys no authority for actions prohibited by any other legislation. For example, anyone acting under this licence is not exempt from the provisions of Section 28 of “the 1981 Act”. This means that owners and occupiers and Section 28G authorities (‘Statutory undertakers etc.’) are obliged to give notice to Natural England if they propose to carry out an operation likely to damage a Site of Special Scientific Interest (SSSI). To identify SSSIs and the features for which they are designated, refer to www.magic.gov.uk. For further advice or to request consent /assent for an activity please contact the Natural England ‘Responsible Officer’ for the relevant site(s). Contact details are available from the Natural England Enquiry Service (see below).

Contact details for Natural England	
<i>For licensing enquiries:</i>	<i>For other enquiries use the Enquiry Service:</i>
Telephone 0845 601 4523	Telephone 0300 060 3900
Fax 0845 601 3438	Email enquiries@naturalengland.org.uk
Email wildlife@naturalengland.org.uk	Web https://www.gov.uk/government/organisations/natural-england#org-contacts
Postal address Wildlife Licensing, Natural England, First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB	

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.

ANNEX A - Recording and reporting requirements

Records

The Registered Person must maintain a record of the following minimum information for all maintenance works undertaken using this licence (this also includes works conducted by Accredited Agents and Assistants acting under their authority):

- Location (administrative area and a 6-figure (minimum) Ordnance Survey grid reference);
- Start and end date of the maintenance operations; and
- Numbers of white-clawed crayfish and non-native crayfish species trapped or handled during works conducted under the authority of this licence.

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 (normally in December). The report will ask you to confirm:

- Whether any works have been carried out in the preceding 12 months (nil returns are required);
- Location (administrative area and a minimum 6-figure Ordnance Survey grid reference);
- Date(s) the maintenance works were undertaken; and
- Numbers of white-clawed crayfish and non-native crayfish species trapped or handled during works conducted under the authority of this licence.
- That any crayfish records have been submitted as per 2. below, and
- Whether you wish to continue to be registered.

2. Submitting crayfish observation information

If you (or any Accredited Agents or Assistants) find any crayfish during a reporting period then please enter details for each site online at: www.brc.ac.uk/crayfish/.

Please make sure that you record your licence registration reference number in the 'Licence number' field on the 'Other information' page. There is also the option to use form 'WLM-LR-CL11' observations' for reporting survey information. If you chose this option then completed forms are to be returned to Natural England as specified below.

The deadline for completing **both reporting requirements is 31st of 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.

We would prefer reports to be submitted by email, but you may also post them. Please mark 'Licence Returns' and send to the licensing email or postal address given in the 'Contact details' section.

All licence report templates are available from the GOV.UK website at:

<https://www.gov.uk/government/collections/class-licences-for-wildlife-management>.