

LICENCE

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

LEVEL 2



Issued under	The Conservation of Habitats and Species Regulations 2010 ("2010 Regulations"), and Wildlife and Countryside Act 1981 (as amended) ("the Act")
Valid for the period	3 October 2011 to 31 December 2012 (inclusive)
Valid in	England
Who may use	Persons registered to use this Level 2 licence and persons a registered person has authorised to act on their behalf (see notes k – o)
Registration	<p>Anyone wishing to use this licence who does not currently hold a personal survey licence for this species must first apply to Natural England to be registered using form WML_A29</p> <p>Evidence of appropriate knowledge and experience of this species and the survey techniques permitted will be required in the form of two written references. If you already hold a personal survey licence then you will be automatically registered to use this licence when your end-of-licence report is received (we will notified you once registration is complete)</p>
Recording & reporting	Data recording and annual reporting requirement
Reference	WML - CL09

Overview of licence

*This licence permits the surveying of great crested newts by **hand, nets, torches, aquatic funnel traps (including bottle traps) and pitfall 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.*

A Level 1 licence, which excludes pitfall trapping, is also available and this may be more suitable for many people undertaking surveying (see note j).

THE PURPOSE(S) FOR WHICH THIS LICENCE APPLIES

1. This licence is granted for the purposes of science (including research) and education.

WHAT THE LICENCE PERMITS

2. For the purposes set out in paragraph 1 above, and subject to the terms and conditions, below, this licence permits authorised persons to disturb and take **great crested newts (*Triturus cristatus*)** while surveying by means of
 - a. Hand
 - b. Nets
 - c. Torches
 - d. Aquatic funnel traps (including bottle traps)
 - e. Pitfall traps

LICENCE CONDITIONS

3. 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's 'Responsible Officer' for the relevant site(s) (contact details available from Enquiry Service – see below).
4. 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 note p), and
 - (ii) "*Amphibian Disease Precautions – a guide for UK fieldworkers*" (see note q).
5. All great crested newts taken under this licence must be liberated at the site of capture immediately after examination.
6. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see note r).
7. To be authorised to use this licence you must either:
 - a. register with Natural England to use the licence (see notes k-o);
 - b. be authorised as an Accredited Agent (see Definitions in Explanatory Notes) 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 Explanatory Notes), 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.
8. The Registered Person is responsible for all activities carried out under this licence, including activities carried out by their Accredited Agents and their Assistants.
9. All persons registered or authorised to act under this licence are by virtue of that grant of authority *the holder of a licence* for the purposes of the offence in regulation 58(1) of the 2010 Regulations.
10. The following additional conditions apply to the use of **pitfall traps** under this licence:
 - (i) Natural England must be notified at least 5 working days **prior to commencement of installation of fence and traps** (please use form [WML-A29-1](#) for this purpose, which should be sent to the Wildlife Licensing Unit– see below for contact details);
 - (ii) A maximum of 20m fence line and 15 pitfall traps may be used per site;
 - (iii) Care must be taken to avoid obstructing or significantly disrupting natural migration patterns;
 - (iv) Ponds must not be ring-fenced;
 - (v) Fences must not be in place for longer than 20 days;
 - (vi) Pitfall traps must be checked at least once in every 24 hours between 06.00 and 11.00 hours (preferably they should be checked more frequently); and
 - (vii) Fence and trap design and welfare considerations must comply with the "*Great Crested Newt Mitigation Guidelines*" (see note p).

Recording and reporting requirements

11. It is a condition of this licence that the Registered Person shall 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.
12. It is a condition of this licence that the Registered Person complies 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 no later than 31 October each 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.

PLEASE NOTE: 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 a personal licence.

WARNING

Failure to act within the purpose(s) for which this licence was issued (as stated in paragraph 1) or failure to comply with the terms and conditions may mean that the licence cannot be relied upon and an offence could therefore be committed. Furthermore, under regulation 58 of the 2010 Regulations it is an offence to contravene or fail to comply with any condition of a licence. The maximum penalty available for an offence under the Regulation is, at the time of the issue of this licence, a level 5 fine (£5,000) and/or a six month custodial sentence.



for and on behalf of Natural England
3 October 2011

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

T 0845 601 4523 F 0845 601 3438

Email wildlife.scicons@naturalengland.org.uk

EXPLANATORY NOTES

Definitions used in this licence

- a) A “**Registered Person**” is a person who has successfully registered to use this licence in accordance with condition 7.a.
- b) 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. To carry out work they must be in possession of a letter signed by the Registered Person appointing him or her by name as an Accredited Agent for the purpose of the 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.
- c) 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 the Registered Person or an Accredited Agent.

The law

- d) 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 Act and under regulation 53(2)(a) of the 2010 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. Visit the Office of Public Sector Information website to view the full text of this legislation (www.opsi.gov.uk/legislation/about_legislation).

The limits of this licence

- e) This licence only permits the activities specified in paragraph 2, and only for the purposes specified in paragraph 1.
- f) This licence does not confer any right of entry upon land.
- g) Persons acting under this licence may photograph great crested newts in connection with licensed work, provided that this causes no additional disturbance.
- h) Please note that this licence does not permit actions prohibited under any other legislation. For example, anyone acting under this licence is not exempt from the

provisions of section 28E of the Act, as amended. This means that owners and occupiers of sites designated as Sites of Special Scientific Interest (SSSI) are obliged to seek the consent of Natural England if they propose to carry out an activity on the site that is listed on the protected site notification as an "operation likely to damage". To identify SSSIs and the features for which they are designated, refer to www.magic.gov.uk. Consult the site notification for details of 'operations likely to damage', and consider whether your activity is likely to have an impact. For further advice or to request consent for an activity please contact the Natural England 'Responsible Officer' for the relevant site(s). Contact details are available from the Enquiry Service (see below).

- i) Ordinarily, this licence will be reissued on 1 January each year, but please note that the licence may be modified or revoked at any time. You are advised to check the terms and conditions of licences prior to your first use of the licence each year in case of amendments.

Level 1 and Level 2 survey licences

- j) 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. To register to use the Level 2 licence you require additional experience and/or training. This is the Level 2 survey licence.

Registering to use this licence

- k) Only Registered Persons, or persons authorised or supervised by a Registered Person (see Conditions 7-9), may act under this licence. Anyone seeking to become a registered user must apply to Natural England. Applications should be submitted using form [WML_A29](#), which is available from the Natural England website or from the Licensing Unit (contact details below). Applications require supporting evidence (including references) indicating appropriate knowledge and experience of the species listed at paragraph 2 and the survey techniques permitted (see '[Experience guidance](#)' document which can be found on the Natural England website – contact details below).

Please note that any person issued with a personal survey licence before 3 October 2011 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.

- l) 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.
- m) It is the responsibility of registered users 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.
- n) Anyone seeking to confirm whether a person is registered to use this licence should contact the Wildlife Licensing Unit (contact details are given prior to Explanatory Notes).
- o) 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.

Guidance on surveying

- p) The "[Great Crested Newt Mitigation Guidelines](#)" is available from the Natural England website. More general advice is given in the "[Great Crested Newt Conservation Handbook](#)", available from www.froglife.org.
- q) "[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.

General welfare considerations

- r) Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering

to an animal under the control of man (see section 4). This applies to the treatment of animals (including non-target species) held in traps or nets.

- s) It is the responsibility of each person relying on this licence to use appropriate equipment (e.g. trap or net) and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering. If pitfall traps are used in areas where shrews occur, the traps must be designed to allow shrews to escape.
- t) Seasonal trapping advice:
- i) Pitfall traps should be closed once newts begin to hibernate (generally after the first frosts) and re-opened in suitable weather conditions in the spring when newts become active again above ground. Although some newts may become active during the winter period, their behaviour is unpredictable and many individuals will remain in hibernation sites, where they are unavailable for capture. Furthermore, strong directional movements, which are

optimum for successful trapping, are much less common during this period.

- ii) Pitfall trapping over the winter has welfare implications for both target and non-target species caught in traps and this licence should not be used for trapping over the winter, even during periods of milder weather.

Contact details for Natural England

For licensing enquiries:

Telephone 0845 601 4523

Email wildlife.scicons@naturalengland.org.uk

Postal address

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

For other enquiries use the Enquiry Service:

Telephone 0845 600 3078

Email enquiries@naturalengland.org.uk

Web www.naturalengland.org.uk/contact/

ANNEX A - Recording and reporting requirements

Records

Each Registered Person shall maintain a record, which must 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 (at the address given below) for the reporting period 1 October to 30 September no later than 31 October each year. Licence Report template reference WML-LR-CL0809 is to be used for reporting purposes. This WORD document can be completed electronically and is available from the Natural England website or by

emailing the licensing team (see below). Preferably, reports should be emailed to Natural England, but they may also be posted (please mark 'Licence Returns' send to the licensing email or postal address given above).

- 2) Link to application and report forms: www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/licences.aspx
- 3) Registered persons (or a person acting on their behalf) must also submit data collected under this licence to the relevant Local Record Centre (the Licence Report template reference WML-LR-CL0809 may also be used for this purpose). 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).

Local Record Centres: To find out where your nearest Local Record Centre is visit the National Biodiversity Network website at: www.nbn-

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 58 of the 2010 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 the Licensing Unit.

Using and Sharing Your Information

The data controller is Natural England, Foundry House, 3 Millsands, Riverside Exchange, Sheffield, S3 8NH.



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 for it to be 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, on occasion, make information publicly available. 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; for example, by not releasing the names and addresses of individuals or the location of the licensed activity.

Natural England or its appointed agents may use the 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.