

CLASS LICENCE

To survey for barn owl (*Tyto alba*) for the purposes of assessing the potential impacts of future development



OVERVIEW

This licence permits registered persons to disturb nesting barn owl by observation in the course of undertaking presence/absence and distribution surveys – specifically those that are intended to inform development proposals.

If you wish to survey barn owl for the purposes of ringing or marking, scientific research or conservation work or for nest recording then you should apply to the British Trust for Ornithology (BTO) for a permit to undertake this activity.

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 is a data recording and annual reporting requirement
Reference	WML – CL29

LICENCE TERMS and CONDITIONS

Legislation	Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act')
Relevant section(s)	Section 16(1)(a), 16(1)(c) and 16(5)
Valid for the period	1 January 2017 to 31 December 2017 (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">• Science, research or education• Conserving wild birds
What this licence permits	Subject to all the terms and conditions of this licence and solely for the purpose(s) stated above, this licence permits Registered Persons and other persons authorised to act on their behalf to: <ul style="list-style-type: none">• Disturb nesting barn owl by observation.
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 h).
Definitions used in this licence	<p>A "Registered Person" is a person who has successfully registered to use this licence in accordance with Condition 1.</p> <p>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 1.</p> <p>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 <u>direct</u> supervision of either the Registered Person or an Accredited Agent. They cannot work alone or unsupervised.</p>

LICENCE CONDITIONS

1. To use this licence you must either:
 - a. Be a Registered Person (see Information and Advice note a 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. 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).
2. The Registered Person is responsible for all activities carried out under this licence, including activities carried out by their Accredited Agents and their Assistants.
3. 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.
4. The Registered Person shall permit an officer of Natural England, accompanied by such persons as he/she considers necessary for the purpose, on production of his/her identification on demand, reasonable access to the site for monitoring purposes and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The Registered Person shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
5. The Registered Person must obtain the landowner's written consent prior to exercising this licence on their land. They must also confirm with the landowner if any other person has permission to survey this species on that land. If another person is also authorised then the Registered Person must contact the other person and ensure that visits to nest sites are minimised and not duplicated.
6. There is no limit to the number of barn owl that may be disturbed under this licence provided all conditions and notes are met.
7. This licence may only be exercised when establishing the presence of nesting barn owl at a location. This includes entering any building to confirm actual breeding and the stage of that breeding.
8. Registered Persons, Accredited Agents and Assistants must exercise the utmost care to avoid undue disturbance to barn owl and other species of wild bird, and in particular to avoid any action which might endanger breeding success.
9. Any disturbance caused under this licence must be kept to the minimum necessary.

Recording and Reporting requirements

10. 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.
11. 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 January to 31 December by no later than 31 January each year.
12. If Conditions 10 and 11 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 31 December 2016

INFORMATION AND ADVICE specific to this licence

- a. Only Registered Persons, or persons authorised or supervised by a Registered Person (see Condition 1), 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. 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](#)').
- b. 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.
- c. 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.
- d. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Technical Services (contact details below).
- e. 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

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

- j. Licences permit action only for the purposes specified on that licence.

- k. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.
- l. 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

- m. 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. See Gov.uk for further information. 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.
- n. 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.
- o. 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>.

Relevant legislation and good practice

- p. 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

- q. 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](#).

The law

- r. Natural England has issued this licence in exercise of the powers conferred by the 1981 Act. Visit Legislation.gov.uk to view the full text of this legislation.
- s. Section 16 of the 1981 Act provides that the offences in Part 1 of the 1981 Act shall not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority, which is, in England, Natural England.

Contact details for Natural England

For licensing enquiries:

Telephone 020 802 61089

Email wildlife.scicons@naturalengland.org.uk

Postal address Technical Services (Wildlife Licensing),
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>

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

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

- Location (site name, description), county and a 6-figure (minimum) Ordnance Survey grid reference;
- Date(s) survey(s) undertaken;
- Numbers of birds present at the site during the visit(s).

Reporting

1. Registered Persons are required to complete a report, detailing the information stipulated above, including 'nil' returns. A reminder email will be sent out in January each year, and reports must be submitted by 31 January each year.
2. 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 January 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 Technical Services (see 1. above).

3. We also encourage those acting under this licence to submit relevant records to the British Trust for Ornithology [Nest Record Scheme](#).

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.

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 Technical Services (contact details above).