

CLASS LICENCE

To survey bats of all species for scientific (including research) and/or educational purposes



Level 4 – harp traps and acoustic lures

OVERVIEW

This licence permits **the surveying of bats using artificial light (eg torches), endoscopes, hand, static hand-held nets, harp traps and acoustic lures.**

This licence may only be relied upon where surveying is carried out for scientific, research, or educational purposes. The use of harp traps is only permitted for commissioned surveys in relation to proposed developments. Users must comply with licence terms and conditions at all times, including the requirement to submit a report of licensed activities each year.

This licence does not permit activities licensed under the Volunteer Bat Roost Visitor licences (WML-CL15 and WML-CL16), which persons registered to act under these licences may rely on when undertaking official duties under Natural England's Bat Advice contract.

This licence is Level 4. It does not permit Accredited Agents to undertake survey works using harp traps and acoustic lures.

A Level 1 licence is available should surveying for bats be likely to result in disturbance only (the use of artificial light by way of torches is permitted) or when checking bat boxes (if no handling is likely to be required). A Level 2 licence is available for surveying using artificial light, endoscopes, hand and static hand-held nets (see Information and Advice note a). These licences may be more suitable for many people undertaking general surveying. A Level 3 licence is available for the use of mist nets and acoustic lures by the Registered person only. Mist nets and harp traps may only be used for a maximum of 3 days at any one site under the Level 3 or Level 4 licence in surveys commissioned to inform development proposals. Should you wish to use additional equipment such as rings and tags, or to use mist nets/ harp traps and lures outside the remit of the Level 3 or Level 4 class licence, then a project licence must be applied for: <https://www.gov.uk/get-a-wildlife-licence>.

Registration	Anyone wishing to use this licence that does not currently hold a personal bat survey licence must first apply to Natural England to be registered.
Recording & reporting	There are data recording and annual reporting requirements.
Reference	WML – CL20

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 2018 to 31 December 2018 (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
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: <ol style="list-style-type: none">i. Disturb bats (all species) (Chiroptera), andii. Take and/or capture bats (all species) (Chiroptera). by means of:

- Artificial light (eg in the form of torches);
- Endoscopes
- Hand;
- Static hand-held nets;
- Harp traps (please see licence condition 5b which specifies an exception); and
- Acoustic lures (please see licence condition 5b which specifies an exception).

Who can use this licence	Persons registered to use this licence (Registered Persons) and Assistants and Accredited Agents of the Registered Person (with the exception of mist nets and acoustic lures (see Condition 5b and also Definitions), except those with a recent conviction (see Information and Advice note p).
Definitions used in this licence	<p>A “<i>Registered Person</i>” is a person who has successfully registered to use this licence in accordance with Condition 5.</p> <p>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 5. A Registered Person should only authorise an Accredited Agent (see below) if they can personally assure that the individual is appropriately experienced, skilled and competent to undertake activities under this licence. Accredited Agents are not permitted to use harp traps or mist nets under this licence in any other capacity other than an Assistant.</p> <p>An “<i>Assistant</i>” is a person assisting a Registered Person or Accredited Agent in accordance with Condition 5.</p>

LICENCE CONDITIONS

1. 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 within the Bat Workers Manual (see Information and Advice note b);
 - ii. The Bat Mitigation Guidelines (see Information and Advice note b);
 - iii. The Bat Survey Guidelines (see Information and Advice note b); and
 - iv. The guidance on capture and marking of bats in WML-G39 (see Information and Advice note b).
2. All bats taken under this licence must be liberated at the site of capture immediately after examination unless specific permission has been granted by Natural England to do otherwise. See below for Natural England contact details.
3. Hibernating bats may be disturbed but not handled.
4. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Information and Advice note d - g).
5. To be authorised to use this licence you must either:
 - a. Register with Natural England to use the licence (see Information and Advice notes h - m);
 - 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 *with the exception of harp trapping and use of acoustic lures* 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; 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. Assistants cannot work alone or unsupervised.
6. The Registered Person is responsible for all activities carried out under this licence, including activities carried out by their Accredited Agents and Assistants.

7. 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.
8. Harp traps may only be used:
 - a. For a maximum of three days at any one site, and
 - b. May only be used under this licence for commissioned surveys in relation to proposed developments. Research or conservation projects requiring the use of these methods of capture must be licensed separately (see Information and Advice note a).

Recording and reporting requirements

9. 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.
10. 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 April to 31 March by no later than 30 April each year.
11. If Conditions 9 and 10 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 31 December 2017

INFORMATION AND ADVICE specific to this licence

Level 1, Level 2, Level 3 and Level 4 Bat Class Survey Licences

- a. There are four levels of Bat Class Survey Licences. These differ in the methods of surveying permitted: Level 1 (reference WML-CL17) permits surveying which may result in disturbance only (it permits the use of artificial light (eg torches)); Level 2 (reference WML-CL18) permits surveying by hand, with hand held static nets, artificial light (eg torches) and endoscopes; Level 3 (reference WML-CL19) permits additional survey methods using mist nets and acoustic lures and Level 4 (reference WML-CL20) permits the use of harp traps and acoustic lures. This is the Level 4 survey licence. To register to use the Level 3 licence you require additional experience and/or training: <https://www.gov.uk/government/collections/bat-licences>. A project licence will be required should you wish to use mist nets and/or harp traps with or without lures for more than three days at any one site, or for purposes other than to inform development proposals, or should you wish to use rings or tags or otherwise mark bats.

Guidance on surveying

- b. The [Bat Workers Manual](#) is available from the JNCC website. More general advice is given in "[The Bat Mitigation Guidelines](#)" and the Bat Conservation Trust's "[Bat Surveys for Professional Ecologists: Good Practice Guidelines \(3rd edition\)](#)". 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. Guidance note WML-G39 '[Capture and marking of bats](#)' should be followed when using harp traps and acoustic lures to capture bats.
- c. Before exercising this licence the licensee should liaise with the appropriate local bat groups if undertaking surveys on a site which a local bat group have an interest in. For help finding local bat groups see - http://www.bats.org.uk/pages/local_bat_groups.html.

Relevant legislation and good practice

- d. Persons acting under this licence may photograph bats in connection with licensed work provided that this causes no additional disturbance.
- e. Natural England recommends that anyone handling bats wears gloves and is suitably vaccinated against rabies.
- f. A licence is not required for the short-term keeping of injured bats that were obtained legally for the purpose of tending them in order to release them when no longer disabled. However, if the bats are to be kept for longer than six months then the carer should apply for a licence to possess bats. This can be done using the possession licence application form [WML-A37](#).
- g. 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).

Registering to use this licence

- h. Only Registered Persons, or persons authorised or supervised by a Registered Person (see Condition 5), 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](#)').
- i. 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.
- j. 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.
- k. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England Wildlife Licensing (contact details below).
- l. 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.
- m. Registration to use this licence indicates that the licensee has demonstrated an appropriate level of competence in these activities. The licence should not be used or taken to indicate competence in any other activity that may be associated with work on bats (eg work as a Volunteer Bat Roost Visitor or Volunteer Bat Roost Visitor Trainer which Class Licences WML-CL15 and WML-CL16 are appropriate – <https://www.gov.uk/government/collections/bat-licences>).

INFORMATION AND ADVICE for all Class and General Licences

General Information

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

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

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

- u. 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](http://www.gov.uk) for further information.
- v. 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.
- w. 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>.

Biosecurity

- x. 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](http://www.gov.uk/government/organisations/natural-england). Further information on plant biosecurity is available on the Animal and Plant Health Agency's [website](http://www.gov.uk/government/organisations/natural-england).

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>

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 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 or Assistants acting under their authority):

- Date survey undertaken;
- Location (site name/county);
- OS grid reference of surveyed site (6-figure (minimum));
- Methods used;
- Capture or release (specify if different);
- Number and species of bats disturbed, taken/captured and released each time the licence was used; and
- Details of any accidental bat deaths or injuries, whilst using this licence.

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 above) for the reporting period 1 April to 31 March no later than 30 April each year.
2. Link to application and report forms:
<https://www.gov.uk/government/publications/bats-survey-or-research-licence-level-4>
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 30 April each year.
4. 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.