

## Frequently Asked Wildlife Questions

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## AMPHIBIANS AND REPTILES

**Q. Do I need a licence to survey for common lizards, adders, grass snakes and slow worms?**

**A.** These species are only protected against intentional killing, injuring and sale under the Wildlife and Countryside Act 1981 (as amended). A licence is not required to disturb, handle or move them. However it is strongly recommended that you seek advice from your local Natural England [regional team](#) if you propose to translocate (move) them.

- Download [Reptiles: guidelines for developers](#)

**Q. What can I do if I suspect I have an adder in my garden?**

**A.** The adder is Britain's only venomous snake, however it hardly ever bites. It is rarely found in gardens as it prefers specialised habitats such as heathland, and dislikes disturbance. Adders have a prominent zigzag pattern along their length. Grass snakes are harmless and frequently occur in gardens. Although these can be confused with adders, they can be identified by a clear yellow band at the back of the head. For more information download the leaflet using the link below or contact the Wildlife Licensing Unit on Tel. 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

- Download [Reptiles in your garden](#)

However if you are concerned you should keep pets and children well away and contact Natural England's Enquiry Service on 0845 600 3078.

**Great crested newts**

[See European Protected Species](#)

## BIRDS

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### Birds on airfields

**Q. Can I do anything to control birds that are posing a risk to air safety on an airfield?**

**A.** Some species of bird can be controlled under the Wildlife & Countryside Act 1981 (as amended) Class Licence [WML-CL12](#) in relation to air safety. The person carrying out the action must be satisfied that they are acting within the provisions of the Class Licence and therefore the law. It is also possible to obtain specific licences to control other bird species that are putting public health and safety at risk please apply on the application form using the link below. All possible non lethal options must be considered before a licence permitting lethal action can be recommended. For further advice you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

- Download [TAN13](#) Birds and their control in non-agricultural environments leaflet
- Download [WML-A08](#) Application form

**Q. What about game birds at airports?**

**A.** The main species of game birds (i.e. all pheasants, partridges and grouse) are protected under the Game Act 1831. Under this law you are not permitted to kill game birds on Sundays, Christmas Day and during the relevant close season (see below)

<b>Game bird</b>	<b>Close seasons (dates between)</b>
Partridge	1 February – 1 September
Pheasant	1 February – 1 October
Black game	10 December – 20 August
Grouse (red game)	10 December – 12 August

There are no exceptions and no licensing provisions in the 1831 Act or other legislation that permit the taking or killing of game birds during the close season or on prohibited days for the purpose of preserving public safety or air safety.

To manage the potential bird-strike hazard presented by game birds Natural England advises airports as follows:

1. Manage the airport environment according to normal bird management practices make it an unattractive habitat for game birds;
2. Undertake the full range of appropriate scaring and deterrent activities (e.g. shooting to scare, falcons, etc.). Scaring activities may be reinforced by shooting to kill during the open season;

3. Identify any neighbouring landowners who release or manage game birds on their land. See if it is possible to negotiate adoption of management practices that reduce the number game birds coming on to the airport or flying across flight paths. Ideally, the release, feeding and provision of shelter or game cover crops should be avoided in the vicinity of the airport. In the case of driven shoots, beaters should drive birds away from the airport.
4. Reduce game bird numbers to acceptable levels by shooting during the open season. If it is necessary to use of a prohibited method (e.g. cage traps or spot-lights) then a licence to use such a the method should be sought from Natural England;
5. If, despite these measures, there remains an unacceptable level of risk of bird-strike during the close season, then the airport authorities may wish to consider either (i) carrying out lethal shooting to reinforce scaring efforts or (ii) reducing game bird numbers by shooting. As either option would be in contravention of the Game Act 1831, it is strongly recommended that before taking any action:
  - a. Independent legal advice is sought
  - b. Defra are informed that the airport requires a derogation under Article 9, 1(a) of the Birds Directive (to which the UK is a signatory) to preserve air safety to enable it to satisfy its obligations in respect to air safety (stating what these are). This should be copied to the Natural England licensing unit.
  - c. The Police are informed of the proposed action(s)
  - d. A written record is kept of (i) all lawful actions taken to manage the problem, and (ii) details of any action taken during prohibited periods.

Important note: Natural England cannot legally sanction the killing of game birds in the close season in contravention of the Game Act 1831 or any other legal provisions, and this is only advice.

## Birds and animal feed

### **Q. I farm livestock and am concerned about disease risk and loss of foodstuffs from wild birds entering the sheds, what can I do?**

**A.** There are a range of proofing methods available to reduce the number of wild birds entering livestock units; generally control of wild populations is not the most effective approach even during a disease outbreak. It may be possible to take action under General Licence [WML-GL04](#) for some species in relation to loss of foodstuffs or disease risk. The person carrying out the action must be satisfied that they are acting within the provisions of the General Licence and therefore the law. Please read the leaflet which can be downloaded using the link below for further information or contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

- Download [TIN031](#) Birds: problems in livestock units

## Bullfinches

### **Q. I own an orchard and am experiencing damage from bullfinches can I control them?**

**A.** Bullfinches, as with all birds are protected under the Wildlife & Countryside Act 1981 (as amended) they cannot be controlled without a licence. There are often techniques that can be employed to limit damage without the need to resort to a licence, please download the leaflet using the link below for more information. To apply for a licence please download the form using the link below. You can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) for further information.

- Download [TIN032](#) Preventing damage to fruit
- Download [WML-A08](#) Application form

## **Cormorants and other fish eating-birds**

**Q. I run a fishery and cormorants have depleted my fish stocks, what can I do about it?**

**A.** There are a wide range of actions that can reduce damage without resorting to the need to apply for a licence; these are outlined in the leaflets which can be downloaded using the links below. However if these prove unsuccessful, Natural England can issue licences under the Wildlife & Countryside Act 1981 (as amended) to control piscivorous (fish eating) birds for the purpose of preventing serious damage to fisheries, providing specified criteria are satisfied. Most important is to demonstrate that all practicable non-lethal methods have been tried and have been found to be unsuccessful. An application form can be downloaded using the link below. For further advice you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk); please state your county or case number if the query relates to an existing case. As part of the assessment of your application a Natural England Wildlife Adviser may undertake a site visit at a pre-arranged convenient time.

- Download [TIN041](#) Fisheries and the presence of cormorants leaflet
- Download [TIN028](#) The use of fish refuges leaflet
- Download [TIN029](#) The use of wires and nets leaflet
- Download [MC1](#) Protecting your fishery from cormorants (Moran Committee)
- Download [MC2](#) Cormorants: the facts (Moran Committee)
- Download [WML-A06](#) Application form

**Q. When are cormorant licences normally issued?**

**A.** Licences generally run between 1 September and 15 April.

**Q. I have a problem with herons, goosanders or mergansers taking fish from my fishery can I get a licence too?**

**A.** Licences can be issued in relation to damage from other fish eating birds but as for cormorants (see above) there are a number of options that may be carried out successfully that do not require a licence. Please see the leaflets which can be downloaded using the links below. For an application to be successful, a range of criteria, including demonstrating that all practicable non-lethal methods have been tried and found to be unsuccessful, need to be satisfied before any lethal action will be considered. An application form can be downloaded using the link below. For further advice you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk); please state your county or case number if the query relates to an existing case. As part of the assessment of your application a Natural England Wildlife Adviser may undertake a site visit at a pre-arranged convenient time.

- Download [TIN40](#) Fisheries and the presence of goosanders & herons leaflet
- Download [TIN028](#) The use of fish refuges leaflet
- Download [TIN029](#) The use of wires and nets leaflet
- Download [MC3](#) Goosanders & mergansers: the facts (Moran Committee)
- Download [WML-A06](#) Application form

## **Birds in food premises**

**Q. There are birds in our premises where food is being prepared. How can we get rid of them, do we need a licence?**

**A.** All wild birds are protected to some degree under the Wildlife & Countryside Act 1981 (as amended). In most cases trapping can be carried out under Class Licence [WML-CL03](#). The person carrying out the action must be satisfied that they are acting within the provisions of the Class Licence and therefore the law. If this action is not successful a specific licence is required from Natural England before you can take any lethal action, application forms can be downloaded using the link below. Advice on the best course of action can be obtained

from the Wildlife Licensing Unit Tel: 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk); please state your county, or case reference number if your query relates to an existing case.

Once a completed application form has been received a Natural England Wildlife Adviser will contact you and may need to undertake a site visit at a convenient time to assess the circumstances of the case. All possible and practical non-lethal options must be considered before a licence permitting lethal action can be recommended. It may be necessary to use the services of a local bird ringer or pest controller to assist with licensed action if suitably experienced staff are not employed within your company.

- Download [TAN13](#) Birds and their control in non-agricultural environments leaflet
- Download [WML-A08](#) Application form

## Game Birds

[See '[Birds at airfields](#)' for advice relating to game birds]

### Q. Can I move/translocate game birds for the purposes of reintroduction or population enhancement?

**A. Summary:** Game birds can only be taken during the open season and the use of cage-traps, nets and spotlights to catch birds should be licensed.

Game birds may only be taken during the open season. Currently, there is no legal provision available to authorise taking during the close season that would be applicable to a reintroduction project.

Restrictions also apply to the methods that may be used for taking birds in the open season. Game birds may be taken for the purpose of **breeding** using a cage-trap or net, without a licence. However, Natural England advises against relying on this exception to use cage-traps and nets to take birds for reintroduction projects, and recommends that a licence is obtained. The use of spot-lights, for example to aid capture of birds at night would only be legal under a licence.

Whilst not a legal requirement, Natural England recommends that all reintroduction or translocation projects adhere to the guidance provided in the International Union for the Conservation of Nature and Natural Resources *Guidelines for Re-introductions* and the Joint Nature Conservation Committee *Policy for Conservation Translocation of Species in Britain*. Compliance with relevant criteria is a material consideration in any licence application linked to such a project.

### Q. When can I take wild game birds for breeding purposes?

**A. Summary:** Game birds may be caught as breeding stock only during the open season.

The practice of catching up wild game birds (typically pheasants or partridges) at the end of the shooting season as captive breeding stock is permitted, but only if the birds are taken before the close season commences. There is no legal provision available to authorise taking during the close season.

Restrictions also apply to the methods that may be used for taking birds in the open season. Game birds may be taken for the purpose of breeding using a cage-trap or net, without a licence, but the use of spot-lights, for example to aid capture of birds at night, would only be lawful under the authority of a licence.

### Q. Can I catch wild game birds to treat them with veterinary medicines?

**A. Summary:** Game birds can be caught for the purposes of administering veterinary medicines outside the close season. Taking birds during the close season or, at any time using a net, cage-trap or spot-lights at night will require authorisation from Natural England.

Game birds may be caught for the purposes of veterinary treatment outside of the close season, but only using permitted methods, which excludes cage traps, nets or the use of spotlights at night. To use these methods a licence is required from Natural England. The only circumstance in which it is legal to catch grouse during the close season is where a Notice under section 98 of the Agriculture Act 1947 applies. Notices may be issued to prevent serious damage to livestock, and in appropriate circumstances such a notice could, in theory, be issued to permit game birds to be caught for treatment against if this benefited livestock (e.g. dousing grouse to prevent louping-ill, which is a significant disease in sheep).

#### **Q. Can I hunt great bustard?**

**A. Summary:** The great bustard, including nests and eggs are fully protected, at all times.

Whilst the Game Act 1831 only stipulates a close season during which the bustard is protected from killing or taking (the dates between 1 March – 1 September), the Wildlife and Countryside Act 1981 makes it an offence to kill or take this species at any time.

### **Geese**

#### **Q. There are huge flocks of geese on my fields causing major damage to my crops – do I need a licence to control them?**

**A.** Whether you need a licence or not depends on (a) the species, and (b) the time of year.

**Greater Canada geese** can be controlled for the purpose of protecting your crops *any* time during the year under the authority of the General Licence [WML-GL04](#) so it is not necessary to apply for a specific licence. Please remember, however, it is the responsibility of the person acting under a General Licence to ensure that they are acting within the law.

- Download [TIN009](#) The management of problems caused by Canada geese a guide to best practice leaflet

**Greylag geese, white fronted geese and pink footed geese** can only be legally controlled without a licence during certain times of year, sometimes referred to as the 'Open season', for wildfowl this period runs from (01 Sep – 31 Jan). For the remainder of the year or 'Closed season' (01 Feb – 31 Aug) the geese are allowed to breed and disperse, and control cannot be carried out without a licence from Natural England. Such licences can only be issued if serious damage to crops is occurring and the necessary criteria are met, options available under licence include shooting to reinforce scaring or egg control. The application form can be downloaded using the link below. For further advice you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk); please state your county or case number if query relates to an existing case. As part of the assessment of your case a Natural England Wildlife Adviser may undertake a site visit.

- Download [TIN022](#) The use of paraffin BP to prevent eggs from hatching
- Download [WML-A08](#) Application form

**Brent geese** are fully protected throughout the year under the Wildlife & Countryside Act 1981 (as amended). If this species is causing serious damage to crops, a specific licence is required to carry out any lethal control measures. Licences will only be issued for very limited numbers alongside non-lethal methods. An application form WML-A08 can be downloaded using the link below. For further advice you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk); please state your county or case number if query relates to an existing case. As part of the assessment of your case a Natural England Wildlife Adviser may undertake a site visit.

- Download [WML-A08](#) Application form
  - Download [WCA26](#) Management of damage by Brent geese leaflet
  - Download [WCA25](#) Code of practice on the licensed shooting of Brent geese leaflet

### **Gulls**

#### **Q. Gull's nests appear to be being destroyed – is that legal?**

**A.** Under the authority of General Licence [WML-GL05](#), it is permitted to destroy the nests, eggs and/or chicks of herring gull and lesser black backed gull providing the persons carrying out such actions are doing so in order to protect public health or public safety. The person carrying out the action must be satisfied that they are acting within the provisions of the General Licence and therefore the law. Please note that this General Licence does not permit action to be taken against these birds due to noise or damage to property. Specific licences cannot be issued for these reasons either as such 'nuisance' issues are not provided for in the legislation. If you suspect that the people destroying the nests are not doing so in line with the purpose/conditions shown on the General Licence, you should report the matter as a potential offence under the Wildlife & Countryside Act 1981 (as amended) to the Wildlife Crime Officer at your local police station. If you are unsure what species of gull it is, contact a Natural England [Wildlife Adviser](#) please state your county.

- Download [TAN13](#) Birds and their control in non-agricultural environments leaflet

**Q. Do I need a licence to shoot gulls?**

**A.** Under the authority of General Licence [WML-GL05](#), it is permitted to shoot lesser black backed gull for the purpose of preserving public health or public safety only. The person carrying out the action must be satisfied that they are acting within the provisions of the General Licence and therefore the law. Please note that this General Licence does not permit action to be taken against these birds due to noise or damage to property. Specific licences cannot be issued for these reasons either as such 'nuisance' issues are not provided for under the Wildlife & Countryside Act 1981 (as amended). If you are unsure what species of gull it is contact (stating your location) a Natural England [Wildlife Adviser](#). If the species involved are not included on the General Licence you may be able to apply for a specific licence using the link below.

- Download [WML-A08](#) Application form
- Download [TAN13](#) Birds and their control in non-agricultural environments leaflet

**Nesting birds**

**Q. Can I move a bird's nest?**

**A.** All birds and their nests are protected to some degree under the Wildlife & Countryside Act 1981 (as amended). In most cases it is advisable if possible to leave the nest in situ until the nestlings have fledged. If the birds are in danger or there is a public health and safety, disease or damage issue you can discuss the situation with a Natural England [Wildlife Adviser](#) or Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) who can advise you on the best course of action. It may be necessary to apply for a licence to move a nest; the application form can be downloaded using the link below. Please note that it is not possible to issue licences to move birds' nests in relation to damage to property or to enable development/building works.

- Download [WML-A08](#) Application form

**Q. Feral pigeons are nesting in a derelict building due for demolition for development purposes, can we destroy the nest?**

**A.** The bird and the nest are protected under the Wildlife and Countryside Act and there is no provision in the legislation to take action in these circumstances.

The developer will have to wait until the young have fledged and then take action (making sure they do so before the nest is used again). In the meantime attention should be given to minimising the opportunities for other birds to build nests (NB a nest is protected during construction as well as during use).

Ideally, anyone planning to demolish or carry out repairs to a building during the bird nesting season should consider this issue well in advance and take the necessary measures to 'proof' the building against entry or use by birds.

**Q. What is the best time of year to carry out scrub clearance or tree felling to avoid killing/injuring wild birds or destroying/damaging their eggs and nests?**

**A.** This sort of work should be avoided during the bird breeding/nesting season, which is generally between March and June, but can start earlier and extend beyond August depending on the species. Such action is best carried out in the winter to maintain autumn food supplies for birds and other species of wildlife. Natural England [Wildlife Advisers](#) can provide specific advice.

**Q. I want to ring birds; do I need a special permit or licence?**

**A.** You will need a special permit and a period of training is required before you may obtain one. The British Trust for Ornithology (BTO) deals with all bird ringing issues and you should contact them for further information.

- Telephone 01842 750050 or [BTO ringing web pages](#)

**Rooks, magpies and crows**

**Q. There is a rookery nearby which is making a mess and lots of noise, is there anything I can do?**

**A.** Under the authority of General Licence [WML-GL05](#), it is permitted to destroy the nests, eggs, chicks and/or adult rooks providing the persons carrying out such actions are doing so in order to protect public health or public safety. The person carrying out the action must be satisfied that they are acting within the provisions of the General Licence and therefore the law. If noise and cosmetic mess or damage to property are the major issues causing a 'nuisance', this is not covered by the General Licence and no action against the birds is permitted. If you require further advice you can contact the Wildlife Licensing Unit on 0845 601 4523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

**Q. I heard that there is a campaign calling on people to shoot magpies to protect song-birds. Is this allowed?**

**A.** Magpies may be trapped and killed under General Licences for specific purposes, such as conservation of wild birds, but anyone relying on a General Licence does need to be familiar with the terms and conditions of the licence to ensure they are operating within the law. The intention of General Licences is to enable people to deal with specific problems, and not to facilitate wider endeavours of this type.

Furthermore, there is no proven direct link between the increase in the magpie population and the decline in the songbird population. There are likely to be many reasons for the decline in songbirds including changes in habitat, available food source, pollution, predation (by a range of species including other birds, stoats, weasels, cats) etc. There would be little value in Government tackling one small aspect of a much wider problem.

Several species of songbirds (e.g. song thrush, warblers, larks, buntings) have biodiversity action plans will aim to provide for their conservation by tackling the main threats they face. The Cirl bunting, for example, has through habitat management, seen its numbers increase from 188 breeding pairs in 1989 to over 700 pairs.

- Download [WML-GL06](#) General Licence to kill or take certain birds to conserve wild birds.

**Q. Can I eat or sell dead rooks/crows/magpies to be eaten by people?**

**A.** You are allowed to eat rooks, crows and magpies that are legally taken, but you can't sell them as food for people.

The law permits people to consume these species as long as they are legally obtained (for example, that they have been killed under the General Licence to prevent serious damage or disease [WML-GL04](#)).

It also allows the sale of these birds, BUT only as long as it is NOT for human consumption. This is permitted under the terms and conditions of Natural England General Licence [WML-GL17](#). The licence explicitly excludes sale for human consumption.

### **Specially protected birds (Schedule 1) [list of species](#)**

#### **Q. What protection do Schedule 1 birds get and when is a licence needed for activities associated with these birds?**

**A.** All British birds, their nests and eggs are protected in law. It is an offence to deliberately take, kill or injure any wild bird or to take, damage, or destroy any nest or egg of any wild bird under Part 1 of the Wildlife and Countryside Act 1981 (as amended). However, Schedule 1 provides an additional tier of protection so that rare species are specially protected by increased penalties and cannot be intentionally or recklessly disturbed when nesting. For further information about wild birds and the law you should contact Natural England on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). Licence application forms are available for various activities:

- Download [WML-A28](#) Schedule 1 bird photography application form please note that quotas apply these are listed on the form
- Download [WML-A27](#) Schedule 1 bird science & conservation application form
- Download [WML-A08](#) Schedule 1 public health & public safety application form

#### **Q. Disturbance to barn owls. When is a licence required?**

**A.** This species is one of the most common of all the Schedule 1 birds and often nests within buildings where there is considerable potential for both casual and intentional disturbance. It is also a very popular bird with researchers and so there is significant demand for licences.

A Natural England licence to disturb barn owls is usually required by individuals visiting likely breeding sites in order to determine if breeding barn owls are present. The only exception to this is if observations are made from sufficient distance from the breeding site so as to avoid any risk that the birds will be disturbed. Entering buildings in order to check for the presence of barn owls is likely to result in disturbance and so should be licensed.

If buildings are visited in order to survey for other species, such as bats, then a barn owl licence would not be required, unless information is available to suggest that barn owls are present and are likely to be disturbed during the survey visit. If this is the case then a Natural England licence should be obtained. For further information about wild birds and the law you should contact Natural England on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). Licence applications are available for various activities:

- Download [WML-A28](#) Schedule 1 bird photography application form
- Download [WML-A27](#) Schedule 1 bird science & conservation application form
- Download [WML-A08](#) Schedule 1 public health & public safety application form

### **Swans**

#### **Q. There is a pair of aggressive swans nesting on our land, what can we do?**

**A.** Male mute swans (cobs) can be particularly aggressive during the breeding season and will often attack anyone going near their nest/cygnets; eggs are laid from April and the young remain with the adults for around four months. Mute swans are protected under the Wildlife & Countryside Act 1981 (as amended), and have unusual protection relating to the crown. Resolving problems involving swans is not always straightforward. Please contact the Wildlife Licensing Unit for further advice on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk); please state your county or case number if query relates to an existing case.

## **Sale of birds**

**Q. I own some birds that were bred in captivity, do I need a licence to sell them?**

**A.** It is not always necessary to obtain a licence to sell birds. The requirements vary between species. You may be able to sell under the authority of a General Licence for both live and dead birds (where not for human consumption), please check these [licences on our website](#). If you need further guidance please contact the Wildlife Licensing Unit for advice on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

## EUROPEAN PROTECTED SPECIES

- [General](#)
- [Legislation changes](#)
- [Bats](#)
- [Common dormice](#)
- [Great crested newts](#)
- [Licence processing questions](#)

### General

#### Q. What are European protected species?

**A.** [The Conservation of Habitats and Species Regulations 2010](#) which implement EC Directive 92/43/EEC (“the Habitats Directive”) make it an offence deliberately to capture, kill, disturb a European Protected Species or to damage or destroy their breeding site or resting place. The species involved are listed below by common name or click for [full scientific names of animals](#) and [plants](#). For more information see Natural England’s [European Protected Species pages](#).

#### Animals

- Bats, horseshoe (all species)
- Bats, typical (all species)
- Common otter
- Dolphins, porpoises and whales (all species)
- Dormouse
- Great crested newt (or warty)
- Fisher’s Estuarine Moth (from 1<sup>st</sup> October 2008)
- Large blue butterfly
- Lesser Whirlpool Ram’s Horn Snail (from 1<sup>st</sup> October 2008)
- Marine turtles
- Natterjack toad
- Pool frog (from 1<sup>st</sup> October 2008)
- Sand lizard
- Smooth snake
- Sturgeon
- Wild cat

#### Plants

- Creeping marshwort
- Early gentian
- Fen orchid
- Floating leaved water plantain
- Killarney fern
- Lady’s slipper orchid
- Shore dock
- Slender naiad
- Yellow marsh saxifrage

**A comprehensive guidance document; ‘EPS mitigation licensing, [‘How to get a licence’](#) has been published which provides information about all aspects of mitigation licensing. [Please see our latest news section for more information](#)**  
See the [Defra website](#) for information on previous amendments to this legislation.

**Q. I’m a member of the public and I am concerned about development works being undertaken on a site upon which it is known or believed that European protected species are present. What can I do to make sure they are operating legally?**

**A.** Natural England can check to see if they have a licence. If you can supply details such as the name of the site & its location we can check our records and confirm whether or not a licence has been issued, please be aware that Natural England cannot give out personal

details such as names and addresses of licensees. Please contact the Wildlife Licensing Unit for further advice on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

### **Licence issued**

If a licence has been issued you can write requesting a copy of the licence or other papers associated with the application under the Environmental Information Regulations 2004, note that personal details of licensees (names, addresses etc) cannot be released. If you have serious concerns about the site we can arrange for a site visit to be made, but if you consider it to be extremely urgent, you could contact the local police Wildlife Crime Officer and ask that they attend the site and check the details of the licence.

### **No licence**

If no licence has been issued, then you should contact the police and request that they send a Wildlife Crime Officer (if available) to attend the site and to investigate your concerns.

**Q. I feel the application form needs changing where it asks whether records have been sent to local records centre, we are not sending records to them but we are sending records to NBN the true and accessible record centre. The form should be changed to include NBN as a data sharing organisation.**

**A.** The National Biodiversity Network (NBN) Gateway is an excellent way of viewing species data, but is not a mechanism for data storage. It relies on external data sources. We therefore do not recommend people to send records directly to the NBN Gateway or the NBN Trust; they would not be able to use the data and would likely refer you to the appropriate Local Records Centre (LRC). The NBN Trust has agreements with data providers, including many LRCs, to allow access to data through the NBN Gateway. Whilst we appreciate that not all LRCs function as well as we might like, it is better to assist them by sending in records and encouraging them to make their data available via appropriate means, including the NBN Gateway.

## **Legislation changes 2010**

**Q. I heard that the Habitats Regulations have been updated recently. What does this mean?**

**A.** On the 1<sup>st</sup> April 2010 [The Conservation of Habitats and Species Regulations 2010](#) came into force. This updates and consolidates all the amendments to the Regulations since they were first made in 1994.

There are no significant changes that affect European Protected Species licensing, except in the marine environment. From the 1 April 2010 the Marine Management Organisation (MMO) is solely responsible for all wildlife licensing in the marine environment. View [more information on these changes](#).

Please note also that restructuring to make the legislation easier to understand has resulted in alterations to the numbering of the various provisions. Guidance on these changes and previous amendments has been published by [Defra](#).

## **2007-2009**

**Q. What guidance is available on the disturbance offences?**

**A.** Guidance on interpreting the disturbance offence (now Regulation 41(1)(b)), published by Natural England and the Countryside Council for Wales following the changes in 2007, will be revised shortly. Currently, people are to be encouraged to continue to follow the [existing guidance](#), the essence of which remains unaltered by the previous amendments. Similar guidance will be published to aid interpretation of the offence in Regulation 41(1)(b), of damaging/destroying the breeding or resting place of a European Protected Species. The Courts are required to take into consideration both sets of published guidance. This is intended to provide a proper balance between the need to effectively protect these species,

and the need to avoid trivial acts of disturbance or damage, which have no bearing on the conservation status of the species, leading to prosecutions.

**Q. Doesn't the removal of a "significant group of animals" mean that deliberate disturbance of a single animal will now be caught by the offence?**

**A.** Removal of reference to "significant group of animals" ensures that whether the number of animals affected by an action is sufficient for that action to be regarded as "disturbance" will be a matter for consideration on a case by case basis. This will depend on the impact on the species in question. In most cases it is not expected that an action which disturbed a single animal or a small number of animals would have sufficient impact to be caught by the offence, although if any of our European protected species become particularly rare, disturbing very few animals could potentially have serious effects.

**Q. Why were references to hibernation and migration added?**

**A.** The offence is now more consistent with the Article 12(1)(b) of the Habitats Directive by including reference to disturbance that affects species that hibernate and/or migrate.

**Q. Why have you introduced ministerial approved guidance to be taken into account in the courts?**

**A.** Certain elements of these offences involve expert judgment or knowledge. This provision enables the development of guidance that will help parties to understand the scope of the offences and to consider whether their operations are likely to breach the regulations and could require licensing. It will also assist the courts if enforcement proceedings are brought in determining the seriousness of the offence and to what extent the operator had sought to heed the guidance. Guidance regarding the disturbance offence and the offence of damaging or destroying a breeding site or resting place will be approved by ministers. This will provide reassurance that it is proper for the courts to be required to take its content into account.

**Q. Who will write the guidance to be published by ministers?**

**A.** The Statutory Nature Conservation bodies in England and Wales and Joint Nature Conservation Committee (JNCC) will write ecological focused guidance. They will work with species experts and organisations. Operational guidance, where necessary, will be written by Government Departments or their agencies where operations under their remit may have an impact on European protected species. This may include the Forestry Commission, Ministry of Defence (MoD) and Department for Energy and Climate Change (DECC). They will work with their key stakeholders and use the ecological guidance as reference. The guidance will also take account of the formal and generic article 12 and 16 guidance published by the European Commission in February 2007.

**Q. What about existing guidance published since the 2007 changes to the regulations?**

**A.** Existing guidance may require some modification or enhancement but is expected to be reliable for the most part with the new guidance anticipated in the 2009 regulations likely to involve some expansion on existing advice. Government family bodies responsible for existing guidance will be expected to examine it and identify any need for changes as soon as possible. In case of doubt, you should consult the relevant organisation. Guidance may be found on:

[Forestry Commission](#)

[Natural England – European Protected Species](#)

[JNCC](#)

**Q. What impact will the changes have on forestry and agriculture operators?**

**A.** No changes to forestry and agriculture operations will be necessary for operators to remain within the law. Operators should already be following best practice guidance to avoid

committing offences and should in future take into account any ministerial approved guidance.

**Q. Will I now be committing an offence if I tend an injured bat (or any European protected species) for a short period of time without obtaining a licence?**

**A.** You may rely on the defence of tending an injured animal provided that there is no satisfactory alternative course of action and your intended action would not be detrimental to maintaining the favourable conservation status of the species. You should give thought to those matters, but we expect that in cases where there is a genuine need to tend an injured animal those tests will normally be satisfied and no offence will be committed. The same would be true of the mercy killing and investigation of offences defences. The derogation tests have been inserted to ensure that those relying on the defences are fully aware of the tests that must be met and do not rely on them inappropriately, e.g. an European protected species animal is entangled in broken fence-wire and is taken home for 'tending' in captivity over a period of time. However, if its injuries were no more than superficial, all it required was to be freed from the wire and released which would have been the satisfactory alternative.

## Bats

### Q. Do I need a licence to survey for bats?

A. Most survey work does not require a licence, for example searching for new roosts, observing and counting bats as they emerge from roosts or erecting bat boxes. However, if you wish to **enter** known roosts or handle bats, you must seek training and apply for a licence. [The Bat Conservation Trust](#) run a range of courses or you may obtain assistance from your local bat group or other licensed consultants. You can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) for further information.

- Download [WML-A34](#) Bat science and conservation licence application form
- Download [Focus on bats](#)
- Download [Batworker's manual](#)

### Q. I've got bats in my loft and I want to treat the timber, do I need a licence?

A. A licence may be required, provisions of [The Conservation of Habitats and Species Regulations 2010](#) include protection to bats in dwelling houses, you should contact the batline service, using the link below, for details and to find out the best time of year to carry out this kind of work and which chemicals are safe for bats. For more information see the [European Protected Species pages](#). If it is necessary for bats to be excluded, licence application forms should be obtained through your local bat worker, details can be obtained via the batline below or the [BCT](#).

- [Batline numbers](#)
- Download [Focus on bats](#)

### Q. I think I've got bats in my loft, can I stop them getting in?

A. All bats are protected so Natural England strongly recommends that you contact the batline service before taking any action. [The Conservation of Habitats and Species Regulations 2010](#) prohibits actions, which prior to 21<sup>st</sup> August 2007 could be carried out in a dwelling house without a licence. For more information see the [European Protected Species pages](#). If it is necessary for bats to be excluded, licence application forms should be obtained through your local bat worker, details can be obtained via the batline below or the [BCT](#).

- [Batline numbers](#)
- Download [Focus on bats](#)

### Q. Do I need a licence to photograph bats?

A. The threshold of disturbance under [The Conservation of Habitats and Species Regulations 2010](#) for European protected species increased in 2007. However, offences could still apply under the Wildlife & Countryside Act 1981(as amended). If you intend to photograph bats in the roost then you are likely to need a licence. However bats may be photographed outside the roost without a licence. If you would like further advice please contact the batline on one of the numbers which can be downloaded by using the link below.

- [Batline numbers](#)
- Download [WML-A34](#) Bat science and conservation licence application form

### Q. I am planning a development in an area or building which might have bats. I know that they are protected, what should I do?

A. If bats are present you are likely to need a licence under [The Conservation of Habitats and Species Regulations 2010](#) and to carry out mitigation to ensure that the bats retain their required habitat. Initially you will need to arrange a survey for bats with a competent consultant. The results of this survey should be made available to the local planning authority to aid them in making a decision on the planning application. Following discussion with your consultant you should apply for a licence from Natural England if required before you can start work. For further advice you can contact the Wildlife Licensing Unit on 0845

6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). Guidance and an application form can be downloaded by using the link below.

- Download [WML-A13 \(in 3 parts all must be completed\)](#) Bats and development application form
- Download [WML-G12](#) Guidance note on European protected species
- Download [Bat mitigation guidelines](#)

**Q. Do churches require licences to undertake activities that would affect bats within the structure of the building?**

**A.** Yes. In order to ensure that bats are given due protection and that attention is paid to the conservation of bat populations, the EU Habitats Directive - and [The Conservation of Habitats and Species Regulations 2010](#), which implement the Directive – makes it an offence deliberately to capture or kill bats, deliberately to disturb a bat or to damage or destroy a breeding site or resting site of any bat.

- Download leaflet [XH20094](#) Bats in churches
- Download [WML-A13 \(in 3 parts all must be completed\)](#) Bats and development application form
- Download [WML-G12](#) Guidance note on European protected species
- Download [Bat mitigation guidelines](#)

**Q. Would an application in respect of a church be dealt with more favourably than others for housing or similar?**

**A.** No. Each application is dealt with on its own merits and is required to meet three key tests set out in the Regulations in order to justify a licence:

- That the proposed activity is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
- That there is “no satisfactory alternative”;
- That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

Natural England understands the concerns about churches as centres of heritage and community, as well as worship; and no doubt any application to exclude the bats would make reference to these factors. The licensing system is designed to ensure that bat species are given appropriate protection without unduly prohibiting activities which meet the above tests as specified in legislation.

**Q. I do not have a ‘conservation, or science and education’ licence for bats and do not have bat handling experience. Can I still apply for and be issued with a bat ‘mitigation (development) licence’?**

**A.** Ecologists who have held or been named on a mitigation licence within the last three years for the same species, and in relation to a project with a similar scale, methodology and mitigation are not required to hold a personal survey or roost visitor licence, although this is highly desirable. Ecologists who have held or been named on a EPS mitigation licence but not in the last three years are expected to provide evidence of their more recent bat experience using this table as a guide, which includes the requirements to hold a survey or roost visitor licence.

If bat handling is required e.g. during a destructive search of a roof, and the applicant ecologist does not have the relevant experience, for instance the ecologist’s licence is for disturbance only, then the application will most likely be rejected. Please see our [guidance on experience required for bat mitigation licensing](#).

**Q. I have not held a mitigation licence myself but have worked on several projects and**

**written several Method Statements. I know I need two references but what information is needed? Can they be from colleagues in my consultancy?**

**A.** You will need to provide written references (originals only, not photocopies) from two people who can vouch for your suitability and competence to prepare and deliver bat mitigation projects. The referees should state how long they have known you and in what capacity. They will need to describe, to the best of their knowledge, your experience of working with different bat species and your technical ability to plan and deliver mitigation. Note that it is an offence under the ("Habitats Regulations") to knowingly or recklessly make false representation.

Both referees should also provide details of their own experience with bat mitigation and reference projects they have worked on.

At least one referee must have held a bat mitigation licence within the last three years.

**Q. Can I use 'Regulation 41' to destroy roosts without a licence if this will not adversely affect the local bat population?**

**A.** No. In 2007 and 2009, there were changes to the 'Habitats Regulations' including amendments effectively permitting some low level disturbance. For further details see the [Defra website](#). Bat roosts remain fully protected under the 'Habitats Regulations' and are still partly protected, following recent amendment, under the Wildlife & Countryside Act 1981.

**Q. How old and how brief can survey data be before it becomes unacceptable to use in a Method Statement?**

**A.** There is no tightly defined period within which bat surveys must be undertaken in order to be acceptable to a Wildlife Adviser.

As a general guide, surveys should be conducted within the current and/or previous optimal season (May - Sep). For example, survey work should occur in the summer prior to destructive works scheduled for that autumn, and works being undertaken in the spring should be based on survey work from the previous summer/ autumn. The frequency and number of surveys to take should follow BCT's 'Bat Surveys Good Practice Guidelines', 2007, where practicable.

Survey data from two summers ago may be acceptable if there are extenuating circumstances, for instance the building has since deteriorated and is less suitable as a roost (evidence supporting this should be included in the Method Statement), or that the site supports such a well-known and long studied roost that any additional surveys would not add anything new.

Some exceptions for more immediate problems with extenuating circumstances can also be accepted, e.g. an emergency H&S situation where delaying works by demanding additional surveys may result in the loss of the roost completely.

An explanation should be provided if inspection surveys were only conducted during a suboptimal time of the year. Additional previous survey data and comprehensive and detailed coverage would to have been done to avoid missing significant signs of bat use. For crevice-dwelling bats, this might be difficult.

Farm building complexes and large estate buildings, for instance, can provide many hidden opportunities for roosting bats. An application with bat survey data from an inspection carried out at this type of site during a suboptimal time of year is not likely to be acceptable. Emergence survey data gathered during poor weather conditions or gathered by an inexperienced surveyor may not be acceptable to the Wildlife Adviser.

The Wildlife Adviser will assess the level of survey work to judge whether or not sufficient competent information is collated for the bat consultant to be able to have a full appreciation of the bat species roosting at the site, and of the type and status of roosts they use on site and in the context of the immediate surroundings area. This will need to be convincing enough to be able to come up with suitable 'proportionate' mitigation.

Adopting a precautionary principle and using the worst case scenario principle to guess at the bat species present and at their status at all times of year, is not acceptable, see Q24 above.

**Q. Can I use another consultant's survey data in my Method Statement? Do I have to**

## **append this data?**

**A.** Yes; any relevant survey data can be used in the Method Statement, providing you obtain consent of the surveyor. However, the Wildlife Adviser will assess the suitability of the data based on how appropriate the surveyor is, age of the data etc. Methodology summaries and pertinent results for each survey should be included within the body of text and raw data/survey reports should be appended to the Method Statement.

## **Q. Do I need to survey for bats during each season they may be present?**

**A.** No, not necessarily, although enough surveying needs to have occurred to make a reasonably clear assessment of the use of the development site by each species of bats at all times of the year – it is important to state this in each species' summary.

## **Q. During the survey I only found signs of bat use but did not record the presence of live bats. Work is scheduled when no bats are anticipated to be present, so what totals do I put on the application form?**

**A.** The number of bats seen during survey work and the number anticipated to be disturbed during development work are not to be used as species totals in the application form.

The numbers applied for must reflect the total number of bats of each species that are likely to use the development site during any typical year, and that will be disrupted from using the development site, had mitigation not occurred.

For example, if autumn works to remove and alter the roof of a maternity bat roost is expected to only disturb 10 bats, but the roost is used in summer by up to 30 adult bats and 20 pups, then the total added should be 50 (not 10).

If a bat species using the site is not going to be disturbed whilst in its roost, and its roost not damaged, e.g. a tree roost to be retained and not under the glare of development lighting, then this species may not require licensing.

## **Q. I only wish to carry out a destructive search and do not feel that a full survey is necessary for this. Would this be acceptable?**

**A.** Not usually. Natural England expects adequate surveying to be carried out in relation to bat applications. Without this, it is not feasible to properly assess impacts of a development on bat populations. However, if preliminary survey work concluded that the structure was unlikely to support bats or a bat roost, then the onus is on the client/ owner, under guidance from a bat ecologist, to decide whether or not an application is to be submitted.

## ***Mitigation***

## **Q. The development site ceased to be inhabited last year and it is prone to vandalism. I found evidence of a maternity roost but all current signs suggest that the site is now abandoned by bats. What should I mitigate for?**

**A.** Wildlife Advisers do not use a tightly defined period within which bat need to have used a structure beyond which it is no longer regarded as a bat roost. A structure can be regarded as a bat roost even if not knowingly occupied by bats for a year or two.

The Method Statement's mitigation should reflect compensation for a roost at its highest status within recent years. For example, meagre mitigation for an occasionally used, summer, non-maternity roost that had declined from a maternity roost as a result of human induced change to the roost's conditions e.g. vandalism, may not be acceptable to the Wildlife Adviser.

A demolished structure, irrespective of its previous bat occupancy, clearly, ceases to be a bat roost. An intact structure without bat occupancy perhaps after a few years, and more assuredly after five years, also ceases to be a bat roost.

## **Q. I wish to use exclusion methods and create bat roost designs not recognised or recommended in the 'Bat Workers Manual' or 'Bat Mitigation Guidelines'. Will I be able to do so?**

**A.** Possibly; novel methods and unusual roost designs can be accepted, provided evidence is supplied supporting why they are likely to be effective. The consultant ecologist will also need to describe or depict the method or design in detail, and when relevant, state why recognised standards are not being used.

**Q. For how long should one-way exclusion devices be left on?**

**A.** The effectiveness of excluders depends on bats being active and bat activity is chiefly influenced by weather conditions; refer also to seasonal bat activity in the 'Bat Mitigation Guidelines'. If attached for only a few days, the Method Statement should describe the weather conditions during which time the excluders will be used, e.g. a period when air temperatures do not drop below a specified level, followed up by an inspection. In any case, excluders should remain operative for a minimum of a few days, preferably longer, and then only under optimal conditions for a high level of bat activity.

**Q. What should I include on the timetable of works?**

**A.** The timetable is a critical part of the Method Statement and errors in this alone can result in a 'further information request'. A blank template for the timetable is provided at the end of the method statement template document. The timetable has been split into 'Activity', 'Timing' and 'Notes' and some examples have been provided. Ideally, the timetable will describe works occurring during parts of months i.e. early-Oct, mid-May. The use of seasons is too vague (except for monitoring purposes) and the use of exact dates is usually too restrictive (although can be acceptable).

The timetable must ensure to describe all works that have both positive and negative impacts on bats. This may include times for erecting bat boxes, bat exclusion, when bat roosts are to be completed and proposed monitoring. Mitigation work performed before the application submission e.g. bat boxes put up early, should also be included in the timetable. Other works, e.g. internal refurbishment to install a bathroom, where no bats will be affected, can still be added, but this is not important.

The timetable must be achievable and realistic. When submitting a Method Statement to Natural England for assessment, the timetable of works must take into account the full 30 working days that may be required to determine a licence e.g. applications should avoid being submitted within a month of the commencement date of works that will affect bats; this includes amended Method Statements.

There must be a completion date to works affecting bats. Large, long-term development projects can be split into phases, which should have objective deadlines.

**Q. I have recently taken over a situation where a householder has planning permission to build a new house on the footprint of the old one. A bat licence was issued to the previous ecologist and mitigation agreed, but the house - and therefore the bat mitigation - was never put in place. Do I apply for another licence and do I need to install the mitigation as was agreed before?**

**A.** Since the bat roost is destroyed and there are no bats to disturb, a new licence cannot be issued due to there being no action to license. If the householder has contracted you and all parties are agreeable to installing the mitigation as previously licensed, although delayed, then proceed. However, you should contact the WLU to alert them to the situation. Agreed mitigation that has formed part of a licence is enforceable, and if it has not been implemented as per the Method Statement, then a breach of licence might have occurred. The WLU may be able to advise you if a breach of the licence is being investigated.

**Q. Only one building on a farm building complex is proposed for development and conversion works, so only part of the site requires a licence. Do I have to conduct bat surveys for the entire building complex, or just the one building?**

**A.** It is recommended that the entire building complex is surveyed to gain a proper understanding of the site's use by bats, since bats will often use neighbouring structures as a complex of connected roosts. Roosts in other buildings may be disturbed during and after

the development and other buildings should be checked for their suitability for replacement/ additional roosts. The client may decide to extend works to other buildings - if a modified Method Statement does not sufficiently describe its use by bats because it was not properly surveyed before, then a 'further information request' is likely.

**Q. During the development I found a protected species (e.g. Great Crested Newt) that wasn't in my survey or on my Method Statement. Do I have to tell Natural England?**

**A.** If another protected species is found during the licence period then works that may impact on it or its habitat should stop. An assessment of potential further impacts on the species should be made. Another licence may be required to allow otherwise unlawful activities to take place but this decision should be made by the client/ developer, under advice by the consultant ecologist, and not Natural England.

If delays are incurred as a result of this discovery, and works no longer reflect the timetable on the bat licence, then a modified Method Statement should be submitted to the WLU for assessment.

## **Common Dormice**

**Q. Is it illegal to erect and check common dormouse boxes without a licence?**

**A.** It is not illegal to erect the boxes, but it is illegal to check them without a licence because you could potentially be disturbing dormice. You can apply to Natural England for a licence by downloading an application form using the link below for further advice call 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

- Download [WML-A29](#) Schedule 5 science, education and conservation application form alternatively this application can be filled in [online](#)

If you regularly monitor dormouse nest boxes at a site please submit your data to the [National Dormice Monitoring Programme](#) at the People's Trust for Endangered Species (PTES)

**Please note that Natural England is currently preparing a number of FAQs for hazel dormouse which will be published shortly.**

## Great crested newts

### Q. Who should I contact about licences for mitigation to address development impacts where great crested newts are concerned?

A. Natural England is the appropriate authority for determining licence applications to capture or disturb European Protected Species (including great crested newts) or to destroy their habitats whilst undertaking mitigation work associated with development. You can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) for further information or download guidance and an application form using the links below.

- Download [Great crested newt mitigation guidelines](#)
- Download [WML-A14 \(in 3 parts all must be completed\)](#) Application form

### Q. Do I need a licence to survey great crested newts using a torch?

A. A licence may be required for such surveys, torch beams can cause disturbance to great crested newts. You can contact the Wildlife Licensing Unit for further information on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) or a form can be downloaded using the links below.

- Download [GCNCH](#) Great crested newt conservation handbook
- Download [WML-A29](#) Schedule 5 science, education and conservation application form alternatively this application can be filled in [online](#)

### Q. I have a pond on my land that contains great crested newts, how can I ensure that I do not harm them or break the law when carrying out maintenance works?

A. Always ensure you have sought expert advice before carrying out any works. It is likely that you will need a conservation licence to carry out any work to your pond and work should be scheduled in the winter months to minimise disturbance. Please download our leaflet for further information and fill in the application form if necessary using the links below. You can contact the Wildlife Licensing Unit for further information on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

- Download [Newt2](#) Conservation licences for pond management work
- Download [WML-A29](#) Schedule 5 science, education and conservation application form alternatively this application can be filled in [online](#)

### Q. Do I need a licence to pick up and rescue newts which are trapped in gully pots or found on a busy road?

A. Great crested newts are protected under the [The Conservation of Habitats and Species Regulations 2010](#), however, Regulation 42 states that a person shall not be guilty of deliberately capturing (including associated possession or transportation) a great crested newt if he shows that the action in questions -

- was in relation to an animal that had been disabled otherwise than by his unlawful act, and
- was done solely for one or both of the purposes of
  - tending it and releasing it when no longer disabled; or
  - released it after it had been tended

Natural England cannot provide legal advice regarding the use of the above defence. However, it is our view that the use of this defence is appropriate in situations where the newt is either going to die or suffer injury or be likely to do so without intervention. The onus is on the person rescuing the newt to be satisfied that the animal requires rescuing. It would not be appropriate to use the defence to move newts solely because they are likely to encounter a physical barrier.

Any newts rescued should be released at the closest appropriate location. This should be as close as possible to the source location to make sure that the animals remain in their home range and are released in suitable habitat. The use of the defence should not be abused as

it is not appropriate to place rescued newts at anything other than the nearest suitable habitat.

Any person relying on the defence should be familiar with ways of handling and, where applicable, transporting newts. In addition they would need to know what is a suitable place to re-release newts. This is important to ensure that the newts are not injured or placed in locations which are inappropriate such as ponds with fish etc.

The Habitat Regulations states that this defence can only be used where there are no satisfactory alternatives and where the action would not be detrimental to the favourable conservation status of the species concerned. In cases which involve a genuine rescue then these criteria will readily be met. However it is important to consider whether there are any other satisfactory solutions in the long term.

In addition we would advise that road developments are designed in such a way as to be least damaging to great crested newts or other wildlife. A way of reducing the likelihood of newts getting trapped in gully pots is to use sloping (battered or dropped) kerbs either side of ( and ideally adjacent to) the gully pot. Whilst this might be expensive to implement at a later stage it may save considerable time and effort.

In general we would recommend the use of Sustainable Urban Drainage Schemes for developments. These schemes avoid gully pots and other 'trap' types drains.

Further details are provided in the Natural England publication below. You can contact the Wildlife Licensing Unit for further information on 0845 6014523 or email:

[wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

- Download ['Great Crested Newt Mitigation Guidelines'](#)

**Q. Do I need a licence to carry out pond dipping in ponds which may contain great crested newts?**

**A.** Natural England is keen to encourage educational pond dipping. A licence is required if the ponds are known to or are likely to contain great crested newts. The application process for a licence to carry out pond dipping at specific locations is straightforward. Further details are available in the guidance leaflet:

- Download [Great crested newts: Educational pond dipping and invertebrate surveys](#)

**Q. Do I have to submit modifications to my method statements for small things, such as changes in fence lines or changes in the agreed timetable?**

**A.** The method statement forms part of the licence. It should accurately reflect the situation on site. It would be necessary to submit a modification to show changes in fence lines (if they are more than a few metres or around different areas to those previously proposed) and to show changes to the timetable.

**Q. I have trapped more newts than is permitted on my licence - what do I do?**

**A.** Licences cannot be granted in retrospect so numbers of newts that can be 'taken' under licence cannot be increased after the event. The consultant should ensure that this does not happen and submit a request for an increase in numbers to the WLU before the licensable numbers of newts have been trapped.

They should also ensure that the originally agreed mitigation is adequate for the trapped population and the receptor site remains suitable. The required increase will be further assessed by a Wildlife Adviser, when the request is passed on to them by the WLU.

**Q. What do I do if contractors carry out work on-site that affects Great crested newts without consulting me first?**

**A.** All work should stop on site if the works carried out breach the licence and its conditions. If licence conditions have been breached then this should be reported to the WLU, who may request a Wildlife Adviser attend the site (possibly with the police).

The Wildlife Adviser will report back to the WLU who will decide the necessary course of action and inform the licensee of the decision. The response may require changes to the

licence, to undertake additional works, and in serious cases the licence may be revoked and the licensee prosecuted.

If breaches have resulted in changes to the agreed method statement a modification should be submitted to the WLU.

**Q. Now that the licence has been issued to my client (the developer) I am largely on the fringe of works and rarely spoken to in advance of works being carried out. Do I report this?**

**A.** Natural England expects new mitigation licences to be properly implemented through sound ecological advice. This must involve close liaison between the developer and his/her ecological adviser. The consultant ecologist should raise any concerns with their client at an early stage. If works are not being carried out in line with the method statement this constitutes a breach of the licence. Following the amendments to the "Habitats Regulations" in 2007, a new offence was introduced for contravening or failing to comply with any condition imposed on the grant of a licence. You should then follow the advice above in terms of breaches of a licence.

**Q. I wish to meet with a Wildlife Adviser on-site to agree my mitigation before submitting my application to avoid a 'further information request'. How do I go about this?**

**A.** Currently Natural England does not have the resources to carry out pre-application site visits due to the volume of applications received each year.

Wildlife Advisers are involved at the assessment stage of the licence application process (not at the pre-application stage).

The Natural England local team member should be contacted at the pre-application/planning stage of the licensing process and can provide general advice and guidance but will **not** agree to mitigation details in advance of the application being submitted. A decision on a licence can only be given at the time an application is submitted with all supporting information. The licensing decision depends on a number of issues that might not be clear prior to planning permission being sought. Natural England therefore will not agree licence details at the planning stage.

**Q. My client is pushing me to get the method statement assessed quickly. Can I get it fast tracked?**

**A.** No. Natural England does not fast track applications and each is dealt with in turn. The consultant ecologist should aim to ensure that the application is submitted as early as possible in the knowledge that the licensing process may take up to 30 working days. There will be further delays if a 'further information request' decision is given.

**Q. Why is a Wildlife Adviser allowed the same amount of time, as for the original submission, to assess a modified or resubmitted method statement? This may cause delays in the operations.**

**A.** Every effort is made to assess amended method statements as quickly as possible. This is often well within the 30 day target, but until a modification or resubmission is received it is not known how long it will take to re-assess the application. Assessment time will differ according to the points that had to be addressed within the further information request.

Applicants should therefore ensure that applications are submitted as early as possible to help prevent delays to the development.

**Q. I have had method statements accepted for similar schemes before but this one has received a 'further information request'. Why?**

**A.** Each method statement is assessed as an independent application. It should be written as a SMART (**S**pecific, **M**easurable, **A**chievable, **R**elevant and **T**ime-bound) 'stand alone' document and contain all relevant information necessary for an appropriate assessment. Details for each application will be different, however similar they may appear.

The 'further information request' will detail what further information is required for that specific application for the FCS test to be met and each point should be addressed.

**Q. I agreed mitigation with a local team member of Natural England and put this in my method statement yet I have been refused a licence. You both work for Natural England, so how can this be?**

**A.** The local team member's role is to provide advice during the pre-application and planning stage. The Wildlife Adviser assesses the complete method statement and, although the mitigation may be adequate for the planning stage, the application receives more detailed scrutiny at the licensing stage in order to ensure compliance with the legislation. If the document is not SMART (**Specific, Measurable, Achievable, Relevant and Time-bound**) then you may be asked to clarify certain issues. You should also bear in mind that the application must meet two further tests ('Purpose' (generally Over-riding public interest) and 'No Satisfactory Alternative') in addition to the FCS test before a licence can be issued.

**Q. Why should I survey and why can an assessment not take place without one if I put in mitigation based on the 'worst case scenario'?**

**A.** Without a suitable survey, which should follow recommendations within the Great Crested Newt Mitigation Guidelines 2001, an appropriate assessment of the application, the impacts of the development on the newt population and the proposed mitigation cannot be made.

The survey will provide an indication of the presence or absence of newts, the population size class (if applicable) and the importance of the population within the area. The results will form the basis of the level of mitigation and compensation that is required for that specific development.

Mitigation should not be based on the 'worst case scenario' as the effects of the development on the population will remain unknown without baseline data to start with. If this is unknown (because of inadequate/no survey) then the applicant could find they are over mitigating (and incurring additional, unnecessary costs) or under mitigating (with a possible adverse effect on the FCS of the species) for the impact of the development. Both situations are unsatisfactory and can be avoided if good survey data are available.

**Q. How old can survey data be?**

**A.** Instructions that accompany the method statement provide more generic advice on how old surveys can be for specific types of applications.

Surveys should not be over 2-3 years old for medium-high impact schemes or multi-plot or phased developments. Surveys up to 4 years old may be acceptable for low impacts schemes, as long as the habitats have not changed significantly in that time period. Applicants are now expected to carry out a walk-over of the development site within 3 months of an application being submitted to check that the habitats have not changed significantly on site since the survey was carried out.

**Q. Can I use another consultant's survey data in my method statement? Do I have to append this data?**

**A.** Another consultant's survey data can be used in the method statement. Pertinent results for each survey method used should be included within the body of text and raw data should be appended to the method statement. This survey should follow the Great Crested Newt Mitigation Guidelines standards.

**Q. Why do I now have to carry out Habitat Suitability Index (HSI) of ponds within the survey area for some schemes, when the current Great Crested Newt Mitigation Guidelines do not mention this?**

**A.** Experience over the last few years indicates that the HSI has potential to be extremely useful in mitigation planning. When the Great Crested Newt Mitigation Guidelines were published in 2001 the technique was only just published and had been used very little. Note that simply because a technique or approach is not mentioned in the mitigation guidelines,

does not mean it is inappropriate. Natural England will accept novel approaches to mitigation as long as they can be justified.

Additional guidance on when HSI of ponds within the survey area is expected is included in the new [Excel method statement](#) instructions.

**Q. Why is it preferable to carry out surveys over a spread of dates and not in a single week? It saves time and money to carry them out close together.**

**A.** Surveying over a very short period increases the risk that the peak season will be missed and therefore the population estimate may not accurately reflect the size or presence/absence of Great crested newts. Failure to provide a satisfactory survey can lead to lengthy delays in projects, as a result of having to re-survey the following season.

**Q. I can't survey an adjacent site which looks really good for Great crested newts with several ponds. What do I do?**

**A.** Firstly, an assessment of whether a pond survey is appropriate for the scheme should be made (see guidance in new method statement template). If it is, every reasonable effort must be made to secure the landowner's permission to access the land. If access is denied, evidence to this effect must be provided (e.g. through land owner correspondence). It should then be considered whether other options will meet the data needs. These could include: historical survey data, aerial photos and terrestrial trapping. The rationale and conclusions reached must be fully explained.

**Q. I only wish to carry out a destructive search and do not feel that a full survey is necessary for this. Would this be acceptable?**

**A.** Natural England expects an adequate survey to be carried out, following the current guidance. Without this, it is not feasible to properly assess impacts of a development on the newt population.

Therefore it is not possible to say, without all relevant information, whether it would be acceptable for a destructive search only to be carried out. The Great Crested Newt Mitigation Guidelines 2001 recommends that destructive searching (i.e. the careful, controlled stripping of areas likely to harbour newts) should only be used once other capture methods have been exhausted so the onus is on the applicant to fully justify why a destructive search only would be considered suitable.

**Q. I have been contacted too late in the season to survey following the recommendations in the Great Crested Newt Mitigation Guidelines 2001. Can I still survey and submit an application as my client doesn't want to wait until next spring?**

Guidance on what level of survey effort is required for an application is available in the [method statement instructions](#). If the time of year dictates that GCN are still likely to be present in ponds then presence/absence surveys could be carried out, if that is what would be required. Absence results should be viewed with caution especially if the HSI score of the pond indicates that it is suitable for GCN.

It may also be appropriate to supplement any aquatic survey with a terrestrial survey. If you decide to proceed with a sub-optimal survey then full and clear rationale as to why these results are valid should be provided within the method statement. Any previous site data may be useful to support your conclusions. If the type of development is such that a population size class assessment is required, Natural England recommends that a full survey in line with the Great Crested Newt Mitigation Guidelines 2001 is carried out at the appropriate time of year.

**Q. What is the best way of removing *Crassula helmsii* (Australian swamp stonecrop) from my pond when I know great crested newts are present?**

**A.** Control of *Crassula helmsii*, the introduced invasive water plant, is recommended in the early stages of colonisation if at all possible. If there is only a small patch in your pond, it may be possible to dig or rake the plants out or cover them with plastic to kill them. Where

*Crassula helmsii* has become established, the most effective method of control is often chemical. In the presence of great crested newts or other amphibians, the best option for chemical control is a polyoxyethyleneamine-free (POEA-free) formulation of glyphosate (e.g. Roundup Biactive). POEA is often added as a surfactant in many formulations and it is this, rather than the glyphosate itself, which is known to be highly toxic to amphibians. We are not aware of any specific testing of great crested newts for glyphosate toxicity so caution should be exercised in applying it. The risk of harm can be reduced by spot-spraying or weed wiping for example, rather than broad spraying a pond.

**Q. When can I carry out chemical treatment for control of *Crassula helmsii*?**

**A.** If the *Crassula helmsii* infestation is severe and no open water is visible, it is unlikely that many great crested newts will be present and chemical application can be carried out during the summer when it will be most effective. If newts are known to be present, it would be best to chemically treat the infestation from November to January inclusive when it is least likely that newts will be present in your pond.

Any method of *Crassula helmsii* control has the potential to destroy native plants. They will grow back naturally over time but carefully sourced native plants could be obtained to restock the pond.

**Q. Is a conservation licence appropriate to control *Crassula helmsii*?**

**A.** Yes this may be appropriate depending on circumstances (e.g. the pond is not included within a 'development' application for a mitigation licence). Not all cases would, however, require any licence. In general, if the control is carried out over late autumn or winter, there is a minimal risk of great crested newts being present and a licence would normally not be required. (Also see our Advice Note "Newt 2" - [Great crested newts and pond management](#)). If the work is being undertaken when great crested newts are present in the pond, and the methods would disturb or harm them, then a licence would be required. If, however, the operator carries out the application quickly and without entering the pond, it is feasible that this would cause no disturbance or harm and a licence would not be required. At the other end of the scale, however, if someone were raking out *Crassula helmsii* from a pond in May, then clearly there would be a high risk of disturbing or harming great crested newts. In this example, the operator may wish to apply for a conservation licence that also covers capture so they can retrieve newts as they work.

**Q. Where can I find more information about controlling *Crassula helmsii*?**

**A.** Environment Agency, 2003. Guidance for the control of invasive weeds in or near fresh water.

[http://www.broads-authority.gov.uk/broads/live/managing/wildlife/invasive-species/booklet\\_895604.pdf](http://www.broads-authority.gov.uk/broads/live/managing/wildlife/invasive-species/booklet_895604.pdf)

Wilton-Jones, G (2005) Control of New Zealand pygmyweed *Crassula helmsii* by covering with black polythene at The Lodge RSPB Reserve, Bedfordshire, England. Conservation Evidence 2: 63.

**Q. Is there any literature available on glyphosate herbicide and its effects on amphibians?**

**A:** Yes, some literature is available.

For example,

- Govindarajulu, P. P. 2008. Literature review of impacts of glyphosate herbicide on amphibians: What risks can the silvicultural use of this herbicide pose for amphibians in B.C.?. B.C. Ministry of Environment, Victoria, BC. Wildlife Report No. R-28. Available from: <http://a100.gov.bc.ca/pub/eirs/viewDocumentDetail.do?fromStatic=true&repository=B DP&documentId=7884>

- Natural England. The Herbicide Handbook: Guidance on the use of herbicides on nature conservation sites. IN125. Available from: <http://naturalengland.etraderstores.com/NaturalEnglandShop/IN125>
- Howe CM, Berrill M, Pauli BD, Helbring CC, Werry K, Veldhoen N. (2004). Toxicity of glyphosate-based pesticides to four North American frog species. *Environ Toxicol Chem* 23:1928–1938.
- Relyea, R. A., and Jones, D. K. (2009). "The toxicity of Roundup Original Max® to 13 species of larval amphibians." *Environmental Toxicology and Chemistry*, 28, 2004-2008.

### **Great Crested Newt - Mitigation**

**Q. Trapping out has shown that there are a lot more newts on site than were anticipated. Would I be expected to increase my capture mitigation or compensation and if so how do I go about this?**

**A.** Trapping effort should be continued at the site until a period of five (5) zero capture nights in suitable weather conditions passes (following what was agreed within the method statement). The consultant should ensure that the licence covers an adequate number of individuals to be caught and moved. It would be the consultant's decision, based on his/her professional experience, as to whether the previously agreed mitigation still remained adequate.

If the population of newts is much larger than expected they should ensure that the receptor site, the terrestrial/aquatic habitat compensation and the post development habitat management, site maintenance and population monitoring are sufficient. It is unusual for additional habitat provision to be appropriate, if applicants have carried out suitable survey, impact assessment and compensation planning.

If a change to the licence is required the licensee should contact the WLU to inform them of the changes. Three copies (or preferably one hard copy and one electronic) of the modified method statement should be re-submitted, detailing what the changes are, where the works are up to and why a modification is required. The timetable should be up-dated to reflect any changes to the new timescale.

The WLU will then refer this request to a Wildlife Adviser to assess and make a recommendation. The WLU then act on the Wildlife Adviser's recommendation and will either draw up a new licence or refuse/request further information.

**Q. I think a terrestrial trapping period below the minimum recommendations should be allowed for my site. Will I be granted a licence on this basis?**

**A.** It is highly unlikely. The minimum recommendations are appropriate for the vast majority of cases. Evidence from trapping studies shows that short capture periods have a high risk of missing newts, and are therefore inefficient and a waste of resources. The Great Crested Newt Mitigation Guidelines 2001 and a new method statement template give further guidance. Capture effort should be stated as a minimum number of nights, in suitable weather conditions, plus five (5) zero capture nights to mark the end of the trapping period.

**Q. I wish to carry out a destructive search in winter as I feel it is unlikely that newts will be present in this area.**

**A.** From a welfare point of view, it is ill-advised to capture and move animals during hibernation. Natural England does not licence destructive searches in winter in areas that are known to support newts, as it is (a) unlikely to find newts, and (b) if they are discovered it is likely to result in killing or injuring them.

If it is considered (from the survey results and other evidence) that newts will not be found in a particular area then the consultant should consider whether a licence is actually required to damage or destroy the area. However, if there is a reasonable risk that newts will be present then capture (possibly including a destructive search) should be carried out during

suitable weather conditions in spring. It is for the consultant to advise the client on the possible risks and to decide if a licence should be applied for.

**Q. Why can't I 'double handle' newts by trapping them out of one area and moving them to another that will be developed in the near future?**

**A.** Natural England expects receptor sites (i.e. any area where Great crested newts are moved to) to be safeguarded and free from future development. The Local Planning Authority ought to be consulted to ensure this. Newts should therefore not be moved into an area that may be developed in the future as there would be a need to re-trap and exclude them. Double handling of newts has welfare implications for the species and can cause problems when there are changes to development plans part-way through the project.

**Q. At what time of the year should trapping out not take place?**

**A.** The Great Crested Newt Mitigation Guidelines 2001 recommends that trapping should occur between February and October in suitable weather conditions only. The guidelines state that it is normally unacceptable to capture newts once they have started to hibernate, around mid-late October shortly before the first frosts. In addition, trapping during hot, dry weather (typically July-August) is rarely effective.

Natural England expects applications received later in the year (from September onwards) to include a proviso that states that trapping effort will cease if night temperatures drop below 5°C and the minimum number of trapping nights agreed with Natural England to clear an area cannot be reached before weather conditions become unfavourable. Traps should be closed and trapping resumed the following year in suitable weather conditions.

**Q. Natural England agreed on my mitigation before a licence was issued but now works have started I wish to reduce the trapping nights. Can I do this?**

**A.** Once mitigation has been agreed and a licence issued Natural England expects applicants to follow the method statement and carry out the agreed number of trapping nights. The original minimum number of suitable trapping nights was proposed for a reason (usually based on the recent survey data).

It is only in *exceptional* circumstances, where a complete modification has been submitted containing full trapping details (including dates, trapping days, capture data and weather conditions) plus justification for a reduction in the number of agreed trapping nights that it can be considered. These types of situations are *extremely rare* and applicants are reminded that it can take up to 30 working days to consider this. Trapping should continue whilst this is taking place, unless trapping is to be carried out in unsuitable conditions when traps should be closed. Please refer to the answer in the above question.

**Q. We found a large population of newts in the survey and agreed 90 trapping nights as in the Great Crested Newt Mitigation Guidelines. We haven't trapped any in the first 30 nights; can we go ahead with the development now?**

**A.** No. The agreed method statement (part of the licence) should be followed and the full 90+ trapping nights should be carried out. Please see the answer to the above query for further explanation.

**Q. How long is it acceptable to hold newts in an enclosed receptor site?**

**A.** This depends on the size and quality of the receptor site habitat and the population to be moved into it. Generally it is unacceptable to enclose newts within one area for more than two years.

**Q. It is intended to keep the newt fencing up throughout the whole development period, as long as 10 years. How long will my licence last and will I have to re-new it?**

**A.** Licences are currently issued for the whole development period including post development mitigation and monitoring, it is not generally necessary to renew a licence but a modification will be required if changes to the initial method statement need to occur.

**Q. It is necessary to destroy a pond very close to a pond known to support Great crested newts. Our survey did not find any Great crested newts in the pond to be destroyed. Should new ponds be created as compensation?**

**A.** The Great Crested Newt Mitigation Guidelines 2001 offers guidance on this subject which should be followed. The pond found not to support newts in the short time frame that the survey was carried out may still be used by breeding newts at certain times and in different years. It also offers potential foraging habitat, food resources and terrestrial habitat around the edge. If it is close to a pond known to support newts then it is likely that it could help support a meta-population. The guidelines recommend that for every pond lost that two should be created and that a precautionary approach should be adopted so mitigation is more likely to be effective.

Specific details on the ponds surveyed, lost and to be created should be provided within the method statement text and on maps.

**Q. I'm submitting an application for a pipeline. When is it acceptable to destructive search this area, as opposed to encircle with fencing and trap out?**

**A.** The Great Crested Newt Mitigation Guidelines recommend that destructive searching is only carried out after other capture methods have been expended. It is up to the consultant and the client to decide what capture efforts should be undertaken at the site. The decision should be based on the survey results, distance of ponds to the pipeline route and the surrounding habitat and justified in the method statement. Natural England receives many applications each year for pipelines which contain different proposed trapping efforts. Each application is assessed on its own merit using the information provided within the method statement. Natural England cannot make an informed licensing decision without assessing the full application.

**Q. The site is prone to vandalism, fences and traps are being destroyed. I am concerned that newts may remain on site because of this. What can I do?**

**A.** Natural England recognises that some development sites are prone to vandalism but still expects a reasonable effort to capture newts before work commences. At sites prone to vandalism it may be necessary to use Heras fencing as additional security, employ security guards and/or to use several capture methods in an effort to increase the number of animals caught. Evidence to show which efforts have been made should be provided to Natural England. Alternative capture efforts may be appropriate in exceptional cases.

The consultant ecologist/developer may wish to inform the police if vandalism is frequent and severe, or if vandals are harming newts.

**Q. Why cannot I use balancing ponds as Great crested newt mitigation ponds?**

**A.** The primary purpose of balancing ponds is to prevent flooding. They are often subject to irregular water flow and levels and possible pollution. They do not therefore offer suitable or specific mitigation/compensation for the destruction of a newt pond.

Natural England recognises the benefits that balancing ponds can have for wildlife but considers them to supplement other specific mitigation for Great crested newts.

**Q. I wish to use methods not recognised or recommended in the Great Crested Newt Mitigation Guidelines. Will I be able to do so?**

**A.** Novel methods are accepted, provided there is evidence that they are likely to be effective, or there is sound rationale that they will be effective. The consultant must provide comments on this. Applications involving reductions in standard recommended effort (e.g. shorter capture periods, smaller habitat creation) are unlikely to be acceptable.

**Q. How do I prevent great crested newts from entering a development site at vehicular access points?**

**A.** Once newt exclusion fencing has been erected around a development site and it has been cleared of great crested newts, access points leading into the site will inevitably cross the amphibian fence line (exclusion fencing) at one or more points. Unless there are measures in place at these points to prevent newts re-entering the site, there is a risk that newts could return to the construction areas and be killed or injured as a result. Four established methods of maintaining a barrier to newts at development vehicular access points are:

1. Installing a heavy duty plastic flap that can deform under vehicles and then spring back, flush with fencing on either side of the access point. This may not be suitable where there is a high volume of heavy vehicle movements, which can cause excessive wear and tear to the flap.
2. Fitting security gates with polypropylene sheeting or other exclusion material, to form a continuous barrier with the newt fence on either side of the gates. At the base of the gates, it may be appropriate to attach a heavy duty plastic flap that can be weighted to prevent newts crawling underneath. The gates must be closed at the end of each working day and attention paid to ensuring the barrier will be effective.
3. Constructing a channel across the access point, with a grid over the channel. There should be a ramp inside the channel that allows any newts falling into it to leave on the "outside," i.e. away from the development site. Newts cannot enter the development site. This is effectively a cattle grid design.
4. In exceptional circumstances, where the chance of newts entering a site is very low, it may be acceptable to leave a small gap in the fence for short periods. The gap should be as small as possible, and each end of the barrier fencing should be turned back at 45° to the fence for a few metres to deflect amphibians away from the gap. This method is most often used in the case of pipelines.

These methods are not exclusive. Other methods of preventing newts entering a development site can also be appropriate. The crucial point is that the barrier must be fit for purpose, robust and well maintained to be effective. It also helps if it requires minimal maintenance to eliminate neglect.

During daylight working hours it is unlikely that newts will be active and access points can remain open at these times. During the night, however, when newts are mainly active, it is essential that the vehicular access points are closed to maintain exclusion of newts from the development site. To ensure that this is carried out each day, it is advisable for a designated person to be responsible for this action to avoid any confusion and the possibility that the gates are inadvertently left open.

**Q. Do I need a mitigation licence to install Temporary Amphibian Fencing (TAF) when great crested newts are known to be in the area?**

**A.** Yes, in the majority cases. Most often Temporary Amphibian Fencing (TAF) is used to act as a barrier to movements of Great crested newts in their terrestrial phase. This includes preventing newts from reaching an area subject to potentially harmful construction activities. Its use normally requires a licence for the following reasons:

- Deliberately interfering with newt movements in this way may constitute disturbance and could therefore be an offence.
- The installation of TAF could cause disturbance or result in other offences.
- If the TAF obstructs access to places used for shelter or protection, this could also be an offence.

Given that TAF would normally only be erected where there is a reasonable likelihood of encountering great crested newts, fence installation would be deemed a deliberate intervention and a licence would be required.

**Q. When can I use TAF without a licence?**

**A.** In *only very limited circumstances*, is it feasible that installing TAF would probably not result in an offence, and therefore no licence would be required. This could include cases where both the following criteria are met:

- There is no habitat suitable for shelter or protection in the area subject to potentially harmful activities,
- The layout of the TAF would not result in substantial interference to the dispersal routes of great crested newts.

The chance of an offence being committed increases close to breeding ponds and suitable habitats that can be used as hibernation or daytime refuge sites. For example, no offence is likely if the area to be fenced were a small tarmac car park, supporting no resting place habitat and not situated in between a breeding pond and key terrestrial habitat patches.

**Q. Do I need to extend my licence to maintain a permanent exclusion fence around a development once all other licensable works have been completed on site and the licence has expired?**

**A.** No, this is not necessary. Once permanent exclusion fencing has been erected, great crested newts cleared from a site and mitigation successfully carried out under an EPS mitigation licence, retaining and maintaining the permanent fencing after the licence has expired would not require further licensing. A further licence would, however, be required if there was a need to replace the fencing or alter its structure or layout. (Please see [Application forms](#) on our web pages).

This advice equally applies to sites where permanent guide fencing leading to and from newt tunnel/culvert entrances has been installed.

### **A General guide to using TAF**

- Natural England cannot tell you whether to erect TAF, whether to apply for a licence, “approve” the installation of TAF without a licence or whether any offences would be committed by doing so. It is for the person in charge of the scheme, normally through their ecological consultant, to decide on these matters.
- However, we hope that this guidance will help with that decision. We suggest that the key point to consider is the *likelihood of an offence occurring* were you to erect a fence.
- If you decide to install TAF without a licence you may wish to make a file note of your reasoning, in case of a subsequent challenge.
- If the installation of TAF is being proposed firstly reason why it is needed and consider the use of Reasonable Avoidance Measures (RAMs) such as storing materials off the ground or immediately removing spoil from site, not leaving trenches open, carrying out the proposed works at a time of year when newts won't be present etc. These measures may be less disruptive to other wildlife and far less costly to employ.
- Natural England receives many queries about TAF installation where it is questionable that great crested newts would ever be affected and when it is known that great crested newts are in the local area. We advise that TAF is normally only appropriate where there is a reasonable chance of newts encountering the fenceline. See also our comments on proportionate mitigation and the use of RAMs in the Great crested newt Method Statement template ([Excel method statement](#)).
- TAF without a licence should be removed after the **short-term** exclusion becomes unnecessary.
- This removal should be undertaken in suitable weather conditions at an appropriate time of year, when great crested newts are active in the terrestrial phase.

- Should there be no alternative to removing the fence when great crested newts are inactive then a suitable alternative may be to cut the fence off at ground level, and remove the portion underground when the weather conditions are suitable.
- Given the above advice, installing TAF should **only in very limited cases** be considered as an unlicensed 'reasonable avoidance measure'.
- We are aware of cases where a newt fence has been installed in known great crested newt habitat, yet the consultant uses terms such as "general wildlife fence". Claims that any interference with great crested newt dispersal is purely incidental are unlikely to be viewed favourably where the fence is clearly designed to intercept amphibians, regardless of the terms used.
- If Natural England is informed of TAF being installed without a licence, we may report this to the Police for investigation if it appears that an offence may have been committed.
- Problems may arise if great crested newts are found unexpectedly within the enclosed area after an unlicensed TAF has been installed. Depending on the circumstances, the TAF would probably need to be removed and a mitigation licence applied for. This could cause significant delays to the development.

## Great Crested Newt - Disease

### Q. What is chytridiomycosis?

**A.** Chytridiomycosis is an amphibian disease caused by a fungus called *Batrachochytrium dendrobatidis* (commonly known as "Bd") that infects the keratinised tissue of amphibians. Chytridiomycosis has apparently caused catastrophic decline in some North American, South and Central American, Caribbean and Australian amphibian populations. By 2008 Bd had been detected in Cumbria and Kent with native and introduced amphibians both infected. A nationwide survey was carried out in 2008 to identify the extent of the spread and the impact of the pathogen in England. Results are pending. Please see the [Zoological Society's website](#) for further information

### Q. How could chytridiomycosis affect my great crested newt mitigation proposals?

**A.** If your mitigation proposals have the potential to transmit the chytrid fungus beyond what would naturally occur geographically then this is considered a high risk activity. If your project would promote the risk of spreading the fungus, you should organise sampling for Bd at the donor and receptor sites. This is only likely to be an issue if your mitigation proposals include translocation of great crested newts greater than 2km, however testing may also be necessary if you propose to translocate great crested newts to an area outside of their typical maximum dispersal distance of around 1km (i.e. to a receptor population that could not normally be accessed by the donor population).

If sampling is necessary, the method statement can only be assessed as satisfactory if sampling results show that the donor and receptor sites have the same disease status (i.e. both the donor and receptor site are either chytrid positive or chytrid negative). In addition, when proposing translocations to distant receptor sites you should always fully justify why this is necessary and demonstrate there are no possible closer receptor sites to use (see below).

**Q. I plan to move great crested newts out of their home range (further than 1km) as I have provided evidence to show there is no alternative receptor site close to the development site. How do I test if there is any disease risk in moving newts to the proposed area?**

**A.** A sample of amphibians present at the donor and receptor site would need to be tested to establish that both populations had the same disease status prior to any translocation. No licensing decision could be made on an application until these results were known and submitted with the method statement.

Please refer to Questions below for further information on what to do.

**Q. What sampling effort needs to be undertaken for disease for the mitigation licence application?**

A. Typically this would involve samples of 60 adult individuals per site using a recognised diagnostic technique such as PCR (Polymerase Chain Reaction). Other methods, such as histology, are now known to have poor effectiveness. For PCR, sampling involves swabbing the skin of amphibians found at the donor and receptor site. The animals tested can be of any amphibian species, not just great crested newts, and can include a mix provided they were captured at the same site. Swabbed amphibians should be captured during March to September, from ponds (chytrid is more difficult to detect in terrestrial animals). Results of the tests must be submitted with the Method Statement (i.e. it is not acceptable to submit a Method Statement for which implementation relies on subsequent chytrid testing). In cases with very small populations as many individuals as possible (up to 60) should be submitted for sampling.

**Q. Who do I contact about sampling amphibians for disease?**

A. The Zoological Society of London (ZSL) has done much of the research on Bd in the UK, and can carry out analysis of swab samples for mitigation. The process of sampling animals and testing swabs can take a long time. To avoid delays to development, you should identify the need to disease screen early and carry this out *before* submitting an application. For more information on sampling for chytrid, including time-scales and cost, please contact ZSL (email [enquiries@ioz.ac.uk](mailto:enquiries@ioz.ac.uk); tel 020 7449 6610). Further information can be found on the [Zoological Society's website](#).

**Q. Who pays for the chytridiomycosis testing?**

A. The costs of testing lie with the applicant. Currently, the Institute of Zoology in London will provide swabs and process samples for a fee; other laboratories may offer a similar service.

**Q. What biosecurity measures should I be putting in place when either surveying or translocating Great crested newts?**

A. This issue is dealt with by ARG-UK Advice note 4 "Amphibian disease precautions: a guide for UK fieldworkers". The same document has general biosecurity information that should be carried out in all situations when working with amphibians. It can be found on the [Zoological Society's website](#).

In relation to translocation, we advise the following approach:

- Always try to reduce the distance between donor and receptor sites to a minimum.
- Translocating great crested newts over 2km would only be acceptable where:
  - (a) a very strong case is made for the benefits of the translocation,
  - (b) there is no satisfactory alternative, and
  - (c) strenuous efforts to analyse and minimise disease risks are taken.

**Q. How can I find out more about this disease and the screening process for it?**

A. Please refer to the [Zoological Society website](#) for further information.

**Great Crested Newt - miscellaneous queries**

**Q. The constraints of my site make it impossible to follow the Great Crested Newt Mitigation Guidelines 2001. What can I do? I'm worried that the application will be refused.**

A. The constraints of the site should be fully explained in the method statement. As long as the decision making process has been fully explained and clearly justified, stating why what is proposed differs from the recommendations in the Great Crested Newt Mitigation

Guidelines and why it is believed that the proposals are suitable, then Natural England will consider the application like any other received.

**Q. I am a householder who wants to build a new house on the footprint of my old one. The local authority has said I need a survey. Why do I have to pay a lot of money for a survey and mitigation?**

**A.** Often Local Planning Authorities insist on a European Protected Species (EPS) survey being carried out before a planning decision is made if it is known that EPS are within the area. A survey will be required to assess the presence or absence of newts (and maybe their population size class), the importance of the site and the impact that destroying and rebuilding your house may have on the population. It is advisable to contact several consultancies to get advice as prices may vary. The level of mitigation required will depend on what is present on site, but generally for householders this is less than expected for large developments with high impacts, particularly if no ponds used by newts are to be lost. The consultants will also be able to advise whether a Natural England development licence is required, as it may be possible to alter the development lay out or timing so that no offences are committed.

**Q. I carried out a risk assessment for the proposed development works and only part of the site requires a licence. Do I have to submit the risk assessment with the method statement in its entirety to prove this?**

**A.** It is not essential for the parts of the development not covered by the licence application to be included within the application/method statement. However, it would be very useful for the assessor to see the risk assessment of these areas to gain a better picture of the whole site. This would be particularly useful in cases where the development was complex, such as a phased housing estate. It would be best to submit such a document as an appendix to the method statement.

**Q. During the development I found a protected species (e.g. bats) that wasn't in my survey or on my method statement. Do I have to tell Natural England?**

**A.** If another protected species is found during the licence period then works that may impact on it or its habitat should stop, and an assessment made of potential further impacts on the species. Another licence may be required to allow otherwise unlawful activities to take place but this decision should be made by the consultant and the developer, and not Natural England.

If delays are incurred, applicants may need to amend their timetable of works and re-submit the Great crested newt method statement to the WLU for assessment.

**Q. What is your advice about the species and origin of plants used in mitigation schemes?**

**A.** Natural England advises that where habitat creation or enhancement for Great crested newts involves planting or sowing, project managers should carefully consider the species and origin of the stock. This applies to both aquatic and terrestrial plants. Developers must use only native plant species that are appropriate to the habitat and location. The provenance of the stock is also important, so that you avoid introducing non-native forms or cultivated varieties. Wherever possible a local source should be chosen. Consultants should assist developers in deciding on a suitable planting or sowing scheme; early liaison with landscape architects will help. Natural England does not expect detailed planting schemes and species lists to be included with method statements; a brief description will suffice. Special care should be taken when planting up ponds as it is easy to inadvertently introduce non-native species via nursery-grown stock. For detailed advice on all these issues see [www.floralocale.org](http://www.floralocale.org). We encourage developers to consider following similar principles for planting done outside areas specifically designed for newts, such as ornamental planting.

## Licence Processing Queries

### **Q. What information do I need to provide as a first time applicant?**

**A.** Please refer to the [‘Guidance on experience required for great crested newt mitigation licensing’](#) or [‘Experience in bat mitigation guidance for ecologists’](#) which provide further information on what is required.

### **Q. I have not held a licence myself but have worked on several projects and written several method statements. I know I need two references but what is needed on them? Can they be from colleagues in my consultancy?**

**A.** You will need to enclose written references (originals only, not photocopies) from two people who can vouch for your suitability and competence to prepare and deliver Great crested newt mitigation projects. The referees should state how long they have known you and in what capacity. They should provide details of their own experience with Great crested newt mitigation and reference projects they have worked on. They also need to their knowledge of your experience and technical ability to plan and deliver mitigation projects. At least one referee should have held a Great crested newt development licence within the last three years.

### **Q. My timetable has been delayed due to unforeseen circumstances; do I need to inform the Natural England?**

**A.** The Wildlife Licensing Unit should be kept informed of any changes to the timetable of works if the delays modify details previously agreed for issue of the original licence. Three copies of the modified method statement (either one paper copy and one electronic or three paper copies) should be re-submitted, detailing where the delays have occurred and whether any change to the timetable of works has occurred. If changes will result in work continuing beyond the current licence expiry then an extension will be required. The new timetable should be up-to-date and reflect the new timescale.

The WLU will then refer this request to a Wildlife Adviser to assess and make a recommendation before a licensing decision is made.

### **Q. Does any change to my method statement, on the ground, mean that all works should stop until a new licence is received?**

**A.** It depends on what the changes and their impacts are. For situations where major changes from the method statement have occurred then it would be advisable to stop work until the new method statement proposals have been assessed and a new licensing decision reached. Examples may include where fences have been damaged and trapping effort needs to be extended, where details of the method statement have not been followed and where ponds have been damaged. For minor changes, such as where the hibernacula will be sited and short delays in habitat creation measures, it would not necessarily be advisable to stop work. If in doubt the WLU or the relevant Wildlife Adviser can always advise on what action to take.

## MAMMALS

- [Badgers](#)
- [Bats](#) (listed under European Protected Species)
- [Common dormice](#) (listed under European Protected Species)
- [Deer](#) (listed under damage)
- [Exotic sightings](#): wild boar, 'big cats'
- [Foxes](#)
- [Non native](#): grey squirrels, mink, coypu, muntjac deer
- [Other mammals](#): trapping, water vole, brown hare
- [Rabbits](#) (listed under damage)

## Badgers

### Q. What can I do if badgers are digging up my garden or burrowing beneath a building?

A. Badgers and their setts are fully protected by the Protection of Badgers Act 1992 (as amended). Under this Act, Natural England can issue licences to interfere with badger setts or rarely to kill or take badgers for the "purpose of preventing serious damage to land, crops, poultry or any other form of property" provided that it can be demonstrated that there are no practical alternatives that do not require a licence and that the proposed action is likely to alleviate the problem. Where damage is not serious enough to warrant a licence, such as to flower borders or lawns, preventative measures will normally be advised, licences are generally not issued in these circumstances. However, where there is a sett in a garden that is causing, or is likely to cause, serious damage licences can be issued to enable interference with the sett(s) to repair or prevent damage. An application form can be downloaded using the link below, you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk); for further advice please state your county or case number if your query relates to an existing case. When your application has been received a Natural England Wildlife Adviser will contact you and may arrange with you to undertake a site visit.

- Download [TIN004](#) Badger advice to householders
- Download [TIN005](#) Problems with badgers in rural areas
- Download [TIN027](#) Badger problems: Use of electric fencing
- Download [TIN025](#) Using one-way gates on badger sett entrances (requires licence)
- Download [WML-A01](#) Badger licence application form in relation to damage

### Q. When are badger licences normally issued?

A. Licences to interfere with badger setts in order to exclude badgers from their sett, or to damage or destroy a sett, are normally only issued outside of the badger breeding season (normally taken to be December to June inclusive). Other operations, which do not involve directly obstructing or damaging a sett, such as forestry operations, may be issued at any time of year.

### Q. I have a badger latrine in my garden; can anything be done to prevent it and is there any disease risk?

A. Badgers often make latrines (faeces deposited in small, dug-out pits) to mark the boundaries of their territories. Although the risk of disease from badger faeces is considered to be low and of no greater risk than contact with the faeces of any other animal, it is advisable to remove or bury the faeces when they are laid in a garden, especially if the area is used by young children. If handling faeces, basic hygiene procedures, such as wearing rubber gloves and washing hands afterwards should be followed. There are no longer any approved chemical repellents to specifically deter badgers.

### Q. There is an injured or diseased badger in my shed, what can I do?

**A.** A badger entering an outbuilding is not uncommon and you should leave the door open to allow the badger to leave the building of its own accord. Other animals and people should be kept away during this time. If the badger is obviously injured or in distress, the RSPCA Tel. 0300 1234999 may be able to assist as may a local vet or badger group see [Badger Trust website](#) for details of local groups. It is unlikely that a badger will attack a human or a domestic animal, unless it feels threatened or trapped, but it should be remembered that injured or sick animals can behave abnormally. You are advised not to approach or try to catch the badger. If the badger dies in the outbuilding, it is the responsibility of the owner/occupier to dispose of the body. If handling a badger carcass, at the very least you should wear gloves and wash your hands and any soiled clothes immediately afterwards. Please check with your local Council as to how the carcass can be legally disposed of. Neither Natural England nor any other organisation routinely collects badger carcasses, even if TB is suspected, with one exception:

- Natural England may undertake to collect a carcass if there is strong evidence to suggest that the animal has been poisoned by pesticides; if you suspect this to be the case you should telephone the Wildlife Incident Investigation Scheme on 0800 321600.

**Q. There is a dead badger in the road outside our house. Who will remove it?**

**A.** Dead animals found by the roadside are normally the result of road traffic accidents. If you do not wish to remove or dispose of the carcass yourself (see the Question above), your local Council (non-trunk roads) or the Highways Agency Tel: 08457 50 40 30 (trunk roads such as main 'A' roads and motorways) may be able to offer assistance. Neither Natural England nor any other organisation routinely collects badger carcasses, even if TB is suspected, with one exception:

- Natural England may undertake to collect a carcass if there is strong evidence to suggest that the animal has been poisoned by pesticides; if you suspect this to be the case you should telephone the Wildlife Incident Investigation Scheme on 0800 321600.

If you have any reason to believe that the badger was deliberately killed then the matter should be reported to the Wildlife Crime Officer at your local police station.

**Q. A badger sett has encroached from adjoining land into my field posing a danger to people and machinery, what can I do?**

**A.** Badgers and their setts are fully protected under the Protection of Badgers Act 1992 (as amended); activities that are likely to result in collapses in setts such as ploughing and cultivating cannot be carried out without a licence. Please note that it is not possible to issue licences for public health and safety issues under the Protection of Badgers Act 1992 (as amended). Where there is a risk of serious damage to machinery or land, certain actions may be considered under licence, and you are advised to submit a licence application. An application form can be downloaded using the link below you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) for further advice; please state your county or the case number if your query relates to an existing case. When your application is assessed a Natural England Wildlife Adviser will contact you and may arrange with you to undertake a site visit.

- Download [TIN05](#) Problems with badgers in rural areas
- Download [TIN027](#) Badger problems: Use of electric fencing
- Download [WML-A01](#) Badger licence application form in relation to damage

**Q. Do I need a licence to fell trees, carry out scrub clearance, drainage or agricultural operations near to badger setts?**

**A.** Licences are not required for general land management; however you should follow best practice guidance to avoid committing an offence. Guidance on best practice is provided in the advisory leaflets which can be downloaded using the links below. A licence is likely to be needed if the work is associated with agricultural or forestry operations that directly affect sett(s), for example ploughing or felling trees over a sett. As a guide only, due to the potential extent of sett tunnels, activities within about 20 metres of sett entrances may require a licence. In this case, the lie of the land and apparent direction of the tunnels will

need to be taken into account. Where an activity near to a sett doesn't directly affect the sett, but may cause disturbance, consideration needs to be given to the likelihood of the activity disturbing any badgers that may be occupying the sett. You may wish to read more [detailed guidance on what may constitute 'disturbance'](#). An application form can be downloaded using the link below, you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) for further advice; please state your county or your case number if the query relates to an existing case.

- Download [TIN005](#) Problems with badgers in rural areas
- Download [FCPG9](#) Forestry Operations & badger setts (Forestry Commission)
- Download [WML-A01](#) Badger licence application form in relation to forestry, drainage or agricultural operations

**Q. How do I renew my badger licence to carry out standard agricultural, forestry or drainage operations?**

**A.** On expiry, a report of the action taken under the licence needs to be sent to the Wildlife Management and Licensing Service, Natural England, First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB . There is the option on the report form to request a licence renewal. Alternatively an application form can be downloaded using the link below or you can contact the Wildlife Licensing Unit on 0845 6014523, or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) for further advice; please state your county or your case number.

- Download [WML-A01](#) Badger licence application form in relation to forestry, drainage or agricultural operations

**Q. Can development take place if badgers are present?**

**A.** Badgers and their setts are fully protected by the Protection of Badgers Act 1992 (as amended). The presence of badgers does not, in itself, prevent development, however, a licence is likely to be required if a badger sett will be affected by the proposals. Developers that intend to carry out work close to a badger sett are strongly advised to have a full environmental survey completed as this is a requirement of the Local Planning Authority (LPA) before planning permission is considered. Planning conditions may be added by the LPA that require mitigation and sometimes compensatory action, to secure the protection of the species. For further information

- Download [IN7.5](#) Badgers and development leaflet
- Download [WML-A24](#) Badger development licence application form

**Q. Do I need a licence to survey for badgers?**

**A.** Most survey methods should not be invasive and therefore do not require a licence. However a licence from Natural England is required if you wish to carry out scientific monitoring and research that involves trapping badgers or interfering with a badger sett (including disturbing badgers occupying a sett). For this you will need to submit a project proposal with your application form.

- Download [WML-A25](#) Badger science and conservation licence application form

**Q. My cattle have TB and I think badgers may be the source, what can I do?**

**A.** Natural England are Defra's statutory conservation advisers and act as the licensing body for the Protection of Badgers Act 1992 (as amended). Natural England carries out this licensing function within the framework of policy guidance from Defra. For details of Defra's policy on badgers and bTB please see the [Defra website](#). If you believe that the circumstances of your case fit the requirements of the overall policy, and you wish to apply, an application form can be downloaded or you can contact the TB Licensing Unit at the above address, or at [BTB@naturalengland.org.uk](mailto:BTB@naturalengland.org.uk).

If you would like to know more about the Government's proposals on bovine TB and badgers please see the [Defra website](#) or contact the Defra helpline (Tel: 08459 33 55 77).

Minimising direct contact between cattle and badgers is recommended and a leaflet is available, please use the link below, which provides advice to farmers. Further advice can be obtained by contacting your local Defra Animal Health Office. If you suspect that illegal killing of badgers is occurring please contact your local police Wildlife Crime Officer.

- Download [Bovine TB – Do you know how to reduce the risk?](#)
- Download [Do you know what's happening in your feed store?](#)
- Download [WML-A01](#) Badger licence application form in relation to disease

## Bats

[See European Protected Species](#)

## Common dormice

[See European Protected Species](#)

## Foxes

**Q. Foxes etc are scavenging from dustbins and making a mess – what can I do about it?**

**A.** Foxes can be a nuisance, especially in urban areas; advice on deterring foxes can be obtained in our leaflet which can be downloaded using the link below. Foxes only have limited protection under legislation and they can be controlled without a licence, however only certain ways of doing this are permitted under the Wildlife & Countryside Act 1981 (as amended). It is **illegal** to kill them, or attempt to do so, by using any kind of poison and this includes gassing compounds. Fox control generally requires expertise and experience. A table of local staff is available on this link if you wish to speak to a Natural England [Wildlife Adviser](#) or contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) please state your county.

- Download [SIN003](#) Urban Foxes leaflet

**Q. Foxes have been taking my lambs what can I do?**

**A.** Lambs taken by foxes may have died of natural causes prior to being scavenged – it is worth trying to check this out before expending a lot of effort on control. There are a range of options to limit fox damage, please read our leaflet for further information. A table of local staff is available on this link if you wish to speak to a Natural England [Wildlife Adviser](#) or contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) please state your county.

- Download [SIN004](#) Fox management in rural areas

## Exotic mammal species

**Q. I have just seen a wild or feral boar / other exotic species, what should I do?**

**A.** Natural England values and records evidence of exotic mammal sightings in England. This information helps us to respond appropriately to escapes of captive animals or to the potential that an exotic species has become established in the wild. To report sightings:

- Telephone the Wildlife Licensing Unit on 0845 601 4523 and be ready to state your location, including county or
- Email details to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) (please entitle: Exotic mammals) or
- Fax to 0845 601 3438, or
- Post to Wildlife Management and Licensing Service, Natural England, First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB.

Key details to include in your report:

- Type of animal (e.g. wild boar)
- Description of animal (e.g. colour, size, and any other identifying features)
- Type of evidence (e.g. visual, tracks or other indirect signs)

- Date observed and conditions at the time (e.g. dusk/broad daylight etc)
- Location (as precise as possible please)
- Number of animals observed, or inferred from signs
- Comments on behaviour or activity of animal
- Your contact details (in some cases we may wish to contact you to further discuss details of the evidence).

**Q. What is Natural England's/the Government's policy on Wild Boar?**

A. A Defra public consultation in 2005/6 sought views on what should be done about feral wild boar. A summary of the responses to the consultation was published in May 2006 and is available on the [wild boar pages](#). Following this, in February 2008, Defra published a [Wild Boar Action Plan](#) which states that responsibility for wild boar management lies primarily with local communities and individual landowners. Natural England's policy recognises feral wild boar as a former native species which can contribute to Natural England's objectives for the conservation and enhancement of the natural environment. However, it also recognises that they have the potential to spread some livestock diseases and can cause damage to agriculture and other interests. Natural England therefore encourages their positive management and favours a regional approach, where they are removed in areas where their impact would be unacceptable, but are managed sustainably elsewhere. Natural England continues to monitor the development of these populations and, where appropriate, their impact on other wildlife and habitats.

- Download [SIN002](#) Feral wild boar leaflet

**Q. What advice is available on management/control of Wild Boar?**

A. Natural England has produced an advisory leaflet on feral Wild Boar.

- Download [SIN002](#) Feral wild boar leaflet

In addition, as part of Defra's Wild Boar Action Plan, a series of Best Practice Guides on Wild Boar has been produced by the Deer Initiative in collaboration with natural England and other partners. These are available at on the [wild boar best practice guides website](#).

**Q. Is there any evidence of big cats living in the wild?**

A. There is clear public interest at the possibility of a "big cat" being present in the wild and genuine concern for the safety of livestock. It may never be possible to prove that such an animal, or animals exist. Despite reported sightings, and alleged livestock kills and injuries, over many years, there has been no verifiable evidence for the presence of "big cats" living in the wild in England.

**Q. What should I do if I think my livestock has been killed by a wild big cat?**

A. To report a suspected kill, please contact the Wildlife Licensing Unit on Tel. 0845 601 4523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) stating your county. The WLU will either assist you directly or put you in touch with a Wildlife Adviser. In some cases an Adviser may arrange a site visit to investigate the situation.

**Non native mammals {note there is also a section on [damage complaints](#)}**

**Q. I have a grey squirrel in my loft, what can I do about it?**

A. The grey squirrel is an introduced species which is now common throughout most of England. They can become a nuisance where they gain access to buildings. Cage trapping followed by humane dispatch, and proofing access points are the methods normally recommended for use in roof spaces. Control can either be carried out by private individuals, other occupiers or a pest control contractor. However, cage trapping and despatch should only be undertaken by persons competent to do so. It is an offence to release or re-release grey squirrels or other non-native species (if they are not already present in the wild or if they are listed on Schedule 9 of the Wildlife & Countryside Act 1981) into the wild. This means

that if you capture a grey squirrel it must be humanely killed. The Environmental Health Department of the Local Authority may also offer a service which is usually chargeable. A licence is not required to trap grey squirrels, but it is illegal to release one once caught without a licence. Further advice is available in the leaflet:

- Download [TIN056](#) Urban grey squirrels
- Download [WML-A03](#) Application form for release of non-native species

**Q. Do I need a licence to keep grey squirrels, mink and coypu?**

**A.** Yes a licence is required. Under Section 8 of Destructive Imported Animals Act 1932 (as amended) the above non-native mammals can only be kept in captivity with a licence for exhibition, scientific research or other exceptional purposes. An application form can be downloaded or you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

- Download [WML-A04](#) Application form to keep non-native species *please note there is a charge for a licence to keep coypu*

**Q. Do I need a licence (even if I represent a rehabilitation centre) to release into the wild grey squirrels and Muntjac deer (or other species listed on Schedule 9 of the Wildlife & Countryside Act (as amended)) after they have been rehabilitated (following injury)?**

**A.** Yes, grey squirrels and Muntjac deer are not native to Great Britain and their release into the wild is prohibited by section 14 of the Wildlife and Countryside Act 1981 (as amended). This section of the Act also prohibits the release of certain animals which are already established in the wild in Great Britain. In some circumstances the release of non-native species may be authorised under a licence. An application form can be downloaded or you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

- Download [WML-A03](#) Application form for release of non-native species

**Q. What does 'into the Wild' mean?**

**A.** The meaning of release or escape 'into the wild' in section 14 of the Wildlife and Countryside Act 1981 (as amended) may, at first, appear quite straightforward. Where this concerns a release into the wider countryside this is indeed the case. Any release of a non-native species or species listed in Schedule 9 into the wider countryside, where it will be unconstrained and free to roam, will be considered a release into the wild.

However, where a release is into an enclosure designed to contain the released species this may, nonetheless, constitute a release into the wild. Factors relevant to determining if such a release is 'into the wild' or not, and therefore whether section 14 applies, are:

- Security of the enclosure
- Size of the enclosure relative to the ecological requirements of the species released.
- Degree of control exercised by the species' 'keepers'.
- Nature of the area contained within the enclosure.
- Permeability of the enclosure boundary to other wild species.

**Q. I have just seen a mink, who should I inform and can it be killed?**

**A.** Mink are a non-native animal that can affect species such as water vole and ground nesting birds. You do not have to inform Natural England of their presence as their distribution is now fairly widespread, but your local Wildlife Trust or County Mammal Recorder may be interested in the information. Mink can be legally killed by humane means and if trapped it is an offence to release them without a licence. If you would like further advice please download our leaflet using the link below or contact a [Wildlife Adviser](#) or the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) please state your county.

- Download leaflet [TAN02](#) Mink

**Q. There is an animal in my loft that I think may be a fat dormouse, what can I do?**

**A.** Fat or edible dormouse are introductions from the continent. They only occur in a small area of the Chilterns so if you live outside this area it is more likely to be a [grey squirrel](#). However, we are keen to know if fat dormouse has spread or been moved to new areas. If it is a fat dormouse a licence is required under the Wildlife & Countryside Act 1981 (as amended) to trap it, but this can be done for the purpose of preserving public health or safety or for preventing serious damage under the provisions of Class Licence [WML-L02](#) that has been issued by Natural England. Once captured it must be humanely dispatched as it is an offence under section 14 the Wildlife & Countryside Act 1981 (as amended) to release it into the wild. If you think you will need an individual licence, please download an application form using the link below or if you would like further advice please contact a [Wildlife Adviser](#) or the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

- Download [WLM-A05](#) Application form to kill or take mammals in relation to damage or public health and safety

## **Other mammals**

### **Q. Do I need a licence to trap mammals?**

**A.** Although the majority of small mammals except dormice and water voles are not protected under the Wildlife and Countryside Act 1981 (as amended), all **shrews** are protected against certain methods of trapping. Natural England therefore, issues a General Licence to those wanting to carry out small mammal trapping which covers the eventuality of shrews being caught.

- Download [WML-GL01](#) Shrew trapping General Licence

### **Q. What protection does the water vole receive?**

**A.** The water vole is included on schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is protected against killing, injuring or taking from the wild. Protection is also afforded to their burrows. It is an offence to intentionally or recklessly damage or destroy its place of shelter or protection or disturb it while in a place of shelter. As this species is not a European Protected Species Natural England can only issue licences for the purposes of conservation, science and education preserving public health, preventing the spread of disease or preventing serious damage to property or fisheries and ringing or marking. The Wildlife & Countryside Act 1981 (as amended) does not enable Natural England to issue licences for the purpose of development. Developers may have to rely on the defence in the Wildlife & Countryside Act 1981 (as amended) section 10(3)(c) "the act was the incidental result of an otherwise lawful operation and could not reasonably be avoided". Developers may contact the Wildlife Management and Licensing Service on 0845 6014523 to seek advice on licensing requirements. There are a range of advisory materials; our leaflets can be downloaded using the links below, which include details of suitable mitigation measures that will minimise the impact of the proposed works on water vole habitat and help developers avoid committing an offence. Local species or conservation officers can also advise on mitigation [Natural England contacts](#).

Further advice on proposals affecting riverbanks or canals can be obtained from the [Environment Agency](#) 08708 506506 or [British Waterways](#) Tel: 01923 201120 respectively.

- Download [TIN042 Water Voles and Development: Licensing Policy](#)
- Download [NE- 86 Water Voles - Guidance for Planners and Developers](#)
- Water vole conservation handbook available (hard copy) WildCRU on 01865 271289

### **Q. Has the water vole recently been given greater legal protection?**

**A.** Water voles used to only have limited protection under the Wildlife & Countryside Act 1981 but as from April 2008 they have enjoyed the full protection afforded to species listed on Schedule 5 of the Act. This means that it is an offence to:

- intentionally kill, injure or take a water vole;
- to possess or control a live or dead water vole;
- to intentionally or recklessly damage, destroy or obstruct any structure or place they use for shelter or protection;

- to intentionally or recklessly disturb a water vole occupying such a place;
- to sell, offer or expose for sale or publish or cause to be published an advertisement for the sale of water voles.

**Q. Are brown hares protected?**

**A.** Brown hares are a Biodiversity Action Plan priority species, due to their decline in recent years. However, they receive limited protection under the law. Hares are protected from cruel treatment by the Wild Mammals (Protection) Act 1996, cannot be sold during their main breeding season under the Hare Preservation Act 1892 and hare coursing is no longer legal following the Hunting Act 2004. They can however still be killed by legal means for food or to protect crops. For more information on hares please download our leaflet or contact the Wildlife Licensing Unit for more information on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

- Download leaflet [SIN001](#) Brown hare

**Q. I'm having problems with otters damaging my fishery. What can I do about it?**

**A.** Otters are European protected species protected by The Conservation of Habitats and Species Regulations 2010. They are also partially protected by the Wildlife and Countryside Act 1981 (as amended). Not only is it illegal to take, injure, kill or sell an otter, it is also an offence to damage, destroy or obstruct access to a resting place (known as a holt), or to disturb an otter whilst it is occupying a place of shelter or protection. The best way of preventing damage at fisheries by otters is to fence the fishery. However, you must be careful to ensure that in erecting a fence, you are not obstructing otters' access to a holt. Advice is available from our Wildlife Advisers on fencing specifications, and the Environment Agency also provides advice to fishery managers.

The law does allow for licences to be granted permitting the trapping and removal of otters to prevent damage but this is only likely to be considered in exceptional cases. Strict criteria are used in assessing licence applications, and all other methods of preventing the problem would have to have failed before such action could be considered. In addition, we would need to be satisfied that the removal of otters from a population would not affect their conservation status. Removing an otter from a site is, in any case, unlikely to solve a predation problem unless fencing is put in place, as the vacant territory is simply likely to be taken up by another otter. For further advice on problems with otters, you can contact the Wildlife Licensing Unit on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk); please state your county or case number if the query relates to an existing case. As part of the assessment of your application, a Natural England Wildlife Adviser may undertake a site visit.

## Crayfish

### Q. How are white-clawed crayfish protected?

A. White-clawed crayfish are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to intentionally take white-clawed crayfish from the wild. It is also an offence to sell these crayfish. It is not an offence to disturb or kill such crayfish. Licences are available from Natural England to allow taking or handling of crayfish for scientific or educational purposes, such as surveys, or for conservation purposes.

- Download [Guidance on works affecting white-clawed crayfish](#)
- Download [WML-A29](#) Schedule 5 science, education and conservation application form

### Q. Do I need a licence to trap signal crayfish?

A. licence from Natural England is not required to trap signal crayfish or other non-native crayfish. However permission is required from the Environment Agency to use traps for any crayfish species. **Crayfish trapping advice packs are available from the National Fisheries Laboratory 01480 483968**

It is illegal to allow release or allow to escape into the wild any species of non native crayfish.

Further details are available from the [Environment Agency website](#)

## PROTECTED PLANTS

### Q. Can a licence be issued to translocate a protected plant from a proposed development site?

A. Plants are protected under two key pieces of legislation (1) the Wildlife and Countryside Act 1981 (as amended) where protected species are listed under Schedule 8 and (2) The Conservation of Habitats and Species Regulations 2010 where protected species are listed under schedule 4. It is an offence to intentionally pick, uproot or destroy such a plant under either legislation.

(1) Wildlife & Countryside Act 1981 (as amended) ([list of species](#)) - Licences can be issued by Natural England for specific purposes only, such as science and education or conservation purposes. There is no provision for licensing the above actions for development operations under the Wildlife & Countryside Act 1981 (as amended). Such actions can only proceed if they are covered by the appropriate defence in the Act, which permits otherwise illegal activities if they are the 'incidental result of a lawful operation and could not reasonably have been avoided'. Only a court can decide what is 'reasonable' in any set of circumstances but clearly it is important to follow any advice from Natural England contact the Wildlife Licensing Unit to obtain advice or an application form Tel. 0845 601 4523, email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) alternatively forms can be downloaded using the links below:

- Download [WML-A31](#) Application form for plants science, education or conservation

(2) The Conservation of Habitats and Species Regulations 2010 European Protected Species of plant ([list of species](#)) – Licences can be issued for science, education and conservation and also in respect of a development if it is of overriding public interest. Since the 21<sup>st</sup> August 2007 as with animals, it is no longer be a defence to show that the picking, cutting, collecting, uprooting or destruction of a wild European Protected Species of plant was the incidental and unavoidable result of an otherwise lawful activity.

For further advice or an application form contact the Wildlife Licensing Unit Tel. 0845 601 4523, email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) alternatively forms can be downloaded using the links below.

- Download [WML-A12](#) (all 3 sections must be completed) Application form for plants in relation to development
- Download [WML-G12](#) Guidance note

### Q. Do I need a licence to collect bluebell seeds?

A. The native English bluebell is listed on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) only in relation to Section 13(2) of the Act. This means that it is an offence to sell any part of the plant, or anything derived from such a plant. It is not an offence to collect bluebell seeds from the wild; however, subsequent sale of the seeds would be an offence unless covered by an appropriate licence. Licences can be issued by Natural England.

- Download [WML-A38](#) Application form - sale of plants on Schedule 8

## GENERAL QUERIES

**Q. I have heard that there have been some changes to the General Licences this year where can I find out about the new licences?**

A. The new licences came into force on the 1<sup>st</sup> January 2011, a full list and further details on the use of these licences can be found on our [General Licences webpage](#).

**Q. What is a Class Licence?**

A. Class Licences represent a 'middle way' between personal licences (tailored licences which you need to apply for and which are judged on a case by case basis) and General Licences (a set of standardised licences that anyone who satisfies the eligibility criteria may use). Like General Licences, there is a set of standard [Class Licences](#), but unlike General Licences prospective users are required to register to use most Class Licences and there is usually a requirement to submit an annual report on licence use. Class Licences are used for situations where we would routinely issue a personal licence (thus making case by case assessment unnecessary) but where, for example, we need to closely monitor the level of licensed activity or where we need confirmation that licence users are sufficiently skilled or experienced to undertake the activity without risk to the conservation or welfare of the protected species.

**Q. Do I need a licence to take an injured/disabled animal to look after it?**

A. A licence is not necessary for most species, providing you are taking the animal for the sole purpose of tending to it and releasing it when rehabilitated.

-However to keep animals covered by the Destructive Imported Animals Act 1932 (grey squirrels, mink and coypu) a licence is required.

-Non-native species cannot be released without a licence if the species is not already present in the wild in Great Britain or if it is listed under section 9 of the Wildlife & Countryside Act 1981 (as amended) [List of non-native species covered by section 14](#).

-European Protected Species ([list of species](#)) The Conservation of Habitats and Species Regulations 2010 states that it will only be possible to euthanase an animal if it has no realistic chance of recovering, if it is unable to survive in the wild it must be kept in captivity under licence for the remainder of its life. For more information on changes to the [Habitats regulations](#)

- Download [WML-A04](#) Application form to keep non-native species *please note there is a charge for a licence to keep coypu*
- Download [WML-A03](#) Application form for release of non-native species

**Q. When do I need a photography licence?**

A. A photography licence is needed if you want to photograph any Schedule 1 bird ([list of species](#)) at or on the nest or any animal listed on Schedule 5 ([list of species](#)) of the Wildlife & Countryside Act 1981 (as amended) if it is likely to cause disturbance.

- Download [WML-A29](#) Schedule 5 science, education and conservation application form
- Download [WML-A28](#) Schedule 1 bird photography application form please note that [quotas apply](#)

- Download [WML-A34](#) Bat science, education and conservation application form for bats at a roost

**Q. What do I do if I suspect that a wildlife offence has been committed?**

A. You should contact your local police station and ask for the Police Wildlife Crime Officer.

**Q. Do I need a licence for taxidermy?**

A. A licence is not required to stuff most species of bird or animal but you must have obtained it legally. If the animal is a European Protected Species ([list of species](#)) obtained after 1994 a licence is required to possess it under The Conservation of Habitats and Species Regulations 2010. In certain circumstances possession is permissible under [General Licence](#). The person carrying out the action must be satisfied that they are acting within the provisions of the General Licence and therefore the law.

If you want to sell a stuffed bird or animal you may be able to do so under a General Licence [WML-GL17](#) or [WML-GL20](#). The person carrying out the action must be satisfied that they are acting within the provisions of the General Licence and therefore the law. If the species concerned are not covered by a General Licence you should download an application form. If you require further advice contact Natural England on 0845 6014523 email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

- Download [WML-A38](#) Sale of all protected species

**Q. I would like to carry out hedgerow management but am concerned about protected species where can I go for advice?**

A. Hedgerows are an important nesting habitat for many bird species and some mammals as such management operations should consider the effect on nesting bird species and species such as dormouse. There are several natural England publications that provide further advice.

- Download Hedges and the Law ([shortly available on the hedgerow regulations pages](#))
- Download [Hedgerow management, dormice and biodiversity](#)

**Licence processing (General- more detail available on [European protected species development licences](#))**

**Q. How long will it take to get a licence?**

A. Processing time depends on the type of licence and the workload at the Wildlife Licensing Unit. Licences are normally processed within 30 working days of receipt, although for some work areas, such as science and education, we aim to process licences in 15 working days.

**Q. If I am renewing a licence what do I do and how long will it take?**

A. If there are no significant changes the licence can usually be processed in 15 working days. Scientific, conservation and education licences can be renewed by completing the relevant licence report form issued with the previous licence. A new licence application form needs to be completed for all other licence types or if your licence expired more than three years ago or if the work you propose to undertake is significantly different from that covered by a previous licence.

**Q. What complaints procedures have you got & how do I make a complaint?**

A. It is Natural England's policy to respond to all complaints with a full and reasoned reply. In the first instance it may be sufficient to discuss matters with the Licensing Manager, Natural England Wildlife Licensing Unit First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB or telephone on 0845 6014523 or email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

**Q. I'm not satisfied with the Licensing Manager's explanation. Who can I speak with?**

**A.** If you are not satisfied with the explanation provided by the licensing team and you feel that you are unable to resolve the issues and wish to deal with a higher authority you may contact the Team Manager whose details will be provided by the Licensing Manager. Finally the complaint will be dealt with at Natural England director level if you remain unsatisfied. Please see full details of [Natural England complaints procedure](#).

**SUSPECTED POISONING OF WILDLIFE OR PETS**

**Q. My pet has become ill after consuming something on a walk, I know there have been some rat control treatments carried out at the local farm what should I do?**

**A.** Seek veterinary attention as soon as possible, giving full details to the person who treats your pet. Keep any vomit or faeces in a safe place well away from children, other pets and foodstuffs and avoid handling this material if possible, a Natural England Wildlife Advisor or vet may be able to take a sample of such material for analysis. Please telephone 0800 321 600 and Natural England may make further enquiries if we have good grounds to suspect pesticide poisoning. If your pet unfortunately does not survive, it may be possible to arrange a post mortem. For more details see the [website](#).

**Q. I have found several dead birds of prey and crows in one place and suspect they have been poisoned who should I call?**

**A.** Please call 0800 321 600 as soon as possible to report the incident and we will put you in touch with a Natural England Wildlife Advisor to discuss the case and where appropriate make further enquiries.

**Q. All the entrances of a local badger sett have been filled in, I think it may have been gassed should I open the holes and who do I contact?**

**A. Do not under any circumstances open up the entrances** gassing compounds can be fatal to humans and you would be putting yourself and other members of the public at risk. Please call the free phone number 0800 321 600 as soon as possible to report the incident and we will put you in touch with a Natural England Wildlife Advisor to discuss the case and where appropriate make further enquiries. For more details see the [website](#).

**Q: A farmer has told me that my dog which was poisoned by the rat poison in his shed should not have been on his land – it was trespassing and therefore he is not to blame, is this true?**

**A:** The laws regarding pesticide use still apply regardless of whether the land is private. Please call the free phone number 0800 321 600 as soon as possible to report the incident and we will put you in touch with a Natural England Wildlife Advisor to discuss the case and where appropriate make further enquiries. For more details see the [website](#).

**Q. I have seen someone using exhaust fumes to gas rabbits on nearby land, is this legal? Can Natural England make further enquiries?**

**A.** Exhaust fumes are not approved as a pesticide for any burrowing animal, if you see anyone using this method, contact your local police station and ask for the Wildlife Crime Officer to make further investigations as Natural England would not be the appropriate body to make enquiries in this case.

**Q. I think my cat has been poisoned, but the vet suspects that it was antifreeze not a pesticide, can Natural England make any enquiries under the Wildlife Incident Investigation Scheme?**

**A.** No. The Wildlife Incident Investigation Scheme only applies to suspected pesticide poisoning. If you wish to find out whether your pet was poisoned by antifreeze you will need to get the work done privately. Your own vets may be able to do this or contact the Wildlife Incident Unit at the Central Science Laboratory on Tel 01904 462456.

**Q. I have found a bird/animal body beside a road or patio door, I do not think it was poisoned is there anything I can do with the carcass?**

**A.** Natural England does not collect carcasses that have died of trauma, but if there it is a bird of prey such as a kestrel or sparrowhawk the [predatory bird monitoring scheme](#) may be interested in receiving the body, please call Lee Walker Tel. 01487 772504.

## DAMAGE COMPLAINTS

- [Rabbits](#)
- [Deer](#)
- [Pheasants](#)

### Rabbits

#### **Q. Large numbers of rabbits are causing damage on my or my neighbour's land, what can I do?**

**A.** The majority of England has been designated under the Pests Act 1954 as a rabbit clearance area. This places an obligation on occupiers of land to control rabbits living on their land or to prevent them causing damage to neighbouring land. Natural England have a range of advice leaflets available. If your neighbour has rabbits harboured on their land, you can write to them sending a copy of the [WML-G22](#) guidance and requesting action is taken to resolve the situation.

You can also discuss your situation Wildlife Licensing Unit on Tel: 0845 6014523 or send an email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

- Download leaflet [TIN003](#) Rabbits
- Download leaflet [TIN023](#) Use of fencing to prevent damage
- Download leaflet [TIN026](#) Use of badger gates in rabbit fencing
- Download leaflet [TIN024](#) Use of cage-trapping to prevent agricultural damage.

Natural England's policy is to encourage voluntary action between neighbours to resolve the rabbit damage. Natural England believes that the long-term resolution of rabbit complaints is best achieved by co-operation. Without co-operation, problems are almost certain to recur.

Natural England feels it would only be appropriate to spend public money issuing and enforcing Notices in exceptional circumstances. Exceptional circumstances would, for example, be a situation that had national rather than local significance; it would not normally be damage at a holding or even parish scale.

Complaints will be reviewed on a case-by-case basis and if considered to be exceptional, the landowner(s) will be reminded of their obligation by Natural England and given reasonable time to put matters right. If this warning is ignored, the Secretary of State has powers, under Section 98 of the Agriculture Act 1947, to serve a notice on an occupier requiring them to take specified action against the rabbits.

If an occupier fails to take the specified action they would be liable for prosecution. In addition, the Secretary of State can also arrange for a third party to carry out the necessary control work on the occupier's land and then recover the cost of this work from the occupier.

#### **Q. I am a landowner and rabbits are coming on to my property from land or roads owned by the local council, Highways Agency, Network Rail or a large corporate body, and causing serious damage to my agricultural crops.**

**A.** Natural England will always encourage voluntary action in these cases. You should write to the relevant neighbour sending a copy of the WML-G22 form and request they take action to resolve the situation. If it is an A road, B road, minor road, bridleway or footpath, contact the Highways Department of the appropriate Council. If it is a Trunk Road or Motorway contact the Highways Agency Tel 08457 50 40 30. If it relates to Network Rail, contact their National Helpline Tel. 08457 114141. You should keep copies of all correspondence.

#### **Q. Rabbits from neighbouring farmland are causing damage in my garden, what can I do?**

**A.** Natural England has a general policy not to take forward complaints where damage is occurring in domestic gardens as the damage is rarely considered serious enough to justify

enforcement action. You may wish to write to the relevant neighbour sending a copy of the WML-G22 guidance and request they take action to resolve the situation.

**Q. Is there any point in controlling rabbits on my land when it is continually being re-infested by rabbits from my neighbours land?**

**A.** The legislation and procedures apply equally to both to you (possible complainant) and your neighbour. Complaints will not be pursued by Natural England if the complainant cannot demonstrate that they have tried to resolve the situation themselves. If your neighbour has rabbits harboured on their land, you can write to them sending a copy of the [WML-G22](#) guidance and requesting action is taken to resolve the situation.

You can also discuss your situation Wildlife Licensing Unit on Tel: 0845 6014523 or send an email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

- Download leaflet [TIN003](#) Rabbits
- Download leaflet [TIN023](#) Use of fencing to prevent damage
- Download leaflet [TIN026](#) Use of badger gates in rabbit fencing
- Download leaflet [TIN024](#) Use of cage-trapping to prevent agricultural damage.

**Q. I have noticed that the local rabbits appear to be suffering from myxomatosis, do I need to report this to any one and is there any thing I can do to help them?**

**A.** No, myxomatosis is not a notifiable disease. There is no specific treatment for the virus, in the wild death usually occurs within about 12 days.

**Q. Is eating rabbits that have died from myxomatosis harmful to humans or dogs?**

**A.** No, myxomatosis does not affect any other mammals.

## Deer

**Q. Deer are causing considerable damage to my garden what can I do?**

**A.** The main option to deter deer from your garden is to fence or proof it against their entry. Further information is included in the leaflet which can be downloaded using the link below. You can also discuss your situation with the Wildlife Licensing Unit on Tel: 0845 6014523 or send an email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

- Download leaflet [TIN044](#) Deer problems in urban & suburban areas
- Download Forestry Commission leaflet [FCPN009](#) on deer fencing

**Q. I am a farmer and deer are damaging my crops, what can I legally do?**

**A.** Scientific studies have shown that deer grazing in crops does not necessarily result in reduced yield, but where they occur in large numbers they may cause significant losses through grazing, trampling and lying on standing crops and by damaging hedges and fences.

The best long-term solution to reduce the damage caused by deer is to achieve an adequate cull each year and so keep the local deer population at a level where there is no significant damage. This is best achieved through a co-ordinated cull undertaken by a local Deer Management Group (DMG) rather than on an ad-hoc basis by individuals. Further details on DMGs are available from The Deer Initiative Tel 0870 7743677, email: [admin@thedeerinitiative.co.uk](mailto:admin@thedeerinitiative.co.uk) or internet site [www.thedeerinitiative.co.uk](http://www.thedeerinitiative.co.uk).

The killing or taking of deer is controlled by the Deer Act 1991 (as amended); in October 2007 the [Regulatory Reform \(Deer\) \(England & Wales\) order 2007](#) came into force. The 1991 Act prohibits or controls the killing or taking of deer at certain times of the year except under licence and killing or taking by certain methods. During the open season, deer may be shot by authorised persons during daylight hours. Under Section 3 of the Deer Act, the unlicensed shooting of deer at night is prohibited at all times of the year. For further

information contact the Wildlife Licensing Unit on Tel. 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). To apply for a licence download the form available from the link below.

- Download Forestry Commission leaflet [FCPN006](#) Managing deer in the countryside
- Download licence application [WML-A16](#) to kill or take deer at night or during the close season

#### **Q. Can I shoot deer at night?**

**A.** Under Section 3 of the Deer Act 1991 (as amended), the shooting of any deer at night is prohibited at all times of the year except under licence for the prevention of serious damage/ to prevent deterioration of natural heritage/ to preserve public health or public safety or without a licence for the purpose of preventing the suffering of an injured, orphaned or diseased deer. For further information contact the Wildlife Licensing Unit on Tel. 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). If you wish to apply for a licence to shoot deer at night to prevent serious damage please download the application form from the link below.

- Download leaflet [TIN044](#) Deer Problems in urban and suburban areas
- Download licence application [WML-A16](#) to kill or take deer at night or during the close season

#### **Q. Can I obtain a notice to shoot deer at night to prevent damage, under Section 98 of the Agriculture Act, 1947?**

**A.** No, it is unlikely that section 98 notices would be issued for this purpose. Following amendment of the Deer Act 1991 by the [Regulatory Reform \(Deer\) \(England & Wales\) order 2007](#) licences to shoot deer at night may be issued if certain strict criteria are met. Licences are only issued in exceptional circumstances subject to strict control, and after consideration of the following factors:

- There is clear evidence that property (e.g. crops) has been seriously damaged by the deer in the year preceding the application and the damage is likely to continue;
- Where appropriate, non-lethal measures for deterring the deer have been tried and have been found to be ineffective or impracticable and not just difficult to implement;
- It is not possible to establish an effective deer management group or will take too long to achieve a reduction in the local deer population, thus leaving the landowner or occupier suffering serious damage in the meantime;
- Shooting cannot be undertaken during daylight hours and it would be safe to do so at night; and
- Shooting at night is likely to be successful in reducing or preventing the damage.

To download an application form please use the link below, contact the Wildlife Licensing Unit on Tel. 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) for further advice.

- Download licence application [WML-A16](#) to kill or take deer at night or during the close season

#### **Q. When is the closed season?**

**A.** Section 2 of the 1991 Act (as amended) prohibits the taking or intentional killing of certain species of deer during the closed season except under licence for the purposes of preserving public health or public safety or to prevent deterioration of natural heritage. The closed seasons vary by species and are as follows:

- **Red deer, fallow deer, sika deer, red/sika hybrids**  
Stags, bucks 1 May to 31 July inclusive  
Does, hinds 1 April to 31 October inclusive
- **Chinese water deer**  
Bucks & Does 1 April to 31 October inclusive (as sexes are difficult to distinguish)
- **Roe deer**  
Bucks 1 November to 31 March inclusive

Does 1 April to 31 October inclusive

There is no closed season for [Muntjac](#), as they are not seasonal breeders, and they may be shot by authorised persons during daylight hours at all times of the year.

**Q. I have been told only authorised persons are allowed to shoot deer, who are they?**

**A.** That is correct. An authorised person is defined as:

- The occupier of the land on which the action is taken;
- Any member of the occupier's household, normally resident on the occupier's land, acting with the written authority of the occupier;
- Any persons in the ordinary service of the occupier on the occupier's land acting with the written authority of the occupier; or
- Any persons having the right to take or kill deer on the land on which the action is taken or any person acting with the written authority of a person having that right.

**Q. I have heard that I may shoot deer under the 'farmer's defence', can you explain what that means?**

**A.** Section 7 of the 1991 Act permits all species of deer to be shot during the closed season in daylight hours by an authorised person on any cultivated land, pasture or enclosed woodland, provided that he/she has reasonable grounds for believing deer of the species concerned were causing or had caused damage to crops, vegetables, fruit, growing timber or any other form of property on the land, that they were likely to cause further serious damage, and that the action taken is necessary to prevent such damage. This is commonly known as the "farmer's defence".

**Q. Can deer be trapped or relocated under licence?**

**A.** Under section 8 of the Deer Act 1991 licences can be issued for the purpose of moving deer from one area to another or, for scientific or educational purposes, for taking deer alive from the wild. A licence application can be downloaded using the link below. For further details contact the Wildlife Licensing Unit on Tel. 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

- Download [WML-A32](#) Application to move deer or take deer for scientific or educational purposes

## **Pheasants**

**Q. Is there a closed season for the control of pheasants?**

**A.** Yes, under Section 3 of the Game Act 1831 pheasant may only be killed or taken outside of the closed season which runs from 1 February to 1 October. It is also an offence to take or kill game on Sundays and Christmas Day (in England and Wales).

**Q. Are there any restrictions to shooting pheasants during the open season?**

**A.** No, providing you have the shooting rights, or have been authorised by the person who has the shooting rights. But please be aware that it is an offence to take or kill game on Sundays and Christmas Day (in England and Wales).

**Q. Pheasants from a neighbouring farm are coming onto my land and damaging my crops, as it is during the open season can I shoot them?**

**A.** Yes, game cease to 'belong' to anyone following their release, and the right to take game rests with the occupier or the owner of the shooting rights to the land.

**Q. Can I legally shoot pheasants during the closed season (1 February to 1 October)?**

A. No, there are no powers under the Wildlife & Countryside Act 1981 (as amended) to permit the issue of licences to shoot game birds (which include pheasants) during the closed season imposed by the Game Act 1831. However, in **exceptional** cases, where birds are causing serious damage, a notice may be issued under Section 98 of the Agricultural Act 1947 to permit the killing, taking or destruction of the birds or their eggs for certain purposes. For further details contact the Wildlife Licensing Unit on Tel. 0845 601 4523, email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).

## **Wildlife management techniques**

### **Advice on disposal of carcasses**

#### **Q. What are the rules on disposing of animal carcasses?**

A. The Animal By Products Regulation (ABPR) applies throughout the European Community. It sets out rules on the processing, use, disposal, trade and import of animal by-products. This includes animal carcasses, parts of animal carcasses and products of animal origin not intended for human consumption. Wild animals are excluded from ABPR unless they are suspected of having a disease that could affect humans or other animals. The burial of any animal carcasses must take account of the requirement to avoid the pollution of water sources.

Where wild animals are killed and require disposal (and are not subject to ABPR) they are deemed to be directive waste, and waste management controls apply. Our position on the disposal of animals poisoned by routine baiting, particularly rodents, is that the carcasses should be disposed of without delay to prevent contact with other wildlife. The Environment Agency has adopted a regulatory position in respect of the disposal of rodents poisoned as a result of rodenticide treatments undertaken on farms and other rural locations

A website has been established that deals with all aspects of rodent carcass disposal. This can be accessed at [www.rodentdisposal.info](http://www.rodentdisposal.info)