

# CLASS LICENCE: WML-CL47

## Bat Earned Recognition Class Licence



To permit activities resulting in disturbance/capture of bats and/or damage/destruction of bat roosts

### OVERVIEW

This Licence issued to the Licensee and Joint Licensee permits the disturbance and capture of bats and/or damage/destruction of bat roost(s). Subject to meeting the relevant registration criteria, registered Bat Earned Recognition (ER) Consultants can be registered to use a specific Annex or Annexes of this Licence:

<a href="#">Annex A</a>	Accreditation Level 1	Group 1 Species: Lower Risk
<a href="#">Annex B</a>	Accreditation Level 1	Group 1 and 2 Species: Lower Risk
<a href="#">Annex C</a>	Accreditation Level 2	Group 1, 2 and 3 Species: Medium Risk
<a href="#">Annex D</a>	Accreditation Level 3	Group 1, 2 and 3 Species: High Risk
<a href="#">Annex H1</a>	Accreditation Level 2	Group 4 Species Medium Risk
<a href="#">Annex H2</a>	Accreditation Level 3	Group 4 Species: High Risk
<a href="#">Annex H3</a>	Accreditation Level 3	Group 4 Species: High Risk
<a href="#">Annex T2</a>	Accreditation Level 2	Trees and Woodlands: Medium Risk
<a href="#">Annex T3</a>	Accreditation Level 3	Trees and Woodlands: High Risk

The bat species groups comprise the following:

**Group 1 Species:** brown long-eared bat (*Plecotus auritus*), common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*);

**Group 2 Species:** Brandt's bat (*Myotis brandtii*), Daubenton's bat (*Myotis daubentonii*), Natterer's bat (*Myotis nattereri*), Leisler's bat (*Nyctalus leisleri*), serotine (*Eptesicus serotinus*), Nathusius' pipistrelle (*Pipistrellus nathusii*), noctule (*Nyctalus noctula*), whiskered bat (*Myotis mystacinus*);

**Group 3 Species:** barbastelle (*Barbastella barbastellus*), Bechstein's bat (*Myotis bechsteinii*), grey long-eared bat (*Plecotus austriacus*), Alcaethoe bat (*Myotis alcathoe*);

**Group 4 Species:** lesser horseshoe bat (*Rhinolophus hipposideros*), greater horseshoe bat (*Rhinolophus ferrumequinum*).

**The use of the licence is subject to the Licence Terms and Conditions, Licence Conditions, Licence Annexes and Appendices, and the following requirements:**

- All necessary permissions and consents being in place prior to applying to register a site;
- Appropriate survey, mitigation and/or compensation being provided (see Accreditation Certificate);
- Mechanisms agreed for any post development management, maintenance and monitoring.

**Registration of sites** Only registered bat Earned Recognition (ER) Consultants may apply to register sites under this licence. A site is only registered when written confirmation from Natural England is received by the Joint Licensee and Licensee.

**Recording & reporting** There are data recording and reporting requirements, involving:

- Submission of a Report of Action Form within four weeks of completing licensed activities to Natural England;
- Submission of a Report of Compensation within four weeks of completing compensation measures to Natural England;
- Submission of Report of Monitoring Form in the same calendar year any monitoring is completed to Natural England; and
- Submission of records to the relevant Local Records Centre annually.

**Licence Reference** WML-CL47

## LEGISLATION

Statute(s)	The Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') and The Wildlife and Countryside Act 1981 (as amended) ('the WCA 1981')
Section(s)	This licence is issued under Regulation 55(2)(e) of the Habitats Regulations and section 16(3)(f) and (j) of the WCA 1981.

## IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

- i. may be an offence under the Habitats Regulations 2017 or the WCA 1981 or mean that the licence cannot be relied upon and an offence could therefore be committed.
- ii. may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing. This sanction may be applied to other similar licences, and
- iii. may mean that you are not able to rely on this licence as a defence in respect to the prohibitions within the Animal Welfare Act 2006 or the Wild Mammals (Protection) Act 1996.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for a mitigation licence.

This licence is not a consent or assent for the purposes of Part II of the WCA 1981 in respect to Sites of Special Scientific Interest. It is your responsibility to get consent or assent if required.

This licence does not derogate against offences for other species.

## LICENCE TERMS and CONDITIONS

Valid for the period	01 August 2023 to 31 December 2023 (inclusive)
Area valid in	All counties of England (landward of the mean low water mark).
Purpose(s) for which this licence is issued	<ul style="list-style-type: none"><li>• Preserving public health or public safety; or</li><li>• Imperative reasons of overriding public interest.</li></ul>
What this licence permits	Subject to all the terms, conditions and requirements of this licence (including those of its Annexes and Appendices) and solely for the purpose(s) stated above, this licence permits <b>the Licensee, any Accredited Agent and Assistants</b> to: <ol style="list-style-type: none"><li>i. Deliberately disturb;</li><li>ii. Deliberately capture/take (ie handle);</li><li>iii. Transport;</li><li>iv. Damage or destroy bat resting places, and/or;</li><li>v. Damage or destroy bat breeding sites.</li></ol> Bat species and roost types specified in the relevant Annexe(s) of this licence.
Who can use this licence	This licence may only be relied upon by <b>Earned Recognition (ER) Consultants*</b> and their <b>Accredited Agents*</b> and <b>Assistants*</b> , except those convicted on or after 1 January 2010 of a <b>wildlife crime*</b> (unless, in respect of that offence, either: <ul style="list-style-type: none"><li>• they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or</li><li>• a court has made an order discharging them absolutely.)</li></ul> Any application by a person to whom this exclusion applies for an individual licence will be considered on its merits.

\* see Definitions section below.

## DEFINITIONS USED IN THIS LICENCE

For the purpose of this licence the following **roles** are defined below:

Earned Recognition (ER) Consultant	Is an ecologist who has been assessed and accredited under the bat earned recognition scheme as being competent to undertake bat mitigation works. They are registered with Natural England to use this licence in accordance with standards set by Natural England.
Joint Licensee	Is the person who has instructed the Earned Recognition Consultant to carry out licensed activities and is either the landowner or holds all necessary legal rights to undertake activities on the land (including any land required for mitigation and/or compensation). The Joint Licensee must apply jointly with the Earned Recognition Consultant to register a site with Natural England.
Licensee	Is the Earned Recognition Consultant who has successfully registered sites with Natural England and who is entitled to rely on this licence for those Registered Sites.
Accredited Agent	Is an ecologist, who is skilled and experienced in bat mitigation work and who meets the minimum experience criteria set by Natural England. An Accredited Agent is able to undertake licenced activities, appropriate to their level of experience (as determined by the Earned Recognition Consultant) on a Registered Site whilst the Earned Recognition Consultant is not present, and they do not have to be under their direct supervision. The Earned Recognition Consultant must have up to date and first-hand knowledge of the experience of the Accredited Agent.
Appointed Person	Where the Joint Licensee is an organisation, an Appointed Person is an employee of the organisation and nominated to act as a single point of contact for Natural England with regard to this licence.
Assistant	Is a person authorised to act under this licence whilst they are under the direct physical on-site supervision of an Earned Recognition Consultant. An Assistant may not work alone or unsupervised by the Earned Recognition Consultant.

For the purpose of this licence the following **terms** are defined below:

Accreditation Certificate	A contract between the Earned Recognition (ER) Consultant and Natural England.
Annex(es)	Annex A, B, C, D, H1, H2, H3, T2 and T3 appended to this Licence.
Registered Site	Is a site that has been registered with Natural England for the purposes of this licence.
Remedial Action	Is the action(s) undertaken to address issues identified with bat mitigation and compensation measures. Where required, Remedial Actions must be undertaken to maintain the favourable conservation status of the species and roost types impacted. Remedial Action(s) must be reported using the Report of Monitoring Form.
Report of Action Form	Is a form that must be submitted to Natural England within four weeks of completing licensed activities under this licence for each Registered Site. The Report of Action Form can be accessed using this <a href="#">weblink</a> .
Report of Compensation Form	Is a form that must be submitted to Natural England within four weeks of completing compensation features required under this licence for each Registered Site where compensation features are proposed. The Report of Compensation Form can be accessed using this <a href="#">weblink</a> .
Report of Monitoring Form	Is a form that must be submitted to Natural England within four weeks of completing bat monitoring activities under this licence for each Registered Site. The Monitoring Report Form can be accessed using this <a href="#">weblink</a> .
Site Registration Form	Is a form that must be submitted to Natural England by the ER Consultant using this <a href="#">weblink</a> . It is referred to as the Authorised Site Registration Form once registration has been accepted by NE and confirmed in writing.
Wildlife Crime	Any offence under the Conservation of Habitats and Species Regulations 2017('the Habitats Regulations'), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006, the Protection of Animals Act 1911 (all as amended) or the Invasive Alien Species (Enforcement and Permitting) Order 2019.

Woodland Vegetation dominated by trees more than 5m high when mature, forming a distinct, although sometimes open, canopy.

For the purpose of this licence the following **licensed methods** are defined as:

**Destructive search by soft demolition** Is the taking apart of a structure thought likely to contain, or have contained, bats in a controlled and careful manner by hand. In some instances, also with the assistance of hand-held tools and machinery, under direct supervision. Only the Registered Earned Recognition Consultant, Accredited Agent or a directly supervised Assistant may take any bats found.

**Mechanical demolition** Is the destruction of a structure that previously supported a bat roost using mechanical means (eg, a vehicle or large/heavy machinery designed and operated to destroy a structure) after the structure, or relevant part of the structure, has been declared free of bats by the Earned Recognition Consultant who registered the site or their Accredited Agent(s). Mechanical demolition usually is preceded by a soft demolition exercise or completion of an exclusion process.

**Soft (section) felling** Is the taking apart of a tree thought likely to contain, or have contained bats in a controlled and careful manner, under direct supervision. Only the Registered Earned Recognition Consultant or Accredited Agent may take any bats found and undertake or directly supervise soft (section) felling.

**Destruction by felling** Is the removal of a tree that previously supported a bat roost using mechanical means after the tree, or relevant part of the tree, has been declared free of bats by the Earned Recognition Consultant or their Accredited Agent. Destruction by felling is usually preceded by a soft (section) felling or completion of an exclusion process.

For the purpose of this licence the following **roost types** are defined below:

**Day roost** A place where individual bats, or small groups, rest or shelter in the day during the summer.

**Night roost** A place where bats rest or shelter in the night but are not found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.

**Feeding roost** A place where individual bats, or a few individuals, rest or feed for short periods during the night but are not present by day.

**Transitional roost** A place used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.

**Swarming site** A place where large numbers of males and females gather, typically during late summer to autumn. Appear to be important mating sites<sup>1</sup>.

**Mating site** Sites where mating takes place from later summer and can continue through winter.

**Maternity roost** A place where female bats give birth and raise their young to independence.

**Hibernation roost** A place where bats may be found individually or together during winter. They have a constant cool temperature and high humidity.

**Satellite roost** An alternative roost found in close proximity to the main nursery colony used by a few individuals to small groups of breeding females throughout the breeding season.

**Other roosts definitions** used in this licence:

**Roost** A single structure or part of a structure, used by a single species for a single purpose.

**Alternative Roost** For the purpose of receiving captured bats, this includes: a bat box or suitably designed and located feature or structure; an existing roost which will not be impacted by the works; or other new/enhanced roosting opportunity. Any alternative roost must be suitable for the species, within or close to the existing roost and free from additional disturbance or development pressure.

**Small numbers** For the purposes of this licence, the term 'small numbers of bats' is **not** defined. Registered ER Consultants are expected to use their experience and professional judgement in deciding what reasonably can be considered to be small numbers of the species of bat involved within the local context for the species. These

<sup>1</sup> Roosting may occur alongside swarming activity and it is the structures used for rest or shelter within the swarming site that are the roost.

judgements are expected to be in line with established best practice and should be likely to be determined in the same way by other professional consultants who are experienced in bat ecology and mitigation.

Terms and requirements of this licence that express conditionality are conditions of this licence whether so called or not. The headings used in this licence and its Annexes and Appendices are for convenience only and shall have no effect upon the interpretation of this licence or its conditions.

## LICENCE CONDITIONS

### Using this licence:

1. This licence includes Annexes A, B, C, D, H1, H2, H3, T2, T3 and Appendices I & II which contain additional terms, conditions, requirements and advice for using this licence. Persons using this licence must follow any additional licence conditions within any relevant Annex(es) and Appendices.
2. This licence may only be used when all alternatives have been considered and it is not possible to avoid and lessen impacts upon bats or their roosts.
3. To use this licence you must be:
  - a. The '**Registered ER Consultant**', acting on behalf of the '**Joint Licensee**';
  - b. An '**Accredited Agent**'; or
  - c. An '**Assistant**', when under direct supervision only.
4. The ER Consultant must supply a copy of this licence and the authorised Site Registration Form to the Joint Licensee and explain to them what can and cannot be done under the licence, by them or any person undertaking works impacting bats or their roosts on the site. A copy of this licence and the authorised Site Registration Form must also be supplied to any Accredited Agent used.
5. The confirmation of registration will specify which Annex(es) the ER Consultant is permitted to use. Annexes to this licence are specific to groups of species and roost types. Any person using this licence must ensure they are affecting only the species and roost types specified on the relevant Annex to this licence under which they are accredited. The only exception to this is when Natural England has issued written confirmation authorising additional licensable works under additional Annexes and/or when the unexpected finds guidance is being followed in accordance with Appendix II.
6. It is the responsibility of the ER Consultant to ensure any Accredited Agents or Assistants are sufficiently trained and experienced to act under this licence, including on mitigation measures commonly employed, and that they use appropriate equipment so as to avoid unnecessary suffering of any animal in the course of licensed operations. Any Accredited Agent used must fulfil the experience criteria set by Natural England within Appendix A of the External Guidance for ER Consultants. The ER Consultant must maintain a record, to be kept for a period of 24 months, of Accredited Agents used, their experience, why they were used on the Registered Site and the licensable works they undertook.

### Obtaining permission to use the licence at a site

7. Prior to registering the site, the ER Consultant and Joint Licensee are required to obtain all necessary permissions and consents and arrange for access to the site and any relevant land for the duration of licensed activities, to include any land required for mitigation and/or compensation, and right of access for any monitoring. They must keep a written record of these permissions which must be kept for at least 24 months following completion of the licenced works and monitoring period and must be made available to any Natural England officer immediately upon demand.
8. Sites must be registered using the Site Registration Form. This must be submitted at least three weeks in advance of the intended start date, but not more than 12 weeks in advance and:
  - a. All consents necessary for the proposed activity must have been granted (planning or other) before applying to register the site. For all consents that have been granted, all conditions or Reserved Matters relating to bats (which are intended to be and are capable of being discharged) must be discharged and in place.
  - b. A site visit must have been undertaken within three months prior to submission of the site registration form to verify that conditions have not changed since the most recent survey was undertaken and that the species, roost type and impacts remain in scope of this licence.
  - c. Works may only take place in agreement with the landowner, who must also have agreed to comply with the terms and conditions of this licence, including any compensation requirements to be provided in accordance with or additional to the requirements of this licence. Confirmation of this agreement must be declared in the Site Registration Form.
  - d. The Registered ER Consultant and Joint Licensee must keep a written record of the landowner and developer's (if applicable) agreement.
9. Works are only permitted to commence at a site following receipt of an email from Natural England confirming that the site is registered and that works can proceed as described in the Site Registration

Form and in accordance with this licence. Natural England reserves the right to request further information before a site is registered.

10. If details within an authorised Site Registration Form change, work must stop on site and the following must be submitted to Natural England within two working days, the site may then be de-registered. The only exceptions to this are detailed in Appendix II. Details to be updated include:
  - a. Change of Licensee and/or Joint Licensee: the Licensee must apply to modify the Authorised Site Registration by submitting an updated Site Registration Form and, where relevant, amended maps and Applicant Declaration Form to allow reassessment.  
Where the proposed Licensee and/or Joint Licensee is satisfactory, Natural England will send written authorisation to the new Licensee to confirm the transferring of the site from the previous Licensee to the new Licensee. Responsibility for any works undertaken thereafter falls on the Licensee and Joint Licensee named on the written authorisation from Natural England;
  - b. Adding an Accreditation Level, Annex(es), species and/or roost type(s) to a Registered Site where additional mitigation methods and/or compensation featured are required and not declared on the authorised Site Registration Form for the Registered Site: the Licensee must apply to amend the Registered Site by submitting an updated Site Registration Form and, where relevant, amended maps to allow reassessment.

### **Working under the licence**

11. The Joint Licensee is responsible for ensuring that all terms and conditions of this licence are complied with.
12. The Joint Licensee and ER Consultant are responsible for all activities undertaken by Accredited Agents and Assistants and of other persons they have appointed in relation to activities permitted by this licence.
13. Where an Accredited Agent undertakes licensed works at a Registered Site, these must be checked and signed off by the ER Consultant as suitable and to a good standard.
14. Whilst engaged in the activities to which this licence applies, the ER Consultant shall make a copy of the licence (including the Annexes) available for inspection on each Registered Site where the activities are taking place and shall make it available for inspection immediately on demand to any Natural England or police officer.
15. Prior to the commencement of licensed activities, the ER Consultant must ensure that all persons to be directly involved with these activities understand:
  - a. where and when bats are potentially present;
  - b. the legislation relating to bats;
  - c. the methodology and activities that will be undertaken to safeguard bats;
  - d. contingencies to be followed if bats are found, particularly if unexpectedly;
  - e. that all activities relating to bats and bat roosts are restricted to the terms and conditions of this licence, and that bats and bat roosts are otherwise protected by law.

A copy of a written or otherwise accessible version of the presentation to persons about licensed activities and written confirmation that it has been provided to all relevant persons (including the date and persons' names) must be retained by the Licensee and Named Ecologist. This must be made available to any officer of Natural England or any police officer on demand.

16. Licensable activities impacting satellite, maternity and hibernation roosts (see Definitions) must not be undertaken while the roost is in use for these purposes. Where the roosts are excluded ahead of seasonal use, appropriate compensation must be in place and available for use prior to exclusions taking place.
17. If Licensed Activities have not commenced within 6 months following approval of an Authorised Site Registration, a Report of Action Form must be submitted (Nil Return) and the Authorised Site Registration withdrawn.
18. The ER Consultant must hold the highest required Annexes (see Definitions) that covers the cumulative licensable works for registered sites in which a separate bat licence or site registration (under CL47 or CL21) has been applied for, is expected to be required or is subject to an existing bat licence for the same site (including phased or multi-plot developments).

### **Capture and Release**

19. The locating, capturing and handling of all bats, and fitting of all bat exclusion devices must only be undertaken by the ER Consultant, an Accredited Agent, or by an Assistant under the direct supervision of the ER Consultant or Accredited Agent. All works must be undertaken using best practice methodology to ensure minimal risk to bats. Persons acting under this licence must abide by the advice on excluding bats, handling bats and working in bat roosts in the most up-to-date edition of the 'Bat Mitigation Guidelines' and 'Bat Workers' Manual'. In addition to this:
  - a. Where bats are discovered and taken under this licence they must either be relocated to an alternative roost (see Definitions) suitable for the species, or where bats are temporarily held this

must be done safely and bats released on site at dusk in, or adjacent to, suitable foraging/ commuting habitat in safe areas within, or directly adjacent to, the pre-works habitat. Where a bat is unexpectedly discovered in adverse weather conditions, guidance in Appendix II must be followed.

- b. Temporary and permanent exclusion must be carried out using techniques specified in the most up to date edition of the 'Bat Workers Manual'. If one-way exclusion devices are to be used, each device must remain in position for a period of at least 5 consecutive days/ nights throughout a spell of suitable weather conditions, or remain longer until these conditions prevail.
- c. Prior to destructive works, an inspection using torches and/or an endoscope must be performed internally to search for the presence of bats. If any licensed vesper bat species is found and is accessible, it must be captured by gloved hand or hand-held net, given a health check and then each placed carefully inside a draw-string, calico cloth holding bag or similar for transport. If any licensed horseshoe bat species is found, capture methods must only be used after it has been shown that overnight dispersal or exclusion are no longer practicable methods.
- d. Following inspection and exclusion operations, the removal of any feature with bat roost potential will be only performed by hand or hand-tools in suitable weather conditions and under direct ecological supervision. Where applicable, materials will be removed carefully away and not rolled or sprung to avoid potential harm to bats. Removed and detached materials must be checked by the ER Consultant or Accredited Agent for bats that may be clung to them. Destructive Searches by soft felling (see Definition) may only be carried out when it is dry and mild and after temperatures have not dropped below 8°C for 4 consecutive preceding days. Mechanical demolition and Destruction by Felling (see Definitions) of the roost must only be undertaken after the roost has been declared free of bats by the ER Consultant or Accredited Agent.
- e. For sites where the presence of horseshoe species has been confirmed, the following exclusion method will be used: prior to work commencing, the ER Consultant or Accredited Agent will conduct a thorough internal inspection for the presence of horseshoe bats. Only after the void is shown to be unoccupied will the destructive search commence, or all apertures into that void be closed and sealed (windows, doors, etc) by use of boarding, sealed tarpaulin or similar. If a horseshoe bat is encountered, it will be left undisturbed during daylight. After all bats have dispersed overnight, the void will be sealed as described above. If all bats have not emerged, the ER Consultant will either use torchlight and non-tactile human presence to disturb the bat to encourage it to emerge and disperse, during night only, or through use of a hand-held net. Only after all bats have emerged from the building or void will it be sealed.

20. Endoscopes and hand-held nets are only to be used to assist with the locating and capture of bats.
21. Exclusion using artificial light, noise, and/or vibration must not be undertaken except with written permission from Natural England.
22. When bats are found in unexpected numbers or are of a species or a roost type not covered by the authorised Site Registration, the guidance in Appendix II must be followed.
23. A written record must be kept of capture and exclusion undertaken, and of any other bat dispersal during destructive works. This must include dates, weather conditions with minimum overnight temperature and of any precipitation; also the numbers of each bat species captured, transported, or displaced; and duration of any bat excluder device use. This record must be provided with the Report of Action. This must be made available to any officer of Natural England or any police officer on demand.
24. Provision must be made for prompt assistance to appropriately tend and care for any bat injured, such as during the exclusion and demolition process. Any injured or dead bats must be reported to Natural England using the Report of Action Form.

#### **Mitigation and compensation**

25. Any mitigation and compensation measures proposed in the authorised Site Registration Form must be implemented as described. Any changes must have been agreed in writing by Natural England (see Condition 10).
26. Where it is necessary to install a roof membrane and this has the potential to be exposed to any bat, Bitumen type 1F felt with a hessian matrix, or a non-bitumen coated roofing membrane (NBCRM) with a test certificate approved by Natural England, must be used.
27. Should it be necessary to use any wood timber treatments, only [approved](#) treatments may be used. Guidance on their use in the '*Bat Workers' Manual*', Chapter 10 must be followed.
28. If the Registered Site is part of a phased or multi-plot development, the Master Plan (where required) must be re-submitted, and updated if necessary, with any modifications to the authorised Site Registration and any future site registrations for the phased or multi-plot development.

#### **Monitoring and Reporting requirements**

29. Where applicable, monitoring must be undertaken in accordance with the monitoring proposed in the authorised Site Registration Form.
30. Where monitoring is undertaken, an assessment of bat habitat at each Registered Site must also be made at this time.
31. Where monitoring of habitat, mitigation or compensation roost structure(s) indicate compensation is not supporting any or all of species and roost type(s) impacted, Remedial Action (see definition) must be taken to remedy this as soon as practically possible.
32. Where Remedial Action is required, a Report of Monitoring must be provided to Natural England as soon as practically possible, to include detail(s) of proposals to maintain the favourable conservation status.
33. The ER Consultant must comply with the reporting requirements below:
  - a. Submit a Report of Action Form within four weeks of completing licensed activities under this licence for each registered site.
  - b. Submit a Report of Compensation Form within four weeks of completing compensation measures (if applicable).
  - c. Submit a Report of Monitoring Form in the same calendar year any monitoring is completed.

**Post-development site maintenance and habitat management**

34. Any feature or structure retained, modified or otherwise provided under the terms and conditions of this licence, which do not show evidence of bat use must be retained for a minimum of five years following completion of all licensed activities relating to that feature or structure or to the Site Registration end date, if longer than five years.
35. Any mitigation or compensation roost structure(s) proposed at each Registered Site, in accordance with the authorised Site Registration Form, must be maintained, repaired or reinstated at an appropriate time of year suitable for the species and roost type, for the length of the licence. Any changes must have been agreed in writing by Natural England.

**Recording requirements**

36. Records must be kept for at least 24 months following completion of licensed activities and any subsequent monitoring at each Registered Site, in accordance with the requirements as set out in Appendix I. Records are to be made available for inspection immediately on demand by any Officer of Natural England or police officer.

**Licence compliance**

37. Any Licensees, and any person authorised by, or working under this licence must comply with the terms and conditions of this licence, including the site registration, recording and reporting requirements. Failure to do so will render registration null and void and would be an offence. Natural England will advise the Licensees of any change in registered status and explain the reasons for this.
38. The ER Consultant, and Joint Licensee shall permit an officer of Natural England, accompanied by such persons as he/she considers necessary for the purpose, on production of his/her identification on demand, reasonable access to monitor work being undertaken and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence and/or the ER Consultants Accreditation Certificate are being, or have been, complied with. All reasonable assistance must be provided to any officer of Natural England in the discharge of their duties and to any persons accompanying him/her.
39. Natural England must be informed of any breach to this licence. The ER Consultant, and Joint Licensee, or other person authorised by this licence, must report to Natural England, in writing any problems with compliance with the licence within three working days of this becoming apparent. They must also take necessary action, within the terms and conditions of this licence, should they discover poor practice and/or activities beyond the scope of the licence.
40. ER Consultants must inform Natural England:
  - a. If they are subject to disciplinary action with their professional membership body, within one working week of being informed, setting out the circumstances. They must also inform Natural England of the outcome of the action within one working week of the conclusion of this action.
  - b. If they are subject to any criminal investigation by the police or other statutory body for any wildlife-related offence(s), setting out what these are, when the outcome is likely to be known, and what the outcome is following completion of the investigation.

Issued by and on behalf of Natural England on:

Lucy Bellini  
Principal Adviser, Strategy and Government Advice.  
01/08/2023



### **INFORMATION AND ADVICE specific to this licence**

- a. This licence cannot be used on a precautionary basis and a site registration must only be applied for when there is a genuine need for activities to be covered by the licence.
- b. Registration to use this licence indicates that the ER Consultant has demonstrated an appropriate level of competence in these activities. The fact that a person is registered to use this licence should not be used or taken to indicate competence in any other activity that may be associated with work relating to bats.

### **Compliance and Enforcement**

- c. Under Regulation 60 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to contravene or fail to comply with a licence condition. This includes all persons authorised to act under this licence. Failure to comply with a condition of a licence issued under The Wildlife & Countryside Act 1981 (as amended) could result in offences being committed.
- d. Under Regulation 59 of the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to make, or to recklessly make a false statement, representation or supply information for the purposes of obtaining a licence.
- e. Anyone seeking to confirm whether a person is registered to use this licence should contact the Natural England Wildlife Licensing team (see Contact details below).
- f. It is the responsibility of the Licensee to maintain their expertise at an appropriate level to act under this licence and to ensure that any Assistants only act under their direct physical on-site supervision for the purposes of this licence.
- g. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.
- h. Natural England will consider reporting any non-compliance, or concerns over standards, to the professional body of which the Registered Consultant or Accredited Agent is a member and/or another enforcement body as appropriate.

### **General welfare considerations**

- i. Persons acting under this licence may photograph bats in connection with licensed activities provided that this causes no additional disturbance.
- j. Persons acting under a licence should have regard to legislation and good practice relevant to the action(s) undertaken, including animal welfare and the Animal Welfare Act 2006 (2006 Act). It is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the 2006 Act). This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, including decoy birds and non-target animals. For advice on the relevance of the 2006 Act to wildlife management please refer to the Natural England leaflet '[The Animal Welfare Act 2006: what it means for wildlife](#)' (TIN072).
- k. It is the responsibility of each person relying on this licence to use appropriate equipment and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering. Natural England recommends that anyone handling bats wears gloves and is suitably vaccinated against rabies.
- l. A licence is not required for the short-term keeping of injured bats that were obtained legally for the purpose of tending them in order to release them when no longer disabled. However, if the bats are to be kept for longer than six months then the carer should apply for a licence to possess bats. This can be done using the possession licence application form WML-A37 (found at: <https://www.gov.uk/government/publications/european-protectedspecies-apply-for-a-licence-to-possess-them>).

### **General Information**

- m. It should be noted that this licence can be modified or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. You are advised to read in full any licence prior to your first use of it each year in case of amendments.
- n. The common name or names of species given in this licence and annexes of this licence are included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.

### **The limits of licences**

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

- q. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

#### Protected sites

- r. You can search for and view details about all SSSIs by using Natural England's [Designated Sites system](#). The notification documents for each SSSI contain a list of operations that require Natural England's prior consent. Owners and occupiers of land notified as SSSIs are required to give written notice to Natural England before either beginning any of these operations, or allowing someone else to carry out those operations. SSSI consent can only be given to a SSSI owner or occupier. It may be given with or without conditions, or in some cases, consent may not be granted. A similar process applies to public bodies and statutory undertakers (as defined under Section 28G of the Wildlife and Countryside Act 1981 (as amended)) and this obligation applies even where the operations are carried out on land outside of the SSSI.
- s. Please note that as the licensee you will not be able to undertake the licensed activity on a SSSI until the owner or occupier of the SSSI has applied for, and received, Natural England's written SSSI consent. If you do so, you may be at risk of committing an offence. As the licensee, if you wish to exercise this licence on a SSSI you must contact the relevant owners or occupiers of the SSSI and ensure they give written notice to Natural England of their proposal to permit you to carry out licensed activity on their SSSI. You should wait until a SSSI consent decision has been received by the SSSI owner/occupier before you begin to exercise this licence on a SSSI. See [Gov.uk](#) for further information on how to get SSSI consent from Natural England.
- t. In considering whether to issue consent or assent for activities likely to affect a SSSI that is a European Site, in other words a Special Protection Area (SPA) or Special Area of Conservation (SAC), Natural England will carry out a Habitats Regulations Assessment, as required by the Conservation of Habitats and Species Regulations 2017 (as amended) to ensure there will be no adverse effects on the European Site.

#### Biosecurity

- u. To avoid transmitting COVID-19 from people to wild mammals, you should: stay at least 2 metres from live wild mammals at all times; only capture or handle live wild mammals if necessary and avoid going within 2 metres of known breeding or regularly used resting sites of mammals. If you cannot follow these guidelines, then you should minimise the time spent in close proximity and handling mammals; limit the number of people that come into close proximity or handle mammals, and keep animals separate from other individuals as far as possible.
- v. Persons acting under this licence should follow good hygiene practices, including wearing of disposable gloves, or clean and disinfected non-disposable gloves; wearing a face covering when handling and in close proximity to any mammal, and washing hands before and after close proximity or handling of any mammal. Face coverings, non-disposable gloves and overalls or other clothing should be washed / disinfected between uses when handling mammals.
- w. You should not carry out activities under this licence if you feel unwell, test positive for COVID-19 or live with someone who has or might have COVID-19
- x. Any products used to clean and disinfect equipment should be safe for use where there could be contact with animals and used at an effective and safe dilution rate. 'Safe4' is considered to be an appropriate disinfectant for this purpose and is considered effective against the virus at a dilution of 1:50. Other products can be used to clean and disinfect equipment.

#### Using and sharing your information

- y. How we use your personal information is set out in the Wildlife Licensing privacy notice which can be found here: <https://www.gov.uk/government/publications/natural-england-privacy-notice>.

#### Contact details for Natural England

For licensing enquiries:

**Telephone** 020 802 61089

**Email**  
[EarnedRecognition.bat@naturalengland.org.uk](mailto:EarnedRecognition.bat@naturalengland.org.uk)

**Postal address** Natural England Wildlife Licensing  
Service, Natural England, Horizon House, Deanery  
Road, Bristol BS1 5AH

For other enquiries use the Enquiry Service:

**Telephone** 0300 060 3900

**Email** [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

**Web** <https://www.gov.uk/government/organisations/naturalengland>

# WML-CL47 Annex A

## Bat Earned Recognition Class Licence

### Accreditation Level 1



**Table 1** Species, roost numbers and roost types covered by licence Annex A

<b>Bat species</b>	Group 1 Species: Brown long-eared, Common pipistrelle, Soprano pipistrelle
<b>Assemblage</b>	One or more of the Group 1 Species (listed above) are present.
<b>Roost type</b>	<ul style="list-style-type: none"><li>• Feeding roost</li><li>• Night roost</li><li>• Day roost</li><li>• Transitional roost / occasional roost</li></ul> These are all roosts that are considered to be 'low conservation significance roosts' for the purpose of this licence (see Definitions)
<b>Number of roosts</b>	No more than seven roosts in total (across all structures or trees). A maximum of 3 tree roosts are permitted in individual or isolated trees, outside woodland (see Definition).
<b>Number of bats</b>	Individuals or small numbers (in total) of any species listed above. If more than one species will be affected, it is the total number of bats which must be considered.

# WML-CL47 Annex B

## Bat Earned Recognition Class Licence Accreditation Level 1



**Table 1** Species, roost numbers and roost types covered by licence Annex B

<b>Bat species</b>	Group 1 Species: Brown long-eared, Common pipistrelle, Soprano pipistrelle Group 2 Species: Brandt's bat, Daubenton's bat, Natterer's bat, Leisler's bat, Serotine, Nathusius' pipistrelle, Noctule, Whiskered bat.
<b>Assemblage</b>	No more than three of the species listed Group 1 Species and/or Group 2 Species (across all structures).
<b>Roost type</b>	<ul style="list-style-type: none"><li>• Feeding roosts</li><li>• Night roosts</li><li>• Day roosts</li><li>• Transitional roosts / occasional roosts</li></ul> These are all roosts that are considered to be 'low conservation significance roosts' for the purpose of this licence (see Definitions)
<b>Number of roosts</b>	No more than seven roosts in total (across all structures or trees). A maximum of 3 tree roosts are permitted in individual or isolated trees, outside woodland (see Definition).
<b>Number of bats</b>	Individuals or small numbers (in total) of any species listed above. If more than one species will be affected, it is the total number of bats which must be considered.

# WML-CL47 Annex C

## Bat Earned Recognition Class Licence Accreditation Level 2



**Table 1** Bat species, roost numbers and roost types covered by licence Annex C

<b>Bat species</b>	Group 1 Species: Brown long-eared, Common pipistrelle, Soprano pipistrelle	Group 2 Species: Brandt's bat, Daubenton's bat, Natterer's bat, Leisler's bat, Serotine, Nathusius' pipistrelle, Noctule, Whiskered bat.	Group 3 Species: Barbastelle, Bechstein's, Grey long-eared, Alcahoie.
<b>Assemblage</b>	No more than five of the species listed on Annex C (across all structures).		
<b>Roost type</b>	<p>Roost types of Group 1 Species:</p> <ul style="list-style-type: none"> <li>• Feeding roosts</li> <li>• Night roosts</li> <li>• Day roosts</li> <li>• Transitional roosts</li> <li>• Satellite roosts</li> <li>• Maternity roosts</li> <li>• Hibernation roosts</li> <li>• Mating sites<sup>2</sup></li> </ul> <p>Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).</p>	<p>Roost types of Group 2 and Group 3 Species:</p> <ul style="list-style-type: none"> <li>• Feeding roosts</li> <li>• Night roosts</li> <li>• Day roosts</li> <li>• Transitional roosts</li> </ul> <p>Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).</p>	
<b>Number of roosts</b>	No more than eleven roosts in total (across all structures or trees). A maximum of 3 tree roosts are permitted in individual or isolated trees, outside woodland (see Definition).		
<b>Number of bats</b>	The maximum number of bats as stated on the authorised site registration form		

<sup>2</sup> Does not include any type of swarming site, which falls into Accreditation Level 3

# WML-CL47 Annex D

## Bat Earned Recognition Class Licence Accreditation Level 3



**Table 1** Bat species, roost numbers and roost types covered by licence Annex D

<b>Bat species</b>	Group 1 Species: Brown long-eared, Common pipistrelle, Soprano pipistrelle	Group 2 Species: Brandt's bat, Daubenton's bat, Natterer's bat, Leisler's bat, Serotine, Nathusius' pipistrelle, Noctule, Whiskered bat.	Group 3 Species: Barbastelle, Bechstein's, Grey long-eared, Alcatheo.
<b>Assemblage and number of roosts</b>	Where there are 6 or more species present and/or 12 or more roosts present. A maximum of 3 tree roosts are permitted in individual or isolated trees, outside woodland (see Definition).		
<b>Roost type</b>	<ul style="list-style-type: none"> <li>• Feeding roosts</li> <li>• Night roosts</li> <li>• Day roosts</li> <li>• Transitional roosts</li> <li>• Satellite roosts</li> <li>• Maternity roosts</li> <li>• Hibernation roosts</li> <li>• Mating sites</li> <li>• Swarming site</li> </ul>		
<b>Number of bats</b>	The maximum number of bats as stated on the authorised site registration form.		

# WML-CL47 Annex H1

## Bat Earned Recognition Class Licence Accreditation Level 2



**Table 1** Bat species, roost numbers and roost types covered by licence Annex H1

<b>Bat species</b>	Group 4 Species: Lesser Horseshoe and Greater Horseshoe
<b>Assemblage and number of roosts</b>	No more than five of the species listed on Annex C and Annex H1 (across all structures).
<b>Roost type</b>	<ul style="list-style-type: none"><li>• Feeding roosts</li><li>• Night roosts</li><li>• Day roosts</li><li>• Transitional roosts</li></ul>
<b>Number of bats</b>	The maximum number of bats as stated on the authorised site registration form.

# WML-CL47 Annex H2

## Bat Earned Recognition Class Licence Accreditation Level 3



**Table 1** Bat species, roost numbers and roost types covered by licence Annex H2

<b>Bat species</b>	Group 4 Species: Lesser Horseshoe and Greater Horseshoe
<b>Assemblage and number of roosts</b>	Where there are 6 or more species present (from any Species Group) and/or 12 or more roosts present.
<b>Roost type</b>	<ul style="list-style-type: none"><li>• Feeding roosts</li><li>• Night roosts</li><li>• Day roosts</li><li>• Transitional roosts</li></ul>
<b>Number of bats</b>	The maximum number of bats as stated on the authorised site registration form.



# WML-CL47 Annex H3

## Bat Earned Recognition Class Licence Accreditation Level 3



**Table 1** Bat species, roost numbers and roost types covered by licence Annex H3

<b>Bat species</b>	Group 4 Species: Lesser Horseshoe and Greater Horseshoe
<b>Assemblage and number of roosts</b>	Where there are 6 or more species present (from any Species Group) and/or 12 or more roosts present.
<b>Roost type</b>	<ul style="list-style-type: none"><li>• Feeding roosts</li><li>• Night roosts</li><li>• Day roosts</li><li>• Transitional roosts</li><li>• Satellite roosts</li><li>• Maternity roosts</li><li>• Hibernation roosts</li><li>• Mating sites</li><li>• Swarming site</li></ul>
<b>Number of bats</b>	The maximum number of bats as stated on the authorised site registration form.

# WML-CL47 Annex T2

## Bat Earned Recognition Class Licence Accreditation Level 2



**Table 1** Bat species, roost numbers and roost types covered by licence Annex T2

<b>Bat species</b>	Group 1 Species: Brown long-eared, Common pipistrelle, Soprano pipistrelle	Group 2 Species: Brandt's bat, Daubenton's bat, Natterer's bat, Leisler's bat, Serotine, Nathusius' pipistrelle, Noctule, Whiskered bat.	Group 3 Species: Barbastelle, Bechstein's, Grey long-eared, Alcahoie.	Group 4 Species: Lesser Horseshoe and Greater Horseshoe (only if Annex H1 (or H2 or H3) is held)
<b>Assemblage</b>	No more than five of the species listed on Annex C and/or Annex H1 (across all structures or trees). Group 4 species (Lesser Horseshoe and Greater Horseshoe) only where Annex H1 (or H2 or H3) is held.			
<b>Roost type</b>	<p>Roost types of Group 1 species:</p> <ul style="list-style-type: none"> <li>• Feeding roosts</li> <li>• Night roosts</li> <li>• Day roosts</li> <li>• Transitional roosts</li> <li>• Satellite roosts</li> <li>• Maternity roosts</li> <li>• Hibernation roosts</li> <li>• Mating sites<sup>3</sup></li> </ul> <p>Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).</p>	<p>Roost types of Group 2, Group 3 and Group 3 species:</p> <ul style="list-style-type: none"> <li>• Feeding roosts</li> <li>• Night roosts</li> <li>• Day roosts</li> <li>• Transitional roosts</li> </ul> <p>Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).</p>		
<b>Number of roosts</b>	No more than eleven roosts in total (across all structures or trees). Tree roosts may be in individual trees or woodlands.			
<b>Number of bats</b>	The maximum number of bats as stated on the authorised site registration form.			

<sup>3</sup> Does not include any type of swarming site, which falls into Accreditation Level 3

### ADDITIONAL CONDITIONS specific to this licence annex

- T2A All bat related tree works within the Site Registration area must be undertaken by the ER Consultant, an Accredited Agent, or by an Assistant under the direct supervision of the ER Consultant or Accredited Agent. All works must be undertaken using best practice methodology to ensure minimal risk to bats.
- T2B All licensed actions and bats encountered and any subsequent actions must be recorded and documented for reporting purposes (See Licence Condition 23).
- T2C All trees declared clear of bats and approved for felling by the ER Consultant or Accredited Agent must be clearly marked for felling and recorded.
- T2D No tree felling within the Registered Site to be undertaken of trees with bat roosting potential during the maternity period May-August, inclusive.
- T2E Trees with a confirmed hibernation roost, or any PRF which have potential to support a hibernation roost must not be felled in the hibernation period.
- T2F Prior to any felling works in an area, all trees must be subject to an updated Ground Level Roost Assessment (GLRA).
- T2G Capture and exclusion procedures must follow Licence Condition 19, with additional protocols specified for relevant circumstances below:
1. **For trees that are safe to climb and with Potential Roost Features (PRFs) that can be reached / accessed**, pre-felling climbing inspections must be undertaken on the same day as the planned tree felling where possible. All climbing surveys will be undertaken by the ER Consultant or Accredited Agent equipped with an endoscope (with 1m minimum length cable);
  2. **Where a PRF contains bats** they will be removed in accordance with Licence Condition 19 (Capture and Release conditions). The tree roost will be declared clear for felling by the ER Consultant or Accredited Agent. Felling will take place on the same day as the climbing inspection or the roost will be made permanently unsuitable for bats, via destruction, soft felling or exclusion of bats. The action undertaken will be recorded.
    - a. **If a maternity roost is discovered**, the bats must not be removed from the roost. The ER Consultant must be informed if an Accredited Agent is undertaking the licensed works. A buffer of vegetation must be created or retained around the roost that is specific to the conditions onsite, and left in place until the bat(s) have moved of their own accord and felling can take place. The vegetation buffer will be a minimum of 10m diameter but should aim to be 20m or even more depending on the location and thickness of surrounding vegetation, to avoid / minimise impacts (disturbance and change of environmental conditions) to the roost.
  3. **Where a PRF contains no bats** the tree will be felled following confirmation by ER Consultant or Accredited Agent that no bats are present. Should there be delays to felling, the PRF will be made unusable for roosting bats via removal of the PRF (destruction, soft felling or exclusion of bats).  
In the event that exclusion of bats is not possible or is reported to be ineffective the PRF will be re-inspected prior to felling.
  4. **Where bats within a roost cannot be captured or excluded using one-way exclusion devices** consideration will be given to the range of options available to the ER Consultant or Accredited Agent to establish whether bats are present or absent and how best to fell the tree. The options include undertaking additional emergence / re-entry surveys, repeat climbing inspections, or soft felling. A decision on the approach to be taken will be based on the nature of the PRF, associated safety considerations, the anticipated effectiveness of emergence / re-entry surveys given the time of year, and the ability to soft-fell safely. Where emergence / re-entry surveys are undertaken, these will make use of thermal imaging (TI) or Infra-Red (IR) cameras and in-line with BCT Guidelines (Collins, 2016).
  5. **Where a tree cannot be climbed or inspected (i.e. MEWP) due to safety** the considerations and measures outlined in point 4 above will be followed.
  6. **Where soft felling (See definition) is required as the presence of bats within a PRF cannot be determined**, the feature will be soft felled in conjunction with an experienced arborist. PRF sections to be carefully cut away and lowered to the ground (anchored from MEWP or adjacent trees) and inspected by the ER Consultant or Accredited Agent. Any bats found will be moved in line with Licence Condition 19 (Capture and Release conditions) with consideration given to anchoring the section felled PRF into a nearby suitable tree. PRFs will be left in-situ on the ground within a 10m exclusion zone for 24 hours; and,
  7. **Following successful bat capture** by the ER Consultant or Accredited Agent, a health check of the bat will be undertaken. The bat will then either be transported immediately to an Alternative Roost (See Definition) or kept in a suitable container until dusk and released near the site of capture.

# WML-CL47 Annex T3

## Bat Earned Recognition Class Licence Accreditation Level 3



**Table 1** Bat species, roost numbers and roost types covered by licence Annex T3

<b>Bat species</b>	Group 1 Species: Brown long-eared, Common pipistrelle, Soprano pipistrelle Group 2 Species: Brandt's bat, Daubenton's bat, Natterer's bat, Leisler's bat, Serotine, Nathusius' pipistrelle, Noctule, Whiskered bat. Group 3 Species: Barbastelle, Bechstein's, Grey long-eared, Alcahoie. Group 4 Species: Lesser Horseshoe and Greater Horseshoe (only if Annex H1 (or H2 or H3) is held).
<b>Assemblage and number of roosts</b>	Where there are 6 or more species present from any Species Group (Group 4 species (Lesser Horseshoe and Greater Horseshoe) only where Annex H1 (or H2 or H3) is held) and/or 12 or more roosts in total (across all structures or trees). Tree roosts may be in individual trees or in woodlands.
<b>Roost type</b>	<ul style="list-style-type: none"> <li>• Feeding roosts</li> <li>• Night roosts</li> <li>• Day roosts</li> <li>• Transitional roosts</li> <li>• Satellite roosts</li> <li>• Maternity roosts</li> <li>• Hibernation roosts</li> <li>• Mating sites</li> <li>• Swarming sites</li> </ul>
<b>Number of bats</b>	The maximum number of bats as stated on the authorised site registration form.

# WML-CL47

## Bat Mitigation Class Licence

### APPENDIX I – Registration, recording and reporting



#### 1. Registration of the site prior to use of this licence

Each time this licence is to be relied on the Licensee must register the site with Natural England a minimum of **three weeks (i.e. 15 working days) and no more than a maximum of twelve weeks prior to undertaking any licensed activities**. To do this, the Site Registration Form must be submitted by the Licensee. The Applicant, who will become the Joint Licensee, must also make a declaration that is signed and uploaded as part of the application process.

The Site Registration Form provides evidence to meet the three licensing tests and information to demonstrate the licence criteria have been met. There are some exemptions for which a reduced amount of information is required in regard to the 'Purpose' and 'No Satisfactory Alternative' licensing tests, as set out in site registration form. This must also include confirmation that all necessary consents are in place and that the landowner agrees to abide by the conditions of the licence.

#### 2. Wait for confirmation that works can go ahead

Natural England will make an assessment of the Site Registration application, determine whether the three statutory licensing tests are met and confirm whether more information is required or that the site is registered. Natural England reserves the right to request additional information. No licensed activities must go ahead until Natural England has confirmed, in writing to the Licensee that the site is registered and works may commence. We aim to provide our response within fifteen working days of receipt of a site registration request.

#### 3. Submitting a licence return following completion of licensed activities

The Licensee is required to report back to Natural England **within four weeks** of completing licensed activities under this licence for each registered site using [Licence Return Form](#). A link to the licence return form will be sent to the Licensee(s) with the confirmation email (see above).

#### 4. Submitting a monitoring report form

Where sites have been registered that propose monitoring, the Licensee must submit the survey results, **within four weeks** of completing the survey, using the monitoring report form.

#### Commercial confidentiality

If you encounter difficulties releasing data due to client confidentiality restrictions then you are advised to remind your client that it is a condition of using this licence that survey information and licensed activities are reported. Furthermore, the licence may only be used if this condition is met and withholding information may lead to a licence breach (which under regulation 60 of the Habitats Regulations is an offence). Failure to comply with a condition of a licence issued under The Wildlife & Countryside Act 1981 (as amended) could result in offences being committed.

To help avoid such difficulties, it is recommended that your contractual terms and conditions make it clear that submitting records to Natural England and other bodies specified in licences is a legal requirement. If a client is not prepared to accept such terms and conditions then you may not use this licence. You may then have to apply for an individual licence.

# WML-CL47

## Bat Mitigation Class Licence

### APPENDIX II – Bats discovered unexpectedly and working in adverse weather



Acting under licence WML-CL47 when bats are found unexpectedly in cold or adverse weather conditions (see Licence Condition 22).

**Important:**

- Should unexpected bats (species or numbers) or roost types be found whilst working under the authority of this licence, the ER Consultant should assess if works can continue under the Site Registration or whether the authorised site registration form needs to be updated and sent to Natural England.

#### UNEXPECTED BAT SPECIES OR A CHANGE IN ROOST TYPE(S)

When unexpected bat species or roost types are discovered the steps detailed within this Appendix II must be adhered to.

There may be occasions where, despite surveying, unexpected species or roost types are found at a registered site. How you respond to this for various situations is detailed below. If in doubt you should contact Natural England via the Bat ER Mailbox: [earnedrecognition.bat@naturalengland.org.uk](mailto:earnedrecognition.bat@naturalengland.org.uk)

When a bat or a roost type is found unexpectedly and the ER Consultant is not on site, works must stop and the ER Consultant must be contacted immediately to attend the site to re-assess the situation.

Appropriate mitigation and compensation measures must be applied to any unexpected finds of species/roosts (see your ER Accreditation Certificate).

#### a. New Species

If a species is found that is not covered by the authorised Site Registration, it is acceptable to continue without a modified Site Registration if **all** the following (points i, ii and iii) are met:

- i. The licensable actions are covered by the Accreditation Level(s) held by the ER Consultant at the time of the unexpected discovery;
- ii. There are no additional mitigation methods or compensation features required on the authorised Site Registration;
- iii. There is no likely detrimental impact on FCS of the bat species and populations present, compared to the authorised Site Registration

If more than one species is found that is not covered by the authorised Site Registration and it falls outside of the instances above (a. i., ii., and iii.), you must submit a Site Registration modification.

#### b. Additional Numbers

When works unexpectedly affect higher numbers of bats than is stated in the authorised Site Registration, it is acceptable to continue without a Site Registration modification if **all** the following (points i, ii and iii) are met:

- i. There are no additional mitigation methods or compensation feature(s) required on the authorised Site Registration;
- ii. There is no likely detrimental impact on FCS of the bat species and populations present, compared to the authorised Site Registration
- iii. Where a roost is considered to change in classification (e.g. from a 'day roost' to 'maternity roost', the requirements below under Item 'C – Change in Roost Type' must also be met.

If the number of bats affected is not covered by the authorised Site Registration and it falls outside of the instances above (b. i., ii. and iii.), you must submit a Site Registration modification.

c. Change in Roost Type:

If a roost type of an authorised species is unexpectedly reclassified during works, it is acceptable to continue without a modified Site Registration if **all** the following conditions are met:

- i. The licensable actions are covered by the Accreditation Level(s) held by the ER Consultant at the time of the unexpected discovery;
- ii. There are no additional mitigation methods or compensation feature(s) required on the authorised Site Registration;
- iii. There is no likely detrimental impact on FCS of the bat species and populations present, compared to the authorised Site Registration
- iv. Only one roost is reclassified; and there have been no previous re-classifications of that roost type without an associated modified Site Registration.
- v. The criteria outlined above in 'Item B - Additional Numbers' are also met.

If a roost type of the authorised species is reclassified and it falls outside of the instances above (c. i., ii., iii. and iv), you must submit a Site Registration modification.

d. Additional Roosts of the Same Species and Roost Type(s)

When works unexpectedly affect additional roosts of the same species and roost type(s) as authorised in the Site Registration form, it is acceptable to continue without a modified Site Registration if **all** the following are met:

- i. The licensable actions are covered by the Accreditation Level(s) held by the ER Consultant at the time of the unexpected discovery;
- ii. There are no additional mitigation methods required on the authorised Site Registration;
- iii. There is no additional compensation feature required in order to adhere to the External Guidance and associated documentation to impact the unexpected discovery;
- iv. There is no likely detrimental impact on FCS of the bat species and populations present, compared to the authorised Site Registration
- v. The criteria outlined above in 'Item B - Additional Numbers' are also met.
- vi. Only one additional roost per species and roost type compared to the roosts under the authorised Site Registration.

If the additional roost(s) falls outside of the instances above (d. i., ii., iii. And iv), you must submit a Site Registration modification.

e. Submitting Site Registration Modifications for Species / Numbers / Roost changes:

When works will unexpectedly affect bat species or roost types or larger numbers, that fall above the Accreditation Level the ER Consultant is accredited to use, the following actions must be followed:

- i. The ER Consultant should contact the Natural England Bat ER Team as soon as practicable. After an initial discussion, the ER Consultant should confirm the find (species, circumstances, revised plans for mitigation/compensation etc) to the licensing adviser via email. This email should confirm the species found, the number of bats found, details of previous surveys and or additional pre-works inspections and what is proposed as additional or revised mitigation/compensation
- ii. Natural England will respond and confirm in writing whether the unexpected find can be authorised under this licence, or whether an individual licence, or registration by a different ER Consultant with the relevant Accreditation Level, is required.

### **HIBERNATING BATS & ADVERSE WEATHER CONDITIONS**

Activities affecting buildings or structures which are likely to support hibernating or torpid bats must be timed to take place when bats are active and when there is a decreased risk of direct or indirect harm to bats because:

- Torpid and hibernating bats are unable to rouse quickly and can easily be injured or killed through careless working practices, and
- Causing bats to wake and use energy at a time of year when they cannot replace their energy reserves may reduce their chances of surviving, particularly in the winter.

It is however recognised that, despite thorough assessment, there are occasions where individual torpid or hibernating bats might be discovered unexpectedly. WML-CL47 covers unexpected discoveries of individual bats in adverse weather conditions.

**If individual bats of a species covered by this licence are discovered unexpectedly during periods of cold or adverse weather then the following steps must be taken:**

1. Works to that building/structure must stop immediately. If the ER Consultant or an Accredited Agent is not on site, they must be contacted immediately to attend the site.
2. Do not expose the bat or cause it to fly out of the roost on its own accord.
3. The bat must only be handled by the ER Consultant except if it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
4. Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost providing a safe, quiet environment with suitable temperature and humidity levels appropriate for bats roosting at that time of year, that is safe from further disturbance.
5. The ER Consultant must re-assess the structure and determine whether works can continue under the current Site Registration or whether the Site Registration needs a modification and resubmitting to Natural England prior to works re-commencing. A written record must be kept of this decision and be made available to Natural England or any police officer on request. This incident must also be reported on this licence return form.
6. Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.