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:

Annex A	Accreditation Level 1 -	Group 1 Species: Lower Risk
Annex B	Accreditation Level 1 -	Group 2 Species: Lower Risk
Annex C	Accreditation Level 2 -	Group 1 Species: Medium Risk Group 2 Species: Medium Risk
Annex D (i, ii, iii, iv, v)	Accreditation Level 2 -	Group 3 Species: Medium Risk
Annex E	Accreditation Level 3 -	Group 1 Species: High Risk Group 2 Species: High Risk
Annex F	Accreditation Level 3 -	Lesser horseshoe bat *Rhinolophus hipposideros* and greater horseshoe bat *Rhinolophus ferrumequinum*: High Risk
Annex G (i, ii, iii, iv)	Accreditation Level 3 –	Group 3 Species: High Risk (excluding lesser horseshoe bat *Rhinolophus hipposideros* and greater horseshoe bat *Rhinolophus ferrumequinum)*

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)*, lesser horseshoe bat (*Rhinolophus hipposideros)*, greater horseshoe bat (*Rhinolophus ferrumequinum)*, Alcathoe bat (*Myotis alcathoe).*

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 licensed activities within four weeks of completion of the licensed activities 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) 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	1 September 2022 to 31 December 2022 (inclusive)
Area valid in	All counties of England (landward of the mean low water mark).
Purpose(s) for which this licence is issued	• Preserving public health or public safety; or • Imperative reasons of overriding public interest.
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 **the Licensee, any Accredited Agent and Assistants** to: i. Deliberately disturb; ii. Deliberately capture/take (ie handle); iii. Transport; iv. Damage or destroy bat resting places, and/or; v. Damage or destroy bat breeding sites. 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 **Earned Recognition (ER) Consultants*** and their **Accredited Agents*** and **Assistants***, except those convicted on or after 1 January 2010 of a **wildlife crime*** (unless, in respect of that offence, either: • they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or • a court has made an order discharging them absolutely.) 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 or organisation, 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 a Earned Recognition Consultant. An Assistant may not work alone or unsupervised by the Earned Recognition Consultant.

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

Accreditation Certificate	A contract between the Earned Recognition (ER) Consultant and Natural England.
Annex(es)	Annex A, B, C, D, E, F and G appended to this Licence.
Licence Return 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 Licence Return Form can be accessed using this weblink.
Monitoring Report 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 weblink.
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 Monitoring Report Form.
Site Registration Form	Is a form that must be submitted to Natural England by the ER Consultant using this weblink. 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, 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.

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

Destructive search by soft demolition / felling (section felling)	Is the taking apart of a structure or tree 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 handheld machinery, under direct supervision.

	Only the Registered Earned Recognition Consultant or Accredited Agent may take any bats found and undertake or directly supervise any destructive searching.
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 or 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.
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[1].
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 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.	

[1] Roosting may occur alongside swarming activity and it is the structures used for rest or shelter within the swarming site that are the roost.

LICENCE CONDITIONS

Using this licence:

1. This licence includes Annexes A, B, C, D, E, F and G, 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 Licensee 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 on request 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, the Licensee must apply to amend the site registration by submitting an updated Site Registration Form and, where relevant, amended maps to allow reassessment. The only exceptions to this are details in Appendix II. Responsibility for any works undertaken remains with the original person(s) on the authorised Site Registration Form until written

confirmation authorising the change has been received from Natural England. Details to be updated include:

a. Change of Licensee;
b. Change of Joint Licensee;
c. Significant changes to licensed activities: should circumstances change so that activities and/or impacts falling outside the scope of this licence are required then works may no longer proceed. Natural England must be notified in writing within two working days, the site may then be de-registered and an individual licence may be required to be obtained before works can then legally proceed/re-start.

Working under the licence

11. The ER Consultant and Joint Licensee for each Registered Site is responsible for all activities carried out under this licence; including activities carried out by any Accredited Agent and any Assistant.

12. 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.

13. It is the duty of any person authorised to use this licence to ensure that they can adhere to the activities permitted detailed on the authorised Site Registration Form and conditions of this licence before accepting the responsibility of carrying out work under this licence. 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.

14. The ER Consultant must ensure that all those who will be involved in works at the Registered Site understand by way of a “tool box talk":

a. that bats are present;
b. a summary of the relevant legislation relating to bats;
c. the measures that will be used to protect bats;
d. good working practices;
e. licenced activities; and
f. what to do should bats be found during works.

This information must be provided before any works commence on the Registered Site and be provided to any new persons attending the Registered Site before they start work. A written record that this has been undertaken must be kept by the Licensee and made available immediately on demand to any officer of Natural England or police officer.

15. 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.

Capture and release

16. Certain actions authorised by this licence must only be undertaken by the ER Consultant, an Accredited Agent, or by an Assistant under the direct supervision of the Registered Consultant. These activities are:

- The capture and handling of bats;
- Use of endoscopes;
- Artificial light (e.g. torches) excluding the use of light as a deterrent;
- Use of hand-held static nets;
- Temporary or permanent exclusion by one-way doors or valves (bat excluders), including installation;
- Temporary obstruction of roost access;
- Permanent blocking of known entry/exit points after bats have left the roost;
- Disturbance by illumination and/or noise, excluding the use of illumination and/or noise as a deterrent, and;
- Destructive search by soft demolition / felling (see Definitions).

17. Capture/handling/exclusion of bats must only be undertaken in conditions suitable for bats to be active.

18. A written record must be kept of capture and exclusion efforts undertaken, including weather conditions (including over-night minimum temperature and rainfall), numbers and species of bats captured/taken and duration of any exclusion processes.

19. Exclusion using artificial light must not be undertaken except with written permission from Natural England for the Registered Site concerned.

20. 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.

21. Where bats are discovered and taken (excluding unexpected discoveries during adverse weather conditions) they must either be relocated to an Alternative Roost suitable for the species or released at dusk, as close to the original roost as possible. Where bats are held this must be done safely and suitable food and water provided. Any captured bats released at dusk must be released in, or adjacent to, suitable foraging/ commuting habitat in safe areas within or directly adjacent to the pre-works habitat.

22. Where a bat is unexpectedly discovered in adverse weather conditions, the guidance in Appendix II must be followed.

23. When bats are found in unexpected numbers, or are of a species or a roost type not covered by this licence, the guidance in Appendix II must be followed.

24. Endoscopes and hand-held nets are only to be used to assist with the locating and capture of bats.

25. All works must be undertaken using best practice methodology to ensure minimal risk to bats.

26. 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.

27. Mechanical demolition (see Definition) must only take place once the ER Consultant has confirmed a structure to be free of bats.

28. 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.

29. Following inspection and exclusion operations, the removal of any feature with bat roost potential, will be only performed by hand in suitable weather conditions and under direct ecological supervision, see Definition for 'Destructive search by soft demolition / felling (section felling)'.

30. 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.

31. Provision must be made for prompt assistance to deal with any injured bat. Any bats that are injured or killed as a result of any works on site must be reported to Natural England using the WML-CL47 Licence Return Form.

Mitigation and compensation

32. 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(c)).

33. Should this licence require the use of roof membranes, only Bitumen type 1F felt with a hessian matrix must be used.

34. 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 (see Information and Advice note g).

Post-development monitoring

35. Monitoring must be undertaken at each Registered Site, in accordance with the monitoring proposed in the authorised Site Registration Form. The Monitoring Report Form must be completed and submitted to Natural England in the same calendar year any monitoring is completed.

36. Where monitoring is undertaken, an assessment of bat habitat at each Registered Site must also be made at this time.

37. 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 must be taken to remedy this as soon as practically possible.

38. Where Remedial Action is required, a report must be provided to Natural England as soon as practically possible, to include detail(s) of proposals to maintain the favourable conservation status.

Post-development site maintenance and habitat management

39. 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 (see Condition 10(c)).

Recording and reporting requirements

40. The ER Consultant and Joint Licensee must comply with the reporting and recording requirements specified in Appendix I.

41. 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

42. 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.

43. 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 Consultant's 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.

44. 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.

45. 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:	Phil Bowater Principal Adviser, Strategy and Government Advice. 21 January 2022

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. 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).
d. 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.

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

f. 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.

Guidance on surveying and best practice

g. Advice on surveying, mitigation and compensation are provided in the latest edition of the *'Bat Mitigation Guidelines'*, The Lesser Horseshoe Bat Conservation Handbook, published by The Vincent Wildlife Trust, *Bat Workers Manual* available from the JNCC website *and The BCT Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition)*. The Licensee and any Accredited Agent are expected to check whether this guidance has been updated and if so, to ensure that they act in accordance with the most up to date version.

General welfare considerations

h. Persons acting under this licence may photograph bats in connection with licensed activities provided that this causes no additional disturbance.

i. 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).

j. 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.

k. 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

l. 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.

m. 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

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

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

p. 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

q. 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.

r. 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.

s. 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.

Working during the coronavirus pandemic

t. Anyone acting under this licence should follow Defra's advice on surveying and mitigation work during the coronavirus pandemic - also available on request from Natural England (wildlife.scicons@naturalengland.org.uk). This advice is kept up to date as a minimum precaution to reduce the risk of accidental transmission of the virus from humans to wild animals, and may be updated. You should check Gov.uk before you act.

u. 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 Disinfectant' is considered to be a safe and appropriate product for cleaning and disinfecting equipment that could come into contact with animals. Use at a dilution of 1:50 to be effective against COVID-19.

Using and sharing your information

v. As there is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence, we may make information publicly available. For more information, please see our Privacy Notice.

Contact details for Natural England

For licensing enquiries:

Telephone 020 802 61089

Email 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

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

Bat species	Group 1 Species: Brown long-eared, Common pipistrelle, Soprano pipistrelle
Assemblage	One or more of the Group 1 Species (listed above) are present.
Roost type	• Feeding roost • Night roost • Day roost • Transitional roost / occasional roost These are all roosts that are considered to be 'low conservation significance roosts' for the purpose of this licence (see Definitions)
Number of roosts	No more than seven roosts in total (across all structures). A maximum of 2 tree roosts and 0.25ha tree/woodland can be affected by proposed works.
Number of bats	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

Bat species	Group 2 Species: Brandt's bat, Daubenton's bat, Natterer's bat, Leisler's bat, Serotine, Nathusius' pipistrelle, Noctule, Whiskered bat.
Assemblage	No more than three of the species listed Group 1 Species and/or Group 2 Species (across all structures).
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts / occasional roosts These are all roosts that are considered to be 'low conservation significance roosts' for the purpose of this licence (see Definitions)
Number of roosts	No more than seven roosts in total (across all structures). A maximum of 2 tree roosts and 0.25ha tree/woodland can be affected by proposed works.
Number of bats	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

Bat species	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.
Assemblage	No more than five of the species listed on Annexe C (across all structures).	
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts / occasional roosts • Satellite roosts • Maternity roosts • Hibernation roosts • Mating sites[2] Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).	• Feeding roosts • Night roosts • Day roosts • Transitional roosts / occasional roosts • Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).
Number of roosts	No more than eleven roosts in total (across all structures). A maximum of 4 tree roosts and 0.25ha tree/woodland can be affected by proposed works.	
Number of bats	The maximum number of bats as stated on the site notification	

[2] Does not include any type of swarming site, which falls into Accreditation Level 3

WML-CL47 Annex D (i)

Bat Earned Recognition Class Licence

Accreditation Level 2

Table 1 Bat species, roost numbers and roost types covered by licence Annex D(i)

Bat species	Barbastelle
Assemblage	No more than five of the species listed on Annexes C and D (i, ii, iii, iv, v) (across all structures).
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts / occasional roosts Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).
Number of roosts	No more than eleven roosts in total (across all structures). A maximum of 4 tree roosts and 0.25ha tree/woodland can be affected by proposed works.
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex D (ii)

Bat Earned Recognition Class Licence

Accreditation Level 2

Table 1 Bat species, roost numbers and roost types covered by licence Annex D(ii)

Bat species	Bechstein's bat
Assemblage	No more than five of the species listed on Annexes C and D (i, ii, iii, iv, v) (across all structures).
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts / occasional roosts Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).
Number of roosts	No more than eleven roosts in total (across all structures). A maximum of 4 tree roosts and 0.25ha tree/woodland can be affected by proposed works.
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex D (iii)

Bat Earned Recognition Class Licence

Accreditation Level 2

Table 1 Bat species, roost numbers and roost types covered by licence Annex D (iii)

Bat species	Grey long-eared
Assemblage	No more than five of the species listed on Annexes C and D (i, ii, iii, iv, v) (across all structures).
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts / occasional roosts Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).
Number of roosts	No more than eleven roosts in total (across all structures). A maximum of 4 tree roosts and 0.25ha tree/woodland can be affected by proposed works.
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex D (iv)

Bat Earned Recognition Class Licence

Accreditation Level 2

Table 1 Bat species, roost numbers and roost types covered by licence Annex D (iv)

Bat species	Alcathoe
Assemblage	No more than five of the species listed on Annexes C and D (i, ii, iii, iv, v) (across all structures).
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts / occasional roosts Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).
Number of roosts	No more than eleven roosts in total (across all structures). A maximum of 4 tree roosts and 0.25ha tree/woodland can be affected by proposed works.
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex D (v)

Bat Earned Recognition Class Licence

Accreditation Level 2

Table 1 Bat species, roost numbers and roost types covered by licence Annex D (v)

Bat species	Lesser horseshoe and Greater horseshoe
Assemblage	No more than five of the species listed on Annexes C and D (i, ii, iii, iv, v) (across all structures).
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts / occasional roosts Roosts of the above type of high conservation significance do not fall within this Annex (see Definitions).
Number of roosts	No more than eleven roosts in total (across all structures). A maximum of 4 tree roosts and 0.25ha tree/woodland can be affected by proposed works.
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex E

Bat Earned Recognition Class Licence

Accreditation Level 3

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

Bat species	Group 1 Species: Brown long-eared, Common pipistrelle, Soprano pipistrelle, and Group 2 Species: Brandt's bat, Daubenton's bat, Natterer's bat, Leisler's bat, Serotine, Nathusius' pipistrelle, Noctule, Whiskered bat.
Assemblage and number of roosts	Where there are 6 or more species present (from any Species Group) and/or 12 or more roosts present. Where there are 5 or more tree roosts and/or where more than 0.25ha of trees/woodland is affected by proposed works.
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts • Satellite roosts • Maternity roosts • Hibernation roosts • Mating sites • Swarming sites
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex F

Bat Earned Recognition Class Licence

Accreditation Level 3

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

Bat species	Lesser horseshoe and Greater Horseshoe
Assemblage and number of roosts	Where there are 6 or more species present (from any Species Group) and/or 12 or more roosts present. Where there are 5 or more tree roosts and/or where more than 0.25ha of trees/woodland is affected by proposed works.
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts • Satellite roosts • Maternity roosts • Hibernation roosts
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex G (i)

Bat Earned Recognition Class Licence

Accreditation Level 3

Table 1 Bat species, roost numbers and roost types covered by licence Annex G(i)

Bat species	Barbastelle
Assemblage and number of roosts	Where there are 6 or more species present (from any Species Group) and/or 12 or more roosts present. Where there are 5 or more tree roosts and/or where more than 0.25ha of trees/woodland is affected by proposed works.
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex G (ii)

Bat Earned Recognition Class Licence

Accreditation Level 3

Table 1 Bat species, roost numbers and roost types covered by licence Annex G(ii)

Bat species	Bechstein's
Assemblage and number of roosts	Where there are 6 or more species present (from any Species Group) and/or 12 or more roosts present. Where there are 5 or more tree roosts and/or where more than 0.25ha of trees/woodland is affected by proposed works.
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex G (iii)

Bat Earned Recognition Class Licence

Accreditation Level 3

Table 1 Bat species, roost numbers and roost types covered by licence Annex G(iii)

Bat species	Grey long-eared
Assemblage and number of roosts	Where there are 6 or more species present (from any Species Group) and/or 12 or more roosts present. Where there are 5 or more tree roosts and/or where more than 0.25ha of trees/woodland is affected by proposed works.
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed site registration form.

WML-CL47 Annex G (iv)

Bat Earned Recognition Class Licence
Accreditation Level 3

Table 1 Bat species, roost numbers and roost types covered by licence Annex G(ii)

Bat species	Alcathoe
Assemblage and number of roosts	Where there are 6 or more species present (from any Species Group) and/or 12 or more roosts present. Where there are 5 or more tree roosts and/or where more than 0.25ha of trees/woodland is affected by proposed works.
Roost type	• Feeding roosts • Night roosts • Day roosts • Transitional roosts
Number of bats	The maximum number of bats as stated in Section 14 on the confirmed 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, by the end of the same calendar year, 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).

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 following steps must be taken:
There may be occasions where, despite surveying, unexpected species or roost types are found at a registered site. How you respond to this is detailed below.

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.

a. If all the following instances (i, ii, and iii) are met, a modified Site Registration Form is not required, and licensed works can continue:
   i. The licensable actions are covered by the same Accreditation Level and Species Annexes as the authorised Site Registration;
   ii. There is no likely detrimental impact on FCS of the bat species and populations present, compared to authorised Site Registration;
   iii. There's no more than a 10% increase in numbers and roost types not changed.

b. 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.