

[Home](#) > [Environment](#) > [Wildlife, animals, biodiversity and ecosystems](#)

> [Protected sites and species](#) > [Land species](#)

> [Great crested newts: survey or research level 1 licence \(CL08\)](#)



Statutory guidance

Great crested newts survey or research class level 1 licence (CL08)

Updated 1 January 2024

Applies to England

[Contents](#)

[Overview](#)

[Legislation](#)

[Licence terms
and conditions](#)

Licence
conditions

Information and
advice specific to
this licence

Information and
advice for all
class and
general licences

Contact details
for Natural
England

Annex A -
Recording and
reporting

-research-level-1



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Class licence CL08: to survey great crested newts for scientific (including research) or educational purposes Level 1.

Overview

This licence permits the surveying of great crested newts (*Triturus cristatus*) by hand, nets, torches and aquatic funnel traps (including bottle traps) but excludes the use of pitfall traps and box traps.

This licence can only be relied upon where surveying is carried out for scientific, research or educational purposes, including informing development projects, and users must comply with licence terms and conditions at all times. These conditions include a requirement to submit a report of licensed activities each year.

To use pitfall traps a Level 2 survey licence is required (see Information and Advice note b).

Registration: Anyone wishing to use this licence who does not currently hold a personal survey licence for this species must first apply to Natural England to be registered.

Recording and reporting: There are data recording and annual reporting requirements.

Reference: WML – CL08

Legislation

Statute(s):

- Conservation of Habitats and Species Regulations 2017

(as amended) ('the Habitats Regulations') - regulation 55(2)(a)

- Wildlife and Countryside Act 1981 (as amended) ('the 1981 Act') - sections 16(3)(a) and 16(5)

Licence terms and conditions

Valid for the period: 1 January 2024 to 31 December 2024 (inclusive).

Area valid in: all counties of England (landward of the mean low water mark).

Purpose(s) for which this licence is issued

This licence can only be used for science (including research) and education.

What this licence permits

Subject to all the terms and conditions of this licence and solely for the purposes stated above, this licence permits Registered Persons, Accredited Agents and their Assistants (see Definitions) to disturb and take great crested newts (*Triturus cristatus*) while surveying by means of:

- hand
- nets
- torches
- aquatic funnel traps (including bottle traps)

Who can use this licence

This licence can only be used by Registered Persons, 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
- 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

Definitions used in this licence

“Registered Person” is a person who has successfully registered to use this licence in accordance with Condition 6.

An “Accredited Agent” is a suitably trained and experienced person who is able to carry out work under a licence in accordance with Condition 6.

An “Assistant” is a person assisting a Registered Person or Accredited Agent in accordance with Condition 6.

“Wildlife crime” means any offence under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006, the Protection of Animals Act 1911 (all as amended) or the Invasive Alien Species (Enforcement and Permitting) Order 2019.

Licence conditions

1. No work shall be carried out under this licence on a National Nature Reserve or a Marine Nature Reserve except with the prior written permission of Natural England (contact details for the relevant advisers are available from the Enquiry Service – details below).
2. Persons acting under this licence must abide by the most up to date iterations of the relevant species guidance. In this context the relevant species guidance includes:
 - i. The advice on trapping in the ‘great crested newt mitigation guidelines’ (see Information and Advice note c), and
 - ii. ‘Amphibian Disease Precautions – a guide for UK fieldworkers’ (see Information and Advice note d)
3. All great crested newts taken under this licence must be liberated at the site of capture immediately after examination.
4. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006 (see Information and Advice note e).
5. If you catch a species listed as an [invasive non-native \(alien\) animal](https://www.gov.uk/guidance/invasive-non-native-alien-animal) (<https://www.gov.uk/guidance/invasive-non-native-alien-animal-species-rules-in-england-and-wales#list>) you must not release it. You must quickly and humanely dispatch it, or give it to a premises licensed to keep it. For a list of licensed premises contact Natural England: invasive-alien-species-licence@naturalengland.org.uk.
6. To use this licence you must either:
 - a) register with Natural England to use the licence (see Information and Advice notes g - i)
 - b) be authorised as an Accredited Agent (see Definitions) by a Registered Person, in which case you are only permitted to act under the authority of this licence if you are in possession of a letter signed by the

Registered Person appointing you by name as a duly Accredited Agent for the purpose of this licence. Accredited Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request; or

c) be authorised by a Registered Person or their Accredited Agent to act as an Assistant (see Definitions), in which case you may act under the authority of this licence so long as you are doing so under the direct supervision of a Registered Person or their Accredited Agent.

7. The Registered Person is responsible for all activities carried out under this licence, including activities carried out by their Accredited Agents and their Assistants.
8. The Registered Person must maintain a record, which must be kept for at least 24 months beyond the expiry date of this licence, in accordance with the requirements of Annex A. Records are to be made available for inspection at any reasonable time by Natural England.
9. The Registered Person must comply with the reporting requirements specified in Annex A. Reports, including 'nil' returns, must be submitted for the period from and including 1 October to 30 September by no later than 31 October each year.
10. If Conditions 8 and 9 are not met then the Registered Person will, by default, no longer be considered registered to act under this licence.

Important

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

- i. may be an offence against the Habitats Regulations, or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum

penalty available for an offence under the 1981 Act and Habitats Regulations is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence

ii. may result in your registration to use this licence being revoked and/or the refusal to allow you to be registered on future licences

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

Breaching a condition of a licence issued under the 1981 Act is not in itself an offence but doing so may mean that the licence cannot be relied upon and an offence could therefore be committed. If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence

This licence is not a consent for the purposes of Part II of the Wildlife and Countryside Act 1981 (as amended) in respect to SSSIs. It is your responsibility to get consent or assent if required before this licence can be used on any SSSI.

See Advice (s - u) for further information.

Issued by and on behalf of Natural England on 1 January 2024.

Information and advice specific to this licence

a. Persons acting under this licence may photograph great crested newts in connection with licensed work, provided that this causes no additional disturbance.

Level 1 and Level 2 survey licences

b. There are two survey licences for great crested newts. These differ in the methods of surveying permitted: Level 1 (reference WML-CL08) permits surveying by hand, net, torch and aquatic funnel trap (including bottle trap), and Level 2 (reference WML-CL09) additionally permits the use of pitfall traps. This is the Level 1 survey licence. To register to use the Level 2 licence you require additional experience and/or training and will need to apply to Wildlife Licensing (see Information and Advice notes g- i).

Guidance on surveying

c. The [great crested newt mitigation guidelines](https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects) (<https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>) are available from GOV.UK. More general advice is given in the [Great Crested Newt Conservation Handbook](http://www.froglife.org/wp-content/uploads/2013/06/GCN-Conservation-Handbook_compressed.pdf) (http://www.froglife.org/wp-content/uploads/2013/06/GCN-Conservation-Handbook_compressed.pdf), available from www.froglife.org.

d. [Amphibian Disease Precautions – a guide for UK fieldworkers](https://www.arguk.org/info-advice/advice-notes/324-advice-note-4-amphibian-disease-precautions-a-guide-for-uk-fieldworkers-pdf-2) (<https://www.arguk.org/info-advice/advice-notes/324-advice-note-4-amphibian-disease-precautions-a-guide-for-uk-fieldworkers-pdf-2>) (ARG-UK Advice Note 4) is available from www.arg-uk.org.uk. You will be expected to

check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version, relevant legislation and good practice

e. Persons acting under a licence should have regard to legislation and good practice relevant to the action(s) undertaken, including animal welfare and the Animal Welfare Act 2006. It is an offence to cause any unnecessary suffering to an animal (including birds) under the control of man (section 4 of the 2006 Act). This applies to the humane despatch of captured animals and the treatment of animals held in traps or nets, including decoy birds and non-target animals. The application of Animal Welfare Act 2006 to wildlife management activities is explained in Natural England leaflet [Wildlife Management Advice Note: The Animal Welfare Act 2006: what it means for wildlife](https://www.gov.uk/government/publications/wildlife-management-advice-notice-the-animal-welfare-act-2006-wml-gu02) (<https://www.gov.uk/government/publications/wildlife-management-advice-notice-the-animal-welfare-act-2006-wml-gu02>) (WML-GU02).

Biosecurity

f. Users of this licence should consider the risks of activities to biosecurity and take relevant precautions when visiting sites with freshwater to avoid the spread of amphibian and fish diseases, as well as invasive nonnative species. [General biosecurity advice](http://www.nonnativespecies.org/index.cfm?sectionid=119) (<http://www.nonnativespecies.org/index.cfm?sectionid=119>) can be found on the GB Non-Native Species Secretariat (NNS) website. Specific biosecurity guidance for water users on the GB NNS [Check, Clean, Dry](http://www.nonnativespecies.org/checkcleandry/index.cfm) (<http://www.nonnativespecies.org/checkcleandry/index.cfm>) pages.

Registering to use this licence

g. Only Registered Persons, or persons authorised or supervised by a Registered Person (see Conditions 5 and 6), may act under this licence. Anyone seeking to become a Registered Person must apply to Natural England. You can [register online \(https://www.gov.uk/get-a-wildlife-licence\)](https://www.gov.uk/get-a-wildlife-licence) to use this licence. Alternatively applications can be submitted by email or post (contact details below). Applications require supporting evidence (including references) indicating appropriate knowledge and experience of the species covered by this licence and the management techniques permitted.

h. Once registered, a person is entitled to use this licence so long as they satisfy the licence's terms and conditions; annual re-registration is not required. Failure to comply by the terms and conditions, including the recording and reporting requirements, will, by default, render registration null and void. The annual reporting process is used to verify a person's desire to remain registered.

i. It is the responsibility of Registered Persons to maintain their expertise at an appropriate level to act under this licence and it is also their responsibility to ensure that Accredited Agents and Assistants have appropriate training, experience and instruction, including on mitigation measures commonly employed, to act under this licence.

j. Anyone seeking to confirm whether a person is registered to use this licence should contact Natural England's Wildlife Licensing Service (contact details below).

k. A person's registration may be revoked by Natural England, for example, if that person breaches the conditions of this licence. In these circumstances Natural England will normally give 28 days' notice of our intention to revoke a person's registration.

The law

l. Surveying great crested newts requires derogation under two separate legal statutes. Therefore, Natural England has issued this licence in exercise of the powers conferred by section 16(3)(a) and section 16(5) of the 1981 Act and under regulation 55(2)(a) of the Habitats Regulations, being satisfied that as regards the purpose set out at paragraph 1 there is no satisfactory alternative and that the action authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

Information and advice for all class and general licences

General information

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

n. Ordinarily, licences will be reissued on 1 January each year (NB: you do not need to re-register for those with registration requirements). Please note, however, that they can be modified or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so. You are advised to check the terms and conditions of a licence prior to your first use of it each year in case of amendments.

o. The common name of the species given in a licence is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account. The limits of licences

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

- s. You can search for and view details about all SSSIs by using Natural England's [Designated Sites system](https://designatedsites.naturalengland.org.uk/SiteSearch.aspx) (<https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>). 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.
- t. 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 \(https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest\)](https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest).

u. 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.

Using and sharing your information

v. 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 \(https://www.gov.uk/government/publications/natural-england-privacy-notice\)](https://www.gov.uk/government/publications/natural-england-privacy-notice).

Contact details for Natural England

For licensing enquiries:

Telephone [020 802 61089](tel:02080261089)

Email wildlife.scicons@naturalengland.org.uk

Wildlife Licensing Operations Delivery
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH

For other enquiries use the Enquiry Service:

Telephone [0300 060 3900](tel:03000603900)

Email enquiries@naturalengland.org.uk

Website:

<https://www.gov.uk/government/organisations/natural-england> (<https://www.gov.uk/government/organisations/natural-england>)

Annex A - Recording and reporting

Records

Each Registered Person must maintain a record, which shall be kept for at least 24 months beyond the expiry date of this licence, of the following information for each survey undertaken using this licence (this also includes surveys

conducted by Accredited Agents and Assistants acting under their authority):

Date survey undertaken Location (administrative area and a 6-figure (minimum) Ordnance Survey grid reference)
Number of great crested newts observed during each survey.

Reporting

1) A report, detailing the information stipulated above, including 'nil' returns, must be sent by each registered person to Natural England Wildlife Licensing (contact details above) for the reporting period 1 October to 30 September no later than 31 October each year.

2) Link to application and report forms:

<https://www.gov.uk/government/publications/great-crested-newts-survey-or-research-licence-level-1>

(<https://www.gov.uk/government/publications/great-crested-newts-survey-or-research-licence-level-1>)

3) Registered Persons (or a person acting on their behalf) must also submit data collected under this licence to the relevant local record centre. Data for each reporting period (as detailed in 1) above) is to be submitted no later than 31 October each year. Where data is not submitted to the record office by the Registered Person then the name of the person submitting data on behalf of the Registered Person must be stated in the Licence Report submitted to Natural England see 1) above).

Commercial confidentiality

If you encounter difficulties releasing data due to client confidentiality restrictions then you are advised to remind

your client that it is a condition of using this licence that survey information is reported. Furthermore, the licence may only be used if this condition is met and withholding information may lead to a licence breach (which under regulation 60 of the 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 without the prior permission of Natural England Wildlife Licensing (contact details above).

WML-CL08 [Version January 2024]

[↑ Back to top](#)

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