

ORGANISATIONAL LICENCE

Issued to:

The Royal Society for the Protection of Birds (RSPB)



OVERVIEW

This organisational licence is issued to the **Royal Society for the Protection of Birds** (the RSPB) to enable employees and authorised volunteers to undertake various work-related activities potentially affecting a range of protected species in England.

The **RSPB** ('the Licensee') is responsible for the conduct of all activities performed under the authority of this licence.

Reference WML – OR12

Organisational Licence The following annexes are an integral part of this licence:

- WML – OR12 Annex A (disturbance, taking and possession)
- WML – OR12 Annex B (supplementary and diversionary feeding of Hen harriers)

Issued under The Wildlife and Countryside Act 1981 (as amended) ("the 1981 Act")

IMPORTANT

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

- 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 Habitats Regulations and 1981 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence;
- may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing.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
- may not be 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 an individual licence.

This licence is not a consent or assent for the purposes of Part II of the Wildlife and Countryside Act 1981 (as amended) in respect to Sites of Special Scientific Interest. It is your responsibility to get consent or assent if required (see Information and Advice notes h-j).

This licence does not derogate against offences for other species.

Natural England hereby authorises¹ the **RSPB** (hereafter referred to as the 'Licensee')

Address: The Lodge, Sandy, Bedfordshire, SG19 2DL

under section 16(1)(a) and (c) and section 16(4)(c) of the 1981 Act

To Carry out the activities detailed in Annexes:

- WML – OR12 Annex A
- WML – OR12 Annex B

Valid for the period 15 May 2020 to 31 January 2022 (inclusive)

¹ Natural England is authorised to exercise this power in accordance with an agreement made with the Secretary of State under section 78 of the Natural Environment and Rural Communities Act 2006

Area valid in	Annex A - All counties of England (landward of the mean low water mark) Annex B – Only those counties listed within that Annex
Subject to	The Licence Conditions and the Annex Licence Conditions specified below.
Who can use this licence	This licence can only be used by the Appointed Person* , Authorised Persons* , Accredited Agents* and their Assistants* , except those convicted on or after 1 January 2010 of a wildlife crime* (unless, in respect of that offence, either: <ul style="list-style-type: none"> • 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

Definitions used in this licence	<p><i>“Appointed Person”</i> is an employee of the Licensee who is nominated to act as a single point of contact for Natural England with regard to this licence. The Appointed Person is expected to oversee use of the licence, including authorising employees and Accredited Agents to act under the licence, training, record keeping and compliance.</p> <p><i>“Authorised Person”</i> is an employee of the Licensee who has received appropriate training and is competent to undertake activities permitted by the licence and who is authorised to act under the licence by the Appointed Person.</p> <p><i>“Accredited Agent”</i> is a suitably trained and experienced person (eg contractor) who is able to carry out work under the licence without the personal supervision of an Authorised Person. To carry out work they must be in possession of an authorisation card signed by the Appointed Person authorising them by name as an Accredited Agent for the purposes of the licence. Accredited Agents shall carry a copy of the said card when acting under the licence and shall produce it to any police or Natural England officer on request.</p> <p><i>“Assistant”</i> is a person assisting an Authorised Person or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either an Authorised Person or Accredited Agent.</p> <p><i>“Wildlife crime”</i> 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 Invasive Alien Species (Enforcement and Permitting) Order 2019.</p>
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LICENCE CONDITIONS

Who may use this licence

1. The Licensee shall nominate an Appointed Person (see Definitions) whose details will be provided to Natural England to oversee use of this licence. The Appointed Person may appoint, in writing, suitable persons to issue authorisation cards to staff on their behalf.
2. The following persons (see Definitions) are authorised to use this licence whilst engaged in official business of the Licensee:
 - i. Authorised Persons;
 - ii. Accredited Agents (volunteers or contractors); or
 - iii. Assistants acting under the direct supervision of an Authorised Person or Accredited Agent.
3. It is the responsibility of the Licensee to ensure that all persons using this licence possess appropriate knowledge and experience to undertake licensed activities in accordance with the terms and conditions of this licence and accepted best practice. Anyone acting under the licence must abide by the most up to date iteration of any guidance referred to in this licence.

4. Any Authorised Person or Accredited Agent engaged in activity under the terms and conditions of this licence shall at all times carry an RSPB identification or authorisation card and produce it on demand to any police or Natural England officer.
5. The Licensee is responsible for **all** activities carried out under this licence, including activities carried out by Authorised Persons, Accredited Agents and their Assistants.

Working under the licence

6. Persons acting under this licence must abide by WML-OR12 Annex A and Annex B of this licence.
7. Persons acting under this licence must abide by all relevant RSPB internal codes of practice and monitoring manuals.

Recording and reporting requirements

8. It is a condition of this licence that the Licensee maintains:
 - i. the information required for each Annual Report to Natural England using report form WML-LR-OR12;
 - ii. a record of the names of all persons trained and authorised to use this licence, including a note of when they were trained and any refresher training received; and
 - iii. a record of all incidents where an activity has not been conducted in accordance with this licence and any remedial or corrective action taken.

Records are to be kept for at least two years after the licence expires and are to be made available for inspection by Natural England at any reasonable time.

9. An Annual Report (using form WML-OR12R) of all licensed activities, and which includes the report specified in Annex A, must be sent by the Licensee to Natural England (at the address given below) for the reporting period 1 January to 31 December (inclusive) no later than 28 February each year. If the licence is not used a nil return must be sent by email.

Licence compliance

10. The 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 work being undertaken for monitoring purposes 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 are being, or have been, complied with. The authorised personnel shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
11. Failure to comply with the terms and conditions of this licence (including the recording and reporting requirements) will, by default, render this licence null and void and it may not be relied upon until such time that Natural England confirms in writing that its use may resume.
12. Natural England must be informed of all breaches to this licence within 48 hours of the breach occurring. Unless advised otherwise by Natural England, the licensed organisation must take the necessary steps to address any breaches or poor practice identified as quickly as possible.

Issued by and on behalf of Natural England on

15 May 2020

INFORMATION AND ADVICE

- a. Ordinarily, this licence will be re-issued every two years, but please note that it may be modified, extended, terminated 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.
- b. The common name or names of species given in the licence and annexes 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.
- c. Authorised Persons and Accredited Agents are advised to carry a copy of this licence at all times when acting under this licence.

Training requirements

- d. Training must be relevant to the conditions and the activities permitted by the licence and should be undertaken at suitable regular intervals.
- e. It is the responsibility of the Licensee to ensure all Authorised Persons using the licence maintain their expertise at an appropriate level to act under this licence and it is also the Licensee's responsibility to ensure

that Accredited Agents and Assistants have appropriate training, experience and instruction to act under this licence.

General welfare considerations

- f. All relevant animal welfare legislation must be complied with at all times. It is the responsibility of the Licensee to ensure its employees, Accredited Agents and Assistants use appropriate equipment (eg trap or net) and to ensure they are competent to use such equipment so as to avoid unnecessary suffering.
- g. Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4). This applies to the treatment of animals (including non-target species) held in nets etc.

Protected Sites

- h. 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.
- i. 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.
- j. 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.

Vehicle use

- k. As far as possible, vehicles must only be used on existing tracks. Vehicles must be used in a way that does not result in damage to the vegetation or result in rutting.
 - Vegetation is damaged if it is destroyed, suppressed, or modified in its character or botanical composition so that it is visibly different from adjacent vegetation (and these differences are not related to different environmental conditions).
 - Rutting is the compaction of and disturbance to vegetation or the peat that underlies it, crushing of the moss layer or exposure of peat surfaces so that it is visibly different from adjacent microtopography.
 - Rutting can be avoided through using vehicles with low or ultra-low ground pressure tyres; by avoiding obviously very wet parts of sensitive areas and particularly wet habitats which are susceptible to damage; and by slightly varying the daily route taken to the nest site to avoid repeat vehicle movements across the same area.
 - Where there are difficulties in identifying a safe route which will not result in damage or rutting, then Natural England's local advisor should be consulted for advice.
 - Where there is a risk of damage or rutting developing or initial signs that they are likely to develop, then Natural England's local advisor should be consulted for advice.

The limits of licences

- l. Licences permit action only for the purposes specified on that licence.
- m. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.
- n. 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.
- o. No work shall be carried out under this licence on a National Nature Reserve except with the prior written permission of Natural England's 'SSSI Adviser' for the relevant site (contact details available from the Enquiry Service – see below).

Compliance and enforcement

- p. The Licensee is expected to monitor compliance with the licence and to take action in the event that poor practice and/or non-compliance is identified. A person may be barred from using this licence by Natural England, for example, if that person breaches the conditions of this licence. In these circumstances Natural England will notify the Licensee.

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

Reporting

- r. Reports should be emailed to Natural England, but they may also be posted (Please mark "Licence Returns"). Send to the licensing email or postal address given in 'Contact Details' below.

Using and Sharing Your Information

- s. 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 (& Reporting):

Telephone 020 802 61089

Email wildlife.scicons@naturalengland.org.uk

Postal address

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/natural-england>

Other useful contacts

Local Record Centres: to find out where your nearest Local Record Centre is visit the Association of Local Environmental Record Centres website at: <http://www.alerc.org.uk/find-an-lrc.html>

Legislation: to view the full text of the legislation referred to in this licence visit <http://www.legislation.gov.uk>

Feedback and Complaints: we welcome and value your compliments, complaints, suggestions and comments about our services. Please see our 'Contact us' section for more details. <https://www.gov.uk/government/organisations/natural-england>

WML-OR12 ANNEX A

Disturbance of Schedule 1 species, taking and possession of wild birds



OVERVIEW

The licence permits persons authorised by the RSPB to undertake activities which affect wild birds, in the course of RSPB work on RSPB owned or managed land, or that on which the RSPB is monitoring species.

Activities may only be undertaken in the course of RSPB work.

The licence authorises the disturbance of Schedule 1 species by certain means, and the temporary taking of species to allow scientific studies.

It does not permit the taking of birds for ringing and marking purposes.

- Permitted activities**
- Disturb by observation, nest examination or playback lure, any Schedule 1 species;
 - Take by hand, or hand net, or possess any live or dead wild bird, or any part or derivative thereof, or any egg or nest (see Annex Licence Condition A2);
 - Re-release birds listed on Schedule 9 of the 1981 Act which are taken under this licence;
 - To possess live or dead wild birds or any part or derivative thereof, eggs or nests for the purposes of investigating wildlife crime [conserving wild birds]. **This activity is restricted to staff of the RSPB Investigations Section only** (see Annex Licence Condition A6).

Purpose(s) for which these activities may be conducted

Science, research or education
Conserving wild birds

IMPORTANT

These activities are subject to the terms and conditions set out in the main licence in addition to the Annex Licence Conditions below.

ANNEX LICENCE CONDITIONS

- A1. This licence shall not permit the deliberate killing of any wild bird, or the destruction of any viable egg and all reasonable precautions must be taken to ensure that no wild bird is subjected to unnecessary suffering.
- A2. Any live wild bird or viable egg taken pursuant to this licence shall be possessed for such time only as is sufficient for the purpose for which it was taken and shall be released or replaced near to the place of taking immediately after this time. Addled eggs or egg fragments may be temporarily retained and sent for scientific analysis.
- A3. No wild bird or egg can be released or replaced into the wild unless it has been taken from the wild under the terms of this licence. Such release or replacement of eggs must be at or near the place of taking and be carried out as soon as possible after examination.
- A4. Species listed as a species of Union concern (see https://ec.europa.eu/environment/nature/invasivealien/list/index_en.htm), and hence being restricted by the Invasive Alien Species (Enforcement and Permitting) Order 2019, must not be released. It is preferable that any such animals taken under this licence be quickly and humanely dispatched. Alternatively they may be taken into captivity by a premises licensed to keep that species.

- A5. Playback lures in the breeding season must only be used for a maximum of ten minutes playback within any territory. After ten minutes of continuous use, the playback may not be used in the same territory again until one half hour has elapsed. Further playback must not be located within 100 metres of the previously identified song post.
- A6. Specimens held under licence for the purposes of investigating wildlife crime are only to be held during the course of any investigation or until the end of any Court proceedings. After this time period, specimens may be destroyed or passed to another organisation for science, education or research purposes, or retained in the Licensee's possession on the register of specimens used for scientific, research or educational purposes, or conserving wild birds (which includes reference specimens, such as egg collections).

Photography and Filming

- A7. This licence **does** permit disturbance of Schedule 1 birds to obtain images by photography or filming where the images obtained are for scientific, research, or conservation purposes or to be used for educational activities. This includes obtaining images for the purpose of gathering evidence in relation to wildlife crime.
- A8. This licence **does not** permit the disturbance of Schedule 1 species solely for the purposes of obtaining images for publicity, membership, marketing, or similar purposes. A separate licence application must be made for these purposes.
- A9. Images originally taken for the purposes listed in Annex Licence Condition A7 of this licence may subsequently be used for other purposes, **including** those in Annex Licence Condition A8. For example, library images of nesting Schedule 1 birds from previous years may be used for subsequent publications provided that they were taken originally for the purposes in Annex Licence Condition A7.

Reporting requirements

- A10. The annual report must include a register of specimens held and the purpose for which they are held.

WML-OR12 ANNEX B

To permit supplementary or diversionary feeding of Hen harrier on upland moors in northern England



OVERVIEW

This licence annex allows the provision of food to Hen harrier (*Circus cyaneus*) at their nesting sites. It may only be used by individuals whose names have been provided to Natural England in advance of using the licence.

Activities may only be undertaken in the course of RSPB work on RSPB owned or managed land or on land where the RSPB has written permission of the landowner or landowner's agent to act on that land.

Permitted activities Disturb nesting hen harrier, by human presence to provide food at or in the close vicinity of a nest site.

Purpose(s) for which these activities may be conducted Conserving wild birds

Where action may be taken under this Annex The following counties of England (landward of the mean low water mark):

- Derbyshire,
- North Yorkshire,
- South Yorkshire,
- West Yorkshire,
- County Durham,
- Lancashire,
- Cumbria,
- Northumberland.

IMPORTANT

These activities are subject to the terms and conditions set out in the main licence in addition to the Annex Licence Conditions below.

ANNEX LICENCE CONDITIONS

- B1. Actions covered by this Annex are only permitted to be undertaken by named individuals. Names of these individuals will be provided by the licensee prior to them undertaking any action under this licence.
- B2. This licence may only be used where the landowner has provided written consent to undertake feeding upon that land.
- B3. This licence can be used to undertake 'supplementary feeding' – the provision of substitute feed at or near a nest in the following circumstances:
- In the event of the disappearance of one or more of the adult birds from that nest,
 - where an adult bird is no longer providing food to the nest, or
 - where a single male is supplying food to more than one brood.
- B4. This licence can be used to undertake 'diversionary feeding' – the provision of substitute feed at or near a nest in the following circumstances:
- where the aim is to limit predation of wild birds by nesting Hen harrier.
- B5. This licence permits food for Hen harriers to be provided within close proximity to the nest or within the nest itself.

- B6. The location of the nest site must be supplied in writing (via email) to Natural England Wildlife Licensing no later than 72 hours after feeding begins.
- B7. All precautions must be taken to minimise disturbance to Hen harriers.
- B8. Substitute food provided must be appropriate to the species.
- B9. Anyone using a vehicle to access the nests on a SSSI must agree suitable access routes in advance with Natural England (see Information and Advice note k).

INFORMATION AND ADVICE specific to this licence Annex B

This licence Annex is a permission under s.281 of the Wildlife and Countryside Act 1981 (as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000) for the actions specified on the SSSIs and European Sites listed, provided that the route for any vehicular access to the nest site is agreed in advance with the Natural England 'Responsible Officer' and does not result in damage to the vegetation or result in rutting. This permission is **only valid** for the site listed below and should you wish to use this licence elsewhere you will need to seek a separate consent. Natural England has considered the possible impact of the actions specified upon the species concerned and other notified features in issuing this licence. In doing so Natural England has considered whether there is likely to be a significant effect on features of European importance (alone or in combination), and whether the operations are consistent with 'conserving and enhancing' the SSSIs. Natural England has concluded that, when following the conditions of this licence these actions will not have a likely significant effect alone or in combination, and are compatible with conserving and enhancing the special interest of the SSSI. For further advice, or for consent to use this licence on a protected site that is not listed below, please contact the Natural England 'SSSI Adviser' for the relevant site(s). Contact details are available from the Enquiry Service.

Sites for which this licence is also a permission granted under s.281 of the Wildlife and Countryside Act 1981 (as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000)

European Site(s):

- Bowland Fells SPA;
- South Pennine Moors SPA and SAC;
- North Pennine Moors SPA and SAC;
- North York Moors SPA and SAC

Component Sites of Special Scientific Interest, SSSI(s):

- Bowland Fells;
- North York Moors;
- Allendale Moors;
- Appleby Fells;
- Arkengarthdale, Pikestone, Egglestone & Woodland Fells;
- Bowes Moor;
- Cotherstone Moor;
- East Nidderdale Moors;
- Geltsdale & Glendue Fells;
- Hexhamshire Moors;
- Lovely Sea-Stainton Moor;
- Lune Forest;
- Mallerstang & Swaledale Head;
- Moor House & Cross Fell;
- Muggleswick, Stanhope & Edmundbyers Commons & Blachland Moor;
- Upper Teesdale;
- West Nidderdale, Barden & Blubberhouses Moors;
- Whitfield Moor, Plemeller & Ashholme Commons;
- Dark Peak;
- Eastern Peak District Moors;
- Goyt Valley;
- Leek Moors;
- South Pennine Moors;
- Simonside Hills;
- Billsmoor Park and Grasslees Wood