



Department
for Environment
Food & Rural Affairs

Wildlife Licence Charges Consultation

**Analysis of response to the public
consultation held between 11
December 2017 and 5 February
2018**

May 2018



© Crown copyright 2018

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.3. To view this licence visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3/ or email PSI@nationalarchives.gsi.gov.uk

This publication is available at <https://consult.defra.gov.uk/natural-england/wildlife-licence-charges>

Any enquiries regarding this publication should be sent to us at

wildlifelicences@naturalengland.org.uk

www.gov.uk/defra

Contents

1.	Introduction.....	1
	Summary of responses	1
2.	Key Findings.....	2
3.	Analysis of the responses	4
4.	Summary of consultee themes and Natural England’s response	10
5.	Next steps.....	17
	Annex 1. Make-up of Natural England’s costs used in the charging proposal.....	18
	Annex 2. Summary of proposed licence prices following revisions	21

Introduction

Natural England publicly consulted on a proposal to charge for Wildlife Licences on Defra's behalf between December 2017 and February 2018. The consultation explained the reasons for proposing to introduce charges, the proposed fee structure and charge exemptions, and sought consultees' views on these three points.

This report summarises the responses to the consultation and sets out Natural England's proposed course of action

Summary of responses

The proposal to introduce charges for wildlife licences received a diverse range of views. There was support for the proposal to charge for mitigation licences provided this results in improved service delivery and for the proposed exemptions from charging. There were a number of challenges to the proposal related to the principle and cost of survey licence charges. Other respondents challenged the principle of charging, the charge rate, the cost of certain licences issued and the impact on wildlife from unlicensed activity. Proposals to address these concerns are outlined below.

1 Background

Natural England consulted on the proposals to charge for over 30 of the licences that it issues and a range of exemptions from charging. This included:

- Mitigation licences that allow development or operations to proceed where protected species are present;
- Survey licences that allow surveying for protected species where disturbance may occur;
- Licences to sell dead animals taken before 1981 (taxidermy);
- Licences for bird exhibition/sale without the correct close ring;
- Licences for killing wild birds (falconry);
- Licences to use prohibited methods for wild animals (e.g., recovering falconer's birds);
- Licences for wild bird nest photography;
- Licences to sell protected animals or plants;
- Licences for taking deer alive (e.g. for stocking).

Annex 2 contains the list of licences proposed for charging.

The proposal is to introduce charges on a full cost recovery basis for the assessment and issue of wildlife licences, including the cost of compliance monitoring. This will primarily affect licences issued under the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.

The aim of charging is to:

- improve the licensing service by enabling investment to match demand and
- change the service funding from wholly taxpayer-funded to a mixture of taxpayer and service-user funding in line with Treasury and Cabinet Office principles for the funding of regulatory activity.

Exemptions from charging are included to enable wider policy objectives to be achieved and these were laid out in detail in the consultation documents. The exemptions covered licences issued for: the preservation of health and safety; the prevention of serious damage to property or the spread of disease; householder extension and home improvement projects; conservation projects and conservation research for protected species and habitats (including voluntary work); and certain historic or culturally valuable properties.

The licensing service has been wholly taxpayer-funded since its launch. The number of applications has risen to the point that demand for licences outstrips the resources available to process them. The resulting delays in issuing licences may lead to significant impacts and increased costs for applicants.

Natural England is undertaking an ambitious reform programme to streamline the licensing service. However pressures on the service are likely to continue as a result of increasing demand, e.g. from the government aspiration for one million new homes by 2020. Natural England aims to assess licences within 30 days of receipt of the applications. Given the increasing pressures on the service, the reforms alone are unlikely to be sufficient to achieve this target.

How the consultation was run

The consultation ran from 11 December 2017 to 5 February 2018 and received **449** responses. The consultation can be found here: <https://consult.defra.gov.uk/natural-england/wildlife-licence-charges>.

Before and during the consultation period Natural England contacted representative bodies from a range of sectors, many of whom then promoted the consultation to their members and responded on behalf of members. 1300 subscribers to Natural England's Wildlife Licensing Newsletter were emailed directly. The consultation was also promoted online, for example on the Chartered Institute of Ecology and Environmental Management website and various social media accounts.

2. Key Findings

Consultees were asked to comment on the principle of introducing charges to enable an improved service, the structure and level of proposed charges and the proposed

exemptions from charges. The majority (71%) of responses came from ecological consultants, who are significant users of the licences covered by this consultation.

The main areas of comment and Natural England's proposed response to these are as follows:

2.1 There was support for the introduction of charges for mitigation (or 'development') licences with the aim to improve service delivery, provided that this aim is achieved alongside the implementation of charges. In response, Natural England proposes to phase the implementation of charges so that an improved service performance is achieved concurrent with the new charge. This will require additional upfront investment in the licensing service ahead of the introduction of any charges, which Natural England is now planning to put in place.

2.2 A number of respondents challenged the charge rate and the costings used as a basis for the proposed charges and asked for a breakdown of these. The breakdown is provided in Annex 1, showing how the charge rate is calculated. This approach has been agreed with the Treasury and is in line with the charge rate of other similar organisations.

2.3 There was considerable concern over the principle and affordability of proposed charges for survey licences for ecological consultants. This was particularly felt to be the case in relation to smaller businesses, the self-employed, new entrants to the profession, those holding licences for multiple species and those who do a mix of commercial and voluntary work. Natural England has reviewed its standard times for the assessment of these licences based on the most recent data and identified an option to process these at a lower cost by encouraging the increased use of online registration (submitted directly into Natural England's Casework Manager system via the Government Gateway). This has resulted in revised charges which should reduce the cost impacts by approximately 50% and encourage the use of online registration. Natural England also proposes to defer the implementation of charges for online returns for at least 12 months, to allow time for users to become accustomed to this system, and will consider further options to minimise the cost of survey licence returns. Further detail is provided in section 4.2 and the proposed revised charges are listed in Annex 2.

Natural England has also amended the charging proposal to exempt registrations for low impact Class Licences which enable use of simpler licensing options, to encourage the uptake of these. Registered users of these licences will be charged only for the registration or notification of each site on which the licence is used.

The consultation proposed that there be no charge for survey licences used primarily for voluntary conservation work and this position remains unchanged.

2.4 Certain applicant groups challenged the principle and affordability of charges for some activities for which licences are issued, particularly where these are non-commercial and relate to long-established cultural traditions. A challenge of this type came from the falconry sector (for whom licences are issued to enable the killing of wild birds and the

recapture of escaped birds). Whilst certain falconry activity can be covered under a General Licence, there are situations where a General Licence cannot be used and an individual licence is required. Natural England has revised the proposal to exempt these individual licences from charges.

2.5 Some NGOs and wildlife groups raised concerns over the effect of charges on species conservation and the risk of an increase in unlicensed activities. Natural England aims to manage this risk by using income to improve the licensing service and reduce delays, so that there is a better experience for applicants. The charge exemptions are shaped to support conservation aims; for example where the main aim is the delivery of conservation projects or research and Natural England has also proposed not to charge where an important bat roost is retained within a building. A better resourced licensing service will be able to offer more pre-application advice, which should also help to improve conservation outcomes.

2.6 The charge exemptions were well supported by the majority of respondents. There were some questions over the detailed definition of these which will be addressed ahead of charge implementation.

3. Analysis of the responses

The consultation asked three questions:

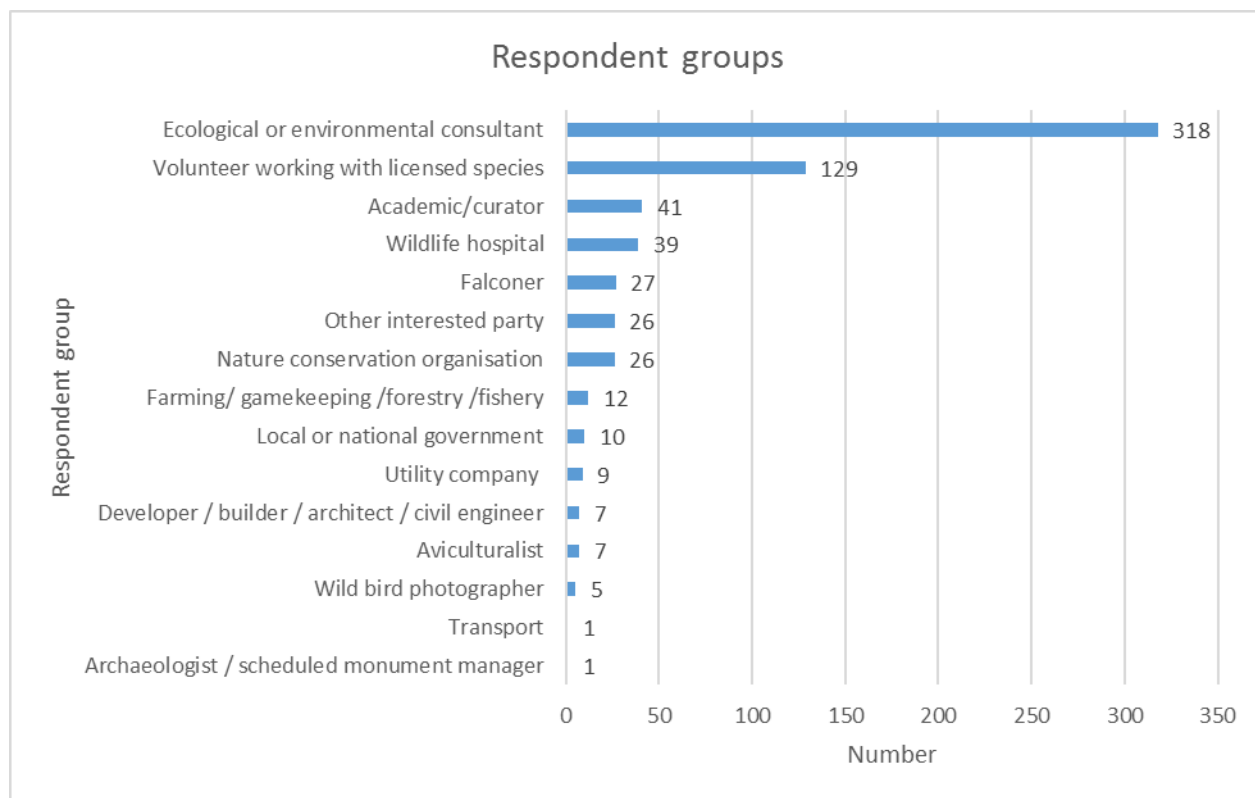
1. Do you have any comment on the proposal to introduce charges to improve delivery of the licensing service?
2. Do you have any comments on the proposed charge structure?
3. Do you think the proposed exemptions from charging are reasonable?

Question 1 was intended to invite respondent's views on the principle behind the proposal and the acceptability of the proposal overall. Questions 2 and 3 were specifically about the charge level and exemptions respectively. Some respondents provided comments on the second and third questions in their response to Question 1 and this has been taken into account in the analysis presented below.

3.1 Respondent analysis

Figure 1. Number of responses to the consultation by respondent group.

Note that respondents could select more than one user category so, for example, many consultants also work as volunteers with legally protected species or on science or conservation projects as volunteers.



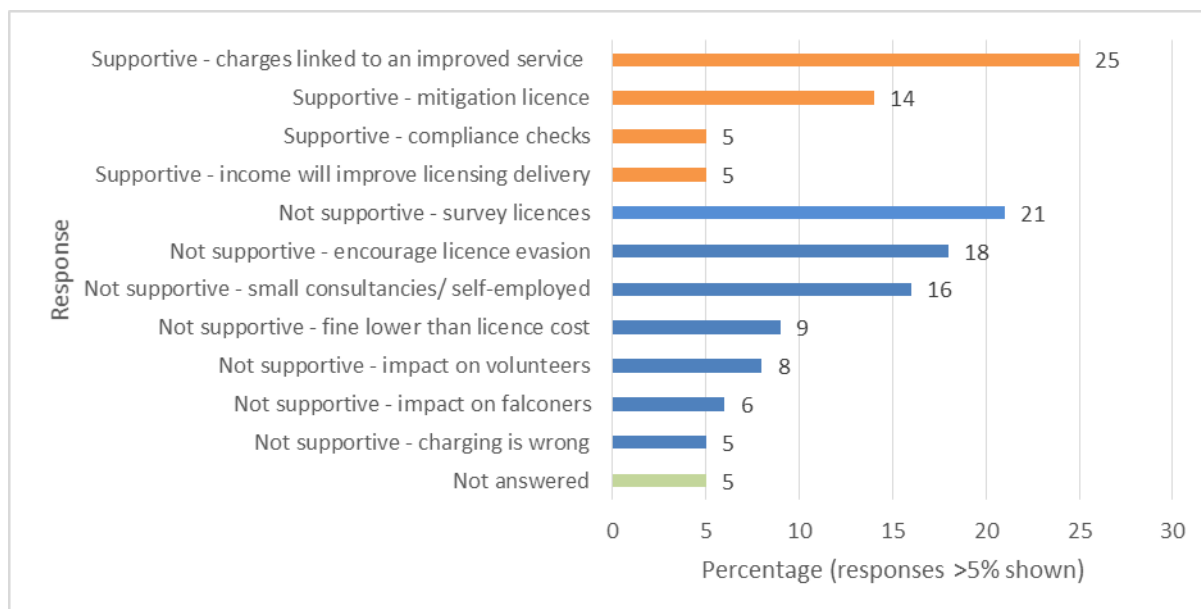
The largest number of responses were from ecological/environmental consultants (approximately 71% of all respondents). There were also good numbers of volunteers working with protected species, academics/curators, wildlife rehabilitators, falconers and representatives of nature conservation bodies. Smaller numbers of other applicants and their representatives replied: developers, utility companies, farming and forestry and the transport sector. All of the latter groups of applicants are those who are most affected if licences are delayed. Note that ecological/environmental consultants often responded on behalf of their clients as well as themselves, so consultants' responses about their survey licences and their clients' mitigation licences are separately considered in Sections 3 and 4.

Representative bodies responded on behalf of applicant groups such as housebuilders, farmers, aviculturists and falconers among others.

3.2 Question 1 - Do you have any comment on the proposal to introduce charges to improve delivery of the licensing service?

Figure 2. Responses to Question 1

The chart below shows the breakdown of the responses to this question which were made by 5% or more of respondents. A mixture of views were expressed which are considered by licence type in the following sections.



3.2.1 Mitigation licences

Mitigation licences are primarily used during development projects. Overall 102 respondents specifically mentioned 'development' licences at this question, half of whom were ecological consultants. Among those who mentioned development licences, 63% were supportive of the proposal to introduce charges in this area to improve service delivery.

Supportive comments included that charges should be introduced for development/mitigation licences and that developers should pay for licences, provided that the aim of improved service delivery is achieved in practice. Among the 64 respondents that supported charges for developers or charges for mitigation licences, 88% were consultants. This indicates that there is a reasonable level of support, albeit qualified, for the introduction of charges for mitigation licences from among consultants.

Not-supportive comments related primarily to the potential impact on licence evasion, with a smaller number (<5%) also commenting on the cost impact on developers

3.2.2 Survey licences

130 respondents commented specifically on survey licences, with a substantial number in addition also commenting more generally on impacts on operating costs for individual ecologists and ecological consultancies. Over 70% said that the charges for survey

licences were not reasonable. Respondents were concerned that charges would have a disproportionate impact on small consultancies, self-employed consultants and trainee consultants, particularly if the consultant held multiple licences and where costs could not easily be passed on to customers or employers. Some also expressed concern about the effects on licence holders who use survey licences for voluntary work. Many consultants use their licences for both professional and voluntary survey work; charges were thought to be unfair if the licence is used this way and that a clear method of distinguishing professional and voluntary work would be required.

3.2.3 Other licences

Among the licences that are issued in much smaller numbers, other applicant groups were not supportive of the introduction of charges. These included falconers (27), aviculturists (7) and taxidermists (1).

3.2.4 General comments

Comments were received that applied to several licence types. Supportive views were that:

- Charges should be introduced but Natural England must use income from charging to improve the licensing service;
- Increased numbers of compliance checks to improve environmental outcomes would be welcome.

These comments relate mostly to mitigation licences where the delay costs are a significant problem and compliance checks form a significant part of the licence cost.

Other views which were not supportive of the proposal to introduce charges were:

- Charges would lead to more people not applying for a licence or risking a fine rather than paying for a licence, particularly if the fine is cheaper than the cost of the licence;
- Risks to wildlife from illegal acts will increase;
- Charges should not be introduced as the taxpayer should continue to fund the service;
- The charges for licences were too high;
- Licences should be fixed price and not variable price;
- Natural England's chargeable discretionary advice services cannot be delivered sufficiently promptly therefore delays in issuing licences are unlikely to reduce;
- Natural England's licensing service is poor and is unlikely to improve.

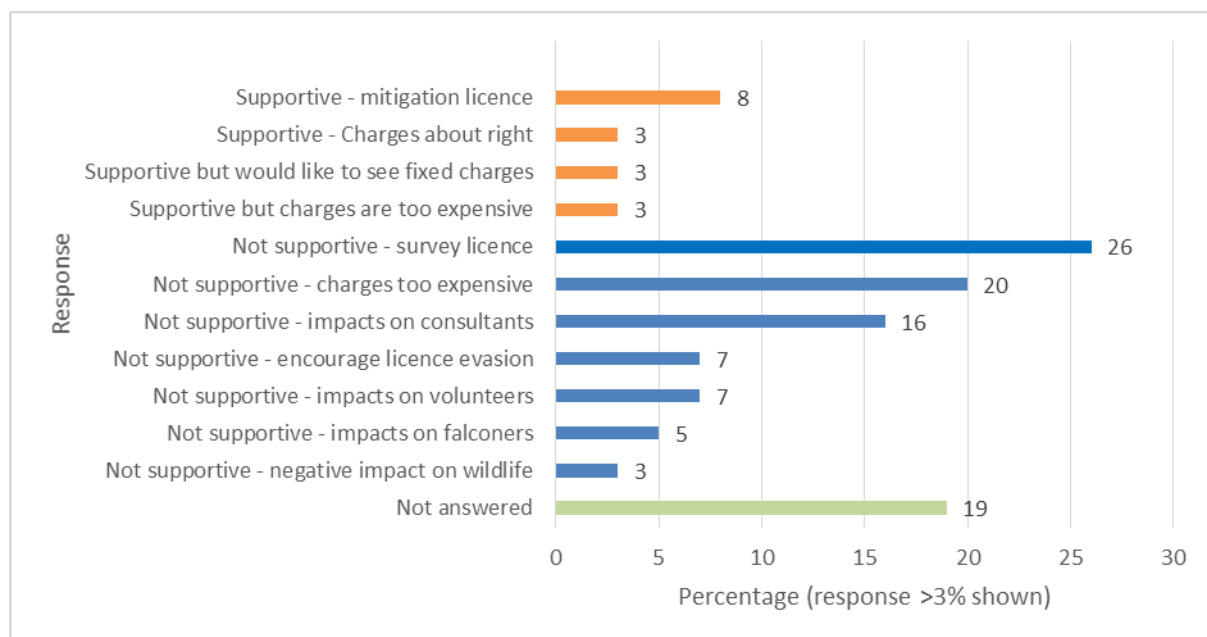
110 respondents (25%) were supportive of the introduction of charges provided charges related to service improvements. Among the 110 respondents, 88 (80%) were ecological or environmental consultants and six (5%) were from utility companies.

79 (18%) said that licence charges would lead to an increase in illegal (unlicensed) activity, 41% (32) of whom were respondents such as volunteers working with licensed species.

3.3 Responses to Question 2 – Do you have any comments on the proposed charge structure?

Figure 3. Responses to Question 2

The chart below shows the breakdown of the responses to this question which were made by 3% or more of respondents and displays the main issues raised.



Issues raised at this question broadly reflected the issues raised at Question 1 as respondents mentioned similar issues at both questions

3.3.1 Mitigation licences

Supportive comments were made for the introduction of charges for mitigation licences. Respondents also supported the proposal to vary the charge for mitigation licences with the size of the project. Non-supportive comments for the introduction of mitigation licences were that charges were too expensive and that charges would impact on developers and householders.

3.3.2 Survey licences

26% of respondents did not support the proposed charge structure with specific reference to survey licences. Of these respondents 95% were ecological/environmental consultant and 5% were researchers/academics. A further 16% commented on the impact of charges on consultants, albeit without necessarily making specific reference to survey licences, and 20% commented more generally that charges were too expensive. Non-supportive

comments about survey licences included that charges would impact on consultants, volunteers and science projects.

3.3.3 Other licences

Non-supportive comments included those referring to charges for falconers, taxidermists and aviculturists. Some respondents involved in wildlife rehabilitation were also concerned.

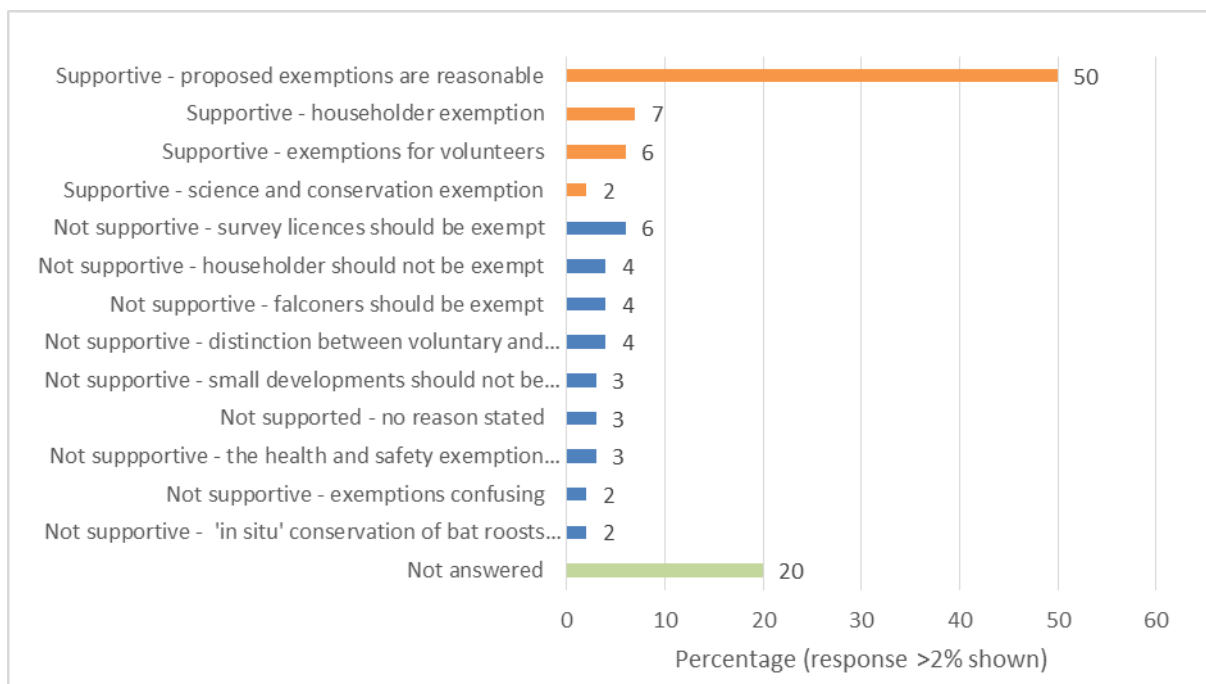
3.3.4 General comments

Other comments were made supporting the charges in general, observing that they were at the right level. Non-supportive comments included that the charges were too high, licence evasion would increase, that Natural England licence service would have to improve, that fixed charges were preferred over variable charges and that charges would have to be transparent.

3.4 Responses to Question 3 – Do you have any comments on the proposed charge exemptions?

Figure 4 Responses to Question 3

Responses to this question were diverse so the table shows all responses with a 2% response rate or greater.



Of the three questions, the responses to Question 3 were the clearest in terms of support, indicating that the majority of respondents thought that the exemptions would allow Natural England to balance the needs of protected species and wider policy objectives.

The most frequent supportive comments were:

- The exemptions (in general) are reasonable;

- The householder exemption is reasonable;
- The science and conservation exemptions are reasonable;
- The volunteer exemption is reasonable.

Some non-supportive comments were based on suggestions to add further licences or purposes to the exempt categories. Respondents suggested that survey licences, falconry licences and public buildings should also be exempt from charges.

Other comments on the exemptions included:

- The in-situ bat roost conservation exemption will be hard to apply;
- The health and safety exemption will be hard to apply as developers/operators will say that their projects are health and safety-driven;
- There will be confusion over what is volunteer/professional use of a survey licence.

Of the 11% who commented on the householder exemption, 7% were supportive and 4% were not supportive.

4. Summary of consultee themes and Natural England's response

The impact of charges on consultee groups

4.1 Developers

Among all respondents there was overall support for charges for mitigation licences for development/operational activities provided this results in improved service delivery. These licences are the most complex, cost the most taxpayer-funding to assess and suffer the longest delays before issue. Consequently costs for mitigation licences will be the highest. One respondent questioned whether developers should be exempt from charging as house building is a Government priority.

Consultants also commented on mitigation licences applied for by developers and operators. The majority of respondents who mentioned development (mitigation) licences in the first question supported the introduction of charges for these licences and included many consultants.

Natural England's response

One aim of the proposal is to use charging to address the resource shortfalls that create delays in issuing licences for applicants. Whilst the proposal will create new cost for applicants, developers and other applicants for mitigation licences stand to gain the most from an anticipated reduction in licensing delays. Housing is a government priority and charging for licences will help to fund the service and reduce delays in housing development. Charges will be introduced within the context of Natural England's licensing reform programme which should result in significant overall cost savings to developers, e.g., the great crested newt district licensing project.

To ensure that cost benefits can be achieved in practice, the introduction of charges will be phased so that improved service standards are achieved concurrent with the new charge. These charges will be a very small part of the project cost for most housebuilding projects.

4.2 Consultants

The responses about the impact on this user group were the most numerous. This was expected as consultants are the largest applicant group (for survey licences and some mitigation licences) and the most numerous respondents. Consultants also supply data for and often complete mitigation licence applications for developer/operators. Consultants therefore usefully provided comments on both their personal survey licences and their customers' mitigation licences (See 4.1). Many consultants also work as volunteers with legally protected species.

Consultants expressed concerns about the principle of introducing charges and the charge levels for survey licences. Charges for survey licences as proposed were felt to create a significant cost for consultants, many of whom have multiple survey licences and are self-employed or work for small consultancies. In some cases their employers may not reimburse the cost of their licences. Several respondents said that the costs cannot easily be passed on to customers. Many consultants also use their licences for voluntary conservation science and conservation projects so would use their licences for non-exempt and exempt purposes and therefore thought it unreasonable to be charged.

As noted above, consultants were generally supportive of charges for mitigation (development) licences.

Natural England's response

Survey licences

Natural England recognises the essential role that consultants holding survey licences play in the operation of the planning system and species licensing and the risk that additional costs might bring for the viability of consultancy work. Whilst it is an expectation of government policy that regulated businesses should bear the cost of regulation (rather than this being borne by the taxpayer), it is equally important that these costs reflect and encourage cost efficient regulatory approaches, do not disproportionately affect small businesses and encourage regulated self-assurance (e.g. though earned recognition schemes) wherever possible. Natural England is looking to achieve efficiency savings by simplifying application and return processes. As part of this, Natural England has reviewed the charges laid out in the consultation and will put forward lower charges for all survey licence registrations, to reflect the effects of recent and upcoming streamlining measures. For example, if applicants make their annual return online (i.e. directly into Natural England's Casework Manager system via the Government Gateway), significant time reductions and therefore cost savings can be achieved and this will be reflected in a lower price proposal of £35 for online survey licence returns, which Natural England hopes will encourage a much greater uptake of this option. Natural England proposes to defer the implementation of charges for online registration for at least 12 months, to allow time for

users to become accustomed to this system, and will consider further options to reduce the cost of survey licences, for example a lower charge where an individual holds multiple survey licences. Natural England is also looking to introduce online payment alongside this. Natural England acknowledges that it may not be possible for these costs to be passed on in some circumstances, but these measures should significantly reduce the impact of licence charges.

Natural England has looked into the option of a discount for a survey licence that is used for both paid and voluntary surveys, but concluded that this may not be practical if it were to add significantly to the complexity (and hence cost) of the application process. **Survey licences used primarily for voluntary purposes will remain free of charge.**

Low impact Class Licences and the badger Class Licence

Natural England has amended its proposal and removed the proposed charge for the issue and continued registration to use the low impact Class Licences and badger Class Licence. The aim is to encourage applicants to benefit from the considerable cost savings of using low impact licences as compared to individual licences. New applicants will continue to be charged only for the required training to register for the low impact Class Licences. There will be a charge for site registrations for the low impact licences and site notifications for the badger Class Licence. However the rates for these have been revised based on the experience that Natural England has of assessing these as they have become better established over the last 12 months and are now considerably lower than those put forward in the consultation.

4.3 Householders

The consultation proposal included an exemption from charges for projects subject to householder development consents (e.g. house extensions and improvements where bats are present). More respondents supported the householder exemption than did not support it. A few comments were received that said that charges that will apply to new builds and changes of use could be significant for householders.

Natural England's response

The exemption for householder projects will remain as proposed and this means in practice that relatively few applications from householders will be charged. Where charges do apply on projects which are outside the scope of this exemption (i.e. new build or change of use developments), the cost of the licence is not likely to be a significant proportion of the total project cost. Also, these applications are more likely to involve complex individual licence applications that are most at risk of delay and therefore stand to benefit from an anticipated reduction in delay costs.

4.4 Falconers

Falconers made numerous responses commenting on the disproportionate impact of the proposed price of the licence and that an exemption should be made for falconry as a

traditional cultural activity (listed by United Nations Educational Scientific and Cultural Organisation (UNESCO) Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage on its List of the Intangible Cultural Heritage of Humanity). Many respondents commented that the proposed licence price is substantially higher than the value of the small birds of prey (sparrowhawks and merlins) covered by the licence.

Natural England's response

Natural England will amend the charging proposal to include an exemption from charges for the two licences applied for by falconers as these are used for small raptor falconry which is almost exclusively non-commercial. Whilst certain falconry activity can be covered under a General Licence, there are situations where a General Licence cannot be used and an individual licence is required. Natural England notes that the introduction of the charge for these licences, as proposed in the consultation, would have an unavoidable and disproportionate cost implication for a non-professional area of falconry. This would affect approximately 65 licences pa.

4.5 Aviculturists

Aviculturists commented on the potential cost of licences. The licence charge was felt to be high in comparison to the value of the bird or the competitor's entrance fee for the bird show.

Natural England's response

Natural England provides General Licences for aviculturists which the majority use successfully and these will continue to be free of charge. For those that use the two licences proposed for charging, the costs should not be met by the taxpayer as there is an alternative (uncharged) option available through the General Licence the use of which Natural England encourages. Where no General Licence option is available, Natural England has proposed that individual licence applications from aviculturists are exempt from charges. This would apply currently for northern goldfinch and Siberian bullfinch, as discussions on ring sizes are ongoing.

Natural England currently receives less than 5 applications per year which would be affected by this proposal, although charges may cause this number to reduce for the reasons outlined above. Where charges do apply, the charge will be based on the work needed, rounded to the nearest quarter of an hour. A well completed application should take typically 30 minutes to assess, which would result in a charge of £50.

4.6 Conservation and conservation science projects

Several respondents, including consultants, had concerns about science conservation and conservation projects, most of which are conducted by licence holders that are volunteers or are acting in a voluntary capacity. Others expressed concern about distinguishing between true conservation projects and commercial projects that have to be delivered under a science or conservation legal purpose.

Natural England's response

The consultation stated that conservation and conservation science projects would be exempt from charging, so anyone using a licence in a year only for this type of project will not be charged. Natural England will amend licence application forms to capture the detail of the conservation or science project for which the licence is to be used. Licence returns may also be adapted to capture whether the project was for science or conservation. This information can be verified by compliance checks.

4.7 Volunteers

Several respondents were concerned that volunteers would be charged for their licence. Volunteers hold survey licences for conservation and conservation science projects such as the National Bat Monitoring Programme.

Natural England's response

Licence application forms and licence returns will be amended to enable applicants to state when the licence is to be used primarily for voluntary conservation work and conservation science projects. Applicants and licence holders will be exempted from charges accordingly. Licence holders who rehabilitate injured wildlife will also be identified and exempted from charges.

4.8 Photographers

Comments were received about charges driving more illegal (unlicensed) activity and that professional photographers take more care not to disturb birds at the nest when a licence is required. Many of the applicants are professionals.

Natural England's response

Natural England will consider how exemptions may apply for this licence, recognising the different purposes that this licence is used for. Conversations with applicants will be used to refine how charging will be applied.

Conservation and science/education licences usually include a condition to allow incidental photography, e.g., when a science licence is needed to monitor a rare bird's nest. These licences are exempt from charging.

Other consultee themes

4.9 Impacts on wildlife

Several respondents raised concerns about the impact on wildlife caused by unlawful activity by developers. Concerns included development sites being levelled before survey by consultants and particular concerns were raised about a potential increase in impacts on badgers.

Natural England's response

The principle that regulated businesses should bear the cost of regulation (rather than this being borne by the taxpayer), is well established across government. There are already various costs for an applicant in seeking a licence (for example in carrying out survey work, completing an application form and carrying out the works required by a licence) which may act as a disincentive to apply. Where delays occur in the licence assessment, this adds a further cost and impact which can also act as a disincentive to apply. Whilst the introduction of a charge will add an additional cost to the applicant, there are a number of factors which should help reduce or mitigate the risk to wildlife, as follows:

- an improved licensing service for the licences that suffer the longest and most costly delays should reduce the threat of illegal acts towards wildlife which can arise when licensing delays occur;
- charges have been structured so that where possible, cheaper options such as the badger Class Licence, are available, to minimise costs on applicants;
- improved compliance checks will also improve species' conservation;
- a better resourced licensing service will be able to provide more pre-application advice and more capacity for enforcement activity where needed, both of which should improve outcomes for wildlife through the licensing service.

4.10 Charge rate

Several respondents commented on Natural England's charge rate of £101 and compared it to consultants' hourly rates.

Natural England's response

See Annex 1; this outlines how the Natural England charge rate is calculated to achieve Treasury guidelines of full cost recovery. This is similar to other comparable government organisations.

4.11 Compliance checks

Some respondents welcomed the commitment to conduct more compliance checks. Compliance checks help ensure licences are properly applied and reassure applicants that their efforts are acceptable. Similar numbers of respondents questioned whether the proposed compliance target was high enough to achieve the desired improvements.

Natural England's response

Natural England aims to compliance check 5% of all applications and will use resource created by the compliance element of licence charges to achieve this. Natural England expects that increased compliance checks will be welcomed by many applicant groups. The target of 5% of compliance checks represents a balance between cost and benefits.

4.12 Applying exemptions

Some respondents questioned whether Natural England can avoid reducing the scope of the charge exemptions in future. Other questions were raised about Natural England's ability to apply exemptions, for example determining whether a survey licence was going to be used for voluntary purposes or whether works needing a mitigation licence are genuine health and safety cases.

Natural England's response

Natural England will monitor the effectiveness of the exemptions and may review their application if required. Any significant amendments will be subject to public consultation and approval by Ministers. Natural England will amend the licence application forms to capture whether the project is for science, e.g., for the National Bat Monitoring Programme. Other exempt categories such as Scheduled Monuments and Listed Buildings can quickly be checked online. Guidance around conserving bat roosts in situ in a building or structure will be developed by Natural England.

4.13 Charges vary with the size of the development

Some respondents suggested that the charge should vary with the size of the development.

Natural England's response

The complexity of a licence, and the associated cost, depend on the nature and extent of impact on the specific species involved and do not automatically reflect the size or the number of properties of a development, so a formula-based approach would not reconcile with Treasury guidance on cost recovery. Where a development does have an impact on a protected species, the complexity of this impact will often be greater for a larger development, so there will be a broad correlation between licence charge and the size of a development.

4.14 Charges for fast-track licence issue

Some respondents said that they or their clients would be prepared to pay for a fast-track licence service so that licences can be issued within 30 days.

Natural England's response

One of the aims of this proposal is to enable Natural England to complete its assessment of charged licences within its published service standard (over 95% within 30 days). Once this is established, should there be further interest from applicants in voluntary fast-track options, Natural England will investigate options to address this.

4.15 The licensing approach

Some respondents questioned the effectiveness of the licensing approach and suggested that the approach be dropped.

Natural England's response

The licensing approach has been developed and refined over a number of years to balance the protection of species with wider societal needs, allowing the licence-holder to undertake activities which would otherwise be illegal. While licensing is not without its issues, this approach has led to growing awareness of protected wildlife in recent years evidenced by the increasing number of licence applications. Natural England continues to invest in this development to make licence responses proportionate to the risks posed to species. This has resulted in reforms to the service such as low-impact Class Licences for bats and district-level licences for great crested newts.

5. Next steps

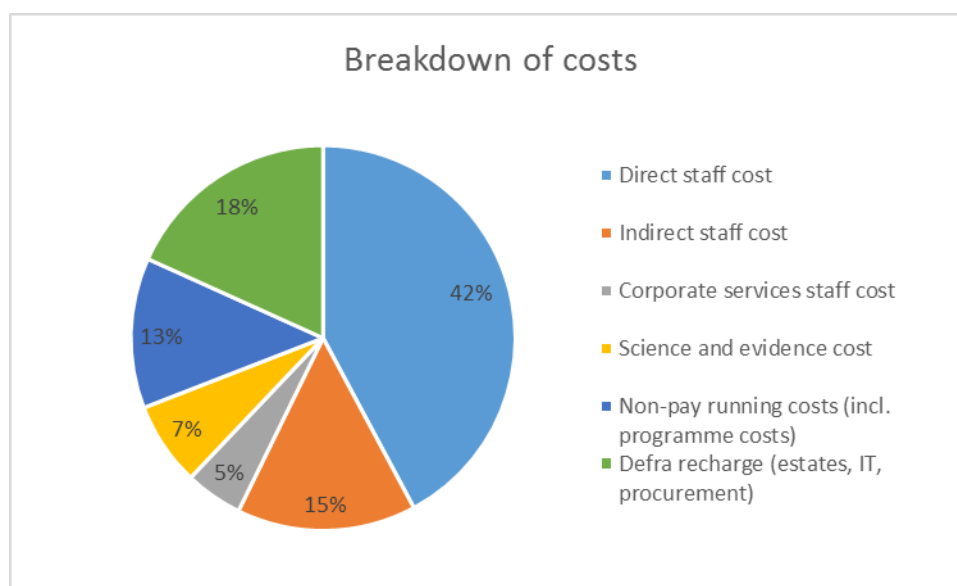
Natural England will seek Parliamentary approval for the charging scheme to be introduced as a Statutory Instrument under the Natural Environment and Rural Communities Act 2006 to come into force in October 2018.

If approved, charges will be implemented when Natural England is confident that the service standard for licence delivery will be achieved and will be phased accordingly. This is unlikely to be before the beginning of 2019. Natural England will continue to consult with applicant groups and will provide updates through articles in the Wildlife Licensing Newsletter. Natural England will also develop system improvements, for example to enable online payment mechanisms.

Annex 1. Make-up of Natural England's costs used in the charging proposal

A number of respondents to the consultation requested additional information on the justification for Natural England's proposed charge rate and the costs that have been included in this.

The overall costs of the wildlife licensing operation were calculated to include the following components, in line with Treasury guidance on overhead recovery. These are summarised in the chart below, along with a description of each individual section.



Direct staff costs:

These are the salary costs of all staff involved in front-line delivery of the licensing operation. Natural England uses a time recording system which captures all hours of staff time recorded against specific areas of activity, covering all areas of our work. This information is used to calculate the proportion of staff time in each team spent on wildlife licensing activity and then to calculate the proportion of overall staff costs used in wildlife licence delivery in each team, including NI and pension contribution. The entire wildlife licensing operation represents approximately 7% of Natural England's overall activity.

Indirect staff costs:

These are the costs of staff that provide a supporting role to front-line operations, for example team leaders, managers and those involved in training, performance reporting, resource planning and budget management in individual teams. These costs cannot be directly attributed to any particular area of front-line activity and are therefore allocated across all areas in proportion with the time spent on each area.

Corporate Services:

These are the central teams which provide essential support services at a national level to enable Natural England's operation. These include Health and Safety and the legal, governance and audit functions necessary to ensure that Natural England meets the standards of propriety and regularity expected of a government body. These costs are allocated in proportion with the time spent on each area of front-line delivery.

Science and Evidence Cost:

This includes the staff time spent on monitoring programmes and evidence work which supports Natural England's operational activity. These costs are allocated in proportion with the time spent on each area of front-line delivery.

Non-pay running costs:

This includes non-staff expenditure such as Travel and Subsistence, as well as other expenditure some of which can be directly attributable to a specific area of front-line activity (including outsourced activity such as the bat advice line), and some which cannot (eg learning and development, office equipment and consumables). Those costs that cannot be directly attributed to a specific area of activity are allocated in proportion with the time spent on each area of front-line activity.

Defra recharge:

A number of corporate support services are now managed centrally by Defra on behalf of all its agencies, to drive efficiency across the Defra Group. These include commercial, IT, central finance, communications and estates management. These cannot be directly attributed to a specific area of activity and are therefore allocated in proportion with the time spent on each area of front-line activity.

Converting cost to fixed and variable charge rates:

Using the cost model above, the average cost per hour of front-line delivery activity can be calculated. Front-line delivery activity for wildlife licensing work includes:

- i. Wildlife Advisers working in area teams, providing technical assessment of license applications.
- ii. Technical Services "EPS advisers", based in our Bristol office, who carry out the assessment of "NSA" and "IROPI" on EPS mitigation license applications.
- iii. Technical Services staff based in Bristol, who log incoming applications and assess survey and some class and species management licences.
- iv. Any Senior Adviser support on the assessment of an individual licensing case (this would normally apply for complex or novel cases only).

- v. Commercial services staff who manage the financial transaction, which (on variable rate work) includes providing estimated job costs, confirming acceptance and collating timesheets to generate invoices.

Where fixed fees are proposed for licences, these are based on an assessment of the average time required from each of the above groups to complete the assessment and issue of a licence. Where a licence requires compliance checking, the same approach is used to calculate a contribution to the cost of these checks. A percentage of compliance checks to be carried out is set (between 1 and 5% dependent on licence type), multiplied by the total number of licences of that type and the average staff time to complete a check (which is also dependent on the licence type) to derive an overall cost for compliance checking. This cost for compliance checking is then spread over all licences of that type and included in the fixed fee.

For licences for which the assessment time is highly variable, the rate of £101/hr is based on the cost base described above and applied based on the hours of technical assessment time (i.e. categories i., ii. and iv. as described above), with the time spent on licence processing and financial administration built into this rate (i.e. not separately itemised).

The variable rate is comparable to other agencies carrying out regulatory work, such as the Environment Agency and Marine Management Organisation.

Annex 2. Summary of proposed licence prices following revisions

A. Mitigation licences to allow development or operational delivery to proceed where protected species are present (Non-complex mitigation licences are those requiring 5 hours or fewer to assess the conservation status implications for the species concerned.)		
	Licence	Charges – revised price in bold
1.	CL21 Low impact bat mitigation: to become a registered consultant	New registration – no charge Continued registration - no charge
2.	CL21 Low impact bat mitigation: site registration	£130
3.	CL31 Intentional disturbance and damage destruction of water vole burrows for development	New registration: £60 Continued registration: £50
4.	CL33 Low impact great crested newt to become a registered consultant	New registration: no charge Continued registration: no charge
5.	CL33 Low impact great crested newt: site registration	£130
6.	CL35 Badger Class Licence: to become a registered user	New registration: no charge Continued registration: no charge
7.	CL35 Badger Class Licence: site notification for development or prevent serious damage	£160
8.	A12-1 EPS mitigation licence: other species	Non-complex: £690 Complex: £183 compliance check plus variable charge
9.	A13 Bats mitigation	Non-complex: £500 Complex: £183 compliance check plus variable charge
10.	A14 Great Crested Newt mitigation	Non-complex: £700 Complex: £183 compliance check plus variable charge
11.	A24 Interfere with a badger sett for development	Non-complex: £260 Complex: £61 compliance check plus variable charge
12.	A29 Kill, take, disturb or possess wild animals (WCA ‘mitigation’ licence)	£61 compliance check charge plus variable charge
13.	A31 Take wild plants (used for	Variable price

	development)	
14.	A35-1 Hazel dormice mitigation	Non-complex: £690 Complex: £183 compliance check plus variable charge
15.	A44-1 Natterjack toad mitigation	Non-complex: £690 Complex: £183 compliance check plus variable charge
16.	A45 Otter mitigation	Non-complex: £690 Complex: £183 compliance check plus variable charge
17.	A46-1 Smooth snake mitigation	Non-complex: £690 Complex: £183 compliance check plus variable charge
B. Survey licences to allow surveying for protected species where disturbance may occur		
18.	CL08 survey for GCN Level 1	New registration: £80 Continued registration: £60 Continued registration online: £35
19.	CL09 survey for GCN level 2	New registration: £80 Continued registration: £60 Continued registration online: £35
20.	CL10a Hazel dormice survey Level 1	New registration: £80 Continued registration: £60 Continued registration online: £35
21.	CL10b Hazel dormice survey Level 2	New registration: £80 Continued registration: £60 Continued registration online: £35
22.	CL11 White clawed crayfish survey	New registration: £80 Continued registration: £60 Continued registration online: £35
23.	CL17 Bat survey Level 1	New registration: £80 Continued registration: £80 Continued registration online: £35
24.	CL18 Bat survey Level 2	New registration: £80

		Continued registration: £80 Continued registration online: £35
26.	CL19 Bat survey Level 3	New registration: £80 Continued registration: £80 Continued registration online: £35
27.	CL20 Bat survey Level 4	New registration: £80 Continued registration: £80 Continued registration online: £35
28.	CL29 to survey for barn owl for development	New registration: £60 Continued registration: £50 Continued registration online: £35
29.	Great crested newt district level licence	Variable price (post April 2020)
30.	A34 Bats: disturb or take	£61 compliance check charge plus variable charge
C. Other licences		
31.	CL07 Sell dead species taken before 1981	£60
32.	A20 Sell captive-bred wild birds not fitted with the correct close ring	Variable charge
33.	A21 Exhibit birds competitively without the correct close ring	Variable charge
34.	A28 Disturb wild birds for photography	Variable charge
35.	A30 Use prohibited methods for wild animals	No charge for purpose of falconry
36.	A32 Remove deer from one area to another (non-H&S)	Variable charge
37.	A38 Licence to sell protected animals or plants	Variable charge
38.	A41 Kill wild birds for falconry	No charge

Notes:

1. Charge exemptions are as detailed in the consultation document (see <https://consult.defra.gov.uk/natural-england/wildlife-licence-charges/>.)

2. Charges are set at a full cost recovery rate in line with government guidance

3. Charges are fixed price for the less complex and more predictable licences and variable price for the more complex and/or less predictable applications. The latter are based on the hourly rate of £101, calculated to the nearest 15 minutes.

4. The revised charges in **bold** result from, i) re-analysed standard times for the assessment of licences based on the most recent data and ii) options to issue these at a lower cost where returns are submitted directly into the online casework manager system.
5. Where significant additional time is required to determine an application following a refusal or Further Information Request, the extra time required may be charged at the variable rate. For fixed price licences, this will be added to the fixed price.
6. Charges are exempt from VAT.