
Wildlife Licence Charges

Overview

Natural England is inviting views about the way we fund the wildlife licence service in the future. We want to ensure this service offers value for money for licence applicants and the taxpayer and achieves good outcomes for wildlife.

You need a wildlife licence from Natural England if you plan to disturb or remove wildlife or damage habitats.

Natural England undertakes its licensing work in agreement with Defra. Natural England proposes to introduce charges for the statutory assessment and issue of wildlife licences. 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 proposal aims to:

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

Charges will also include cost recovery for compliance monitoring. This will enable a consistent level of compliance checks to be sustained, which will improve conservation outcomes for wildlife.

Exemptions from charging are included in the proposal to enable the delivery of other government policies. These include the preservation of health and safety, the prevention of serious damage to property or the spread of disease, householder development projects, conservation delivery projects and conservation research.

Natural England has powers to charge for licences under the Natural Environment and Rural Communities Act 2006. Charging would begin in the second half of 2018 if approved.

We are seeking your views on:

- the proposal to charge for wildlife licences;
- the charging structure; and
- the proposed exemptions from charging.

Why we are consulting

In contrast with the majority of environmental licensing and permitting schemes, the wildlife licensing service has been wholly taxpayer-funded since it began.

There has been an increase in licence application numbers for many years, for example European Protected Species (EPS) mitigation licence applications rose from 1758 in 2009/10 to 2801 in 2015/16. Natural England has struggled to meet the demand for licences, particularly at peak periods. Natural England recognises that the resulting delays in issuing licences can cause significant impacts and increased costs for applicants.

Natural England is undertaking an ambitious programme of reform to streamline the licensing process, for example through the introduction of district level licences for great crested newts. Several measures have already been introduced which have cut the average processing time for licences by 25% over the last three years. For example, the bat low impact class licence, introduced in 2015, has been used for 38% of bat mitigation licences issued so far this year.

However, the trends that have led to the pressures on the licensing service are set to continue. The demand for licences is likely to increase further to support the Government aspiration to complete one million homes by 2020. Natural England aims to assess mitigation licences within 30 days of receipt of licence applications. Given the increasing pressures on the service, the recently introduced streamlining measures alone are unlikely to be sufficient to achieve this target.

We are therefore inviting views about the way we fund these services in future to ensure value for money for licence applicants and the taxpayer.

Consultees and how we will use your information

Consultees

We welcome responses from all groups that have an interest in the wildlife licensing service. This includes representatives of:

- environmental consultants;
- environmental NGOs;
- developers;
- utility companies;
- the drainage/flood risk management sector;
- the farming industry;
- the transport industry;
- local government;
- researchers;
- managers of historic buildings; and
- other groups whose activities can impact on protected species.

All recipients of our Wildlife Licensing newsletter have been invited to respond. The consultation is not restricted to those we have contacted directly and we value hearing from anyone interested in this subject.

If you are a licence holder you should remind yourself of the licence name and number, the legal purposes under which you applied and the activity that the licence covers. You will then be better able to understand what the proposal may mean for you by referring to the tables under each section. You can also refer to the more detailed information provided in the attached document "Appendix to Wildlife Licence consultation - all proposed fees & exemptions".

The consultation aims to give all parties the opportunity to comment on the proposed changes and to make us aware of particular circumstances that may need further consideration. We will consider all information before working with Defra to introduce any charges.

Responding to this consultation

Important dates

This consultation will be open for eight weeks and will run from 11/12/2017 until 5/02/2018.

How to respond

You can view the consultation documents and questions on this Citizen Space webpage, our online tool for consultations.

You can submit your responses using this online tool to record your comments. The online tool will help us to gather and summarise responses quickly and accurately and keeps consultation costs to a minimum.

If you prefer to submit your response by email or letter, or if you would like a printed version of the document to be sent to you, please contact our Enquiries Office on 0300 060 3900, Monday to Friday, 8.30 am to 5pm, or email enquiries@naturalengland.org.uk .

If you would like to send your response by post, please send your completed response form by 5/02/2018 to:

Consultation Officer, Statutory Protected Species Licence Charges, Natural England,
Ceres House, Searby Road, Lincoln, LN2 4DT

How we will use your information

We will use your comments to help shape the charging proposal.

Throughout the consultation we will look to make all comments (excluding personal information) publicly available on our website. This includes comments received online, by email and post, unless you have specifically requested that we keep your response confidential. We will not publish names of individuals who respond but we will publish the name of the organisation for those responses made on behalf of organisations.

If you respond online and provide an email address, your response will be automatically acknowledged. After the consultation has closed we will publish a summary of the responses on the gov.uk website and contact you to let you know when this is available. We will not normally reply individually to responses.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response be kept confidential, you must tell us why.

Consultation principles

We are running this consultation in accordance with the guidance set out in the government's Consultation Principles.

If you have any queries about the way this consultation has been carried out, please contact:

Consultation Officer, Statutory Wildlife Licence Charges, Natural England, Ceres House, Searby Road, Lincoln, LN2 4DT

1 What is your name?

Name

2 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

3 Are you answering on behalf of an organisation or as an individual?

Please select only one item

On behalf of an organisation As an individual

Individual respondents

After question 4, please go straight to question 8

4 What is your interest in wildlife licensing or profession?

Please select all that apply

- Academic / researcher / curator / museum professional
- Archaeologist / scheduled monument manager Beekeeper / bee breeder
- Developer / builder / architect / civil engineer
- Ecological or environmental consultant
- Farmer / gamekeeper / forester / fishery manager
- Government (national) employee
- Gull egg harvester or seller / bluebell bulb seller Lawyer
- Local government employee Minerals / quarry industry operator
- Nature conservation organisation employee Taxidermist
- Transport (road / rail / harbour / airport) Utility company employee
- Volunteer working with licensed species Wild bird photographer
- Wildlife hospital / wildlife rehabilitation / keeper of non-native animals
- Other (please describe) Prefer not to say

Other interest / profession - please describe here:

Responding on behalf of an organisation

5 What organisation do you represent?

6 How big is your organisation?

Please select only one item

- self-employed micro (0-9 employees) small (10 - 49 employees)
- medium (50 - 249 employees) large (250 or more employees)

7 Which sector is your organisation in?

Please select only one item

- Academic or research Ecological or planning consultancy
- Developer / minerals / extractive industry Energy or utility company
- NGO Farming / fishing / forestry Local government
- National government organisation Other

Other - please state

The charging proposal

Natural England is seeking to:

- reduce the impact of delays on licence applicants by using the income from charging to invest in the licensing service;
- improve the favourable conservation status of protected species;
- improve service delivery by encouraging more applications for simpler licences and better applications that will avoid the need for resubmission.

History

In contrast with the majority of environmental licensing and permitting schemes, the protected species licensing service has been wholly taxpayer-funded since its commencement.

There has been an increase in licence application numbers for many years, for example European Protected Species (EPS) mitigation licence applications rose from 1758 in 2009/10 to 2801 in 2015/16. Natural England has struggled to match the demand for licences, particularly at peak periods of demand. Natural England recognises that the resulting delays in issuing licences can cause significant impacts and increased costs for applicants.

The proposal

Charges will be set to achieve full cost recovery in line with government guidance. Charges will apply for the issue of a class, individual or organisational licence and the issue of a licence after modification or renewal. Charges will not apply for general licences.

There will be no charge under the following circumstances:

- where a licence is issued for certain purposes as described in the section on "*The proposed exemptions from charging*"; or
- where trivial amendments such as changing a name or other minor detail are needed; or
- if a licence is not issued, either because the application is withdrawn by the applicant or Natural England refuses the application.

Natural England will decide when an application contains sufficient information to make an assessment and shall decide when charges will apply. Applications which are

resubmitted after a Further Information Request or refusal from Natural England will be charged at the cost of the initial and subsequent assessments.

Natural England expects to see applicants respond to the introduction of charges in several ways. These could include:

- increasing the uptake of simpler licence options;
- seeking pre-application advice; and
- using impact avoidance approaches to avoid the need to apply for a licence.

The aim of compliance monitoring is to improve environmental outcomes. The charges include cost recovery for compliance monitoring for those licences subject to charges. Natural England aims to compliance check up to 5% of licence applications.

A statutory instrument will set out the charge categories and the charges will remain in force until the termination of the statutory instrument. This will be seven years from Parliamentary approval of the statutory instrument, anticipated to be in 2018.

This consultation covers licences issued under:

1. Conservation of Species and Habitats Regulations 2017;
2. Wildlife and Countryside Act 1981;
3. Protection of Badgers Act 1992;
4. Deer Act 1991;
5. Conservation of Seals Act 1970; and
6. Destructive Imported Animals Act 1932.

The current licensing system for EPS is expected to continue after the United Kingdom leaves the European Union in 2019 (under the provisions of the EU (Withdrawal) Bill). Legislative changes to scope or process may occur after the date of departure, but it is expected that this will not affect licence charging.

Natural England offers pre-application advice under its Discretionary Advice Service and Pre-Submission Screening Service. These services will be unaffected by these proposals.

There is no proposal to charge for general licences. You can find a full list of general licences on the **Natural England web pages**.

<<https://www.gov.uk/government/collections/general-licences-for-wildlife-management>>

The proposed charges are indicative and may be altered following the consultation.

All charges will be outside the scope for VAT.

Natural England web pages on wildlife licences

Natural England web page on wildlife licences

<<https://www.gov.uk/government/collections/general-licences-for-wildlife-management>>

<https://www.gov.uk/government/collections/general-licences-for-wildlife-management> *<<https://www.gov.uk/government/collections/general-licences-for-wildlife-management>>*

8 Do you have any comment on the proposal to introduce charges to improve delivery of the licensing service?

The proposed charge structure

Natural England proposes a mixture of fixed prices for licences that are simpler to assess and issue and variable prices for applications where the assessment and issue time is less predictable.

Natural England issues three types of licence that are in the scope of this consultation.

1. Class licences are those where the applicant is registered to use the licence, the licence has standard conditions and is available for reference on the Natural England web pages. The applicant has to provide an annual report to remain registered.
2. Individual licences are issued to a named applicant for a project and have bespoke conditions. A report has to be sent to Natural England, usually at the completion of the project.
3. Organisational licences are issued to organisations, often for wide geographical areas and have bespoke conditions. They too have reporting conditions.

The charge structure for each of these licence types is described below with further detail provided in the attached document.

Proposed charges

Class licences

Class licences are issued for survey and mitigation activities

Table 1. Proposed charges for class licences

	Natural England licence number	Proposed price – initial issue	Proposed price – annual renewal
Class survey licences			
Great crested newt survey	CL08, CL09	£130	£80
Hazel dormouse survey	CL10a, CL10b	£130	£80
White-clawed crayfish survey	CL11	£130	£80
Bats	CL17, CL18, CL19, CL20	£130	£80
Class licences - other			
Water voles	CL31	£130	£80
Barn owl	CL29	£130	£80
Taxidermy	CL07	£130	

Bats and great crested newts mitigation - low impact licences			
Personal registration	CL21, CL33	£130	£80
Site registration	CL21, CL33	£390	
Badger class licence			
Personal registration	CL35	£180	£80
Site notification	CL35	£150	

Individual licences

Individual licences will have fixed rate charges for licences that typically take no more than five hours of adviser time to complete and variable charges for more complex applications.

Table 2. Proposed fixed rate charges for non-complex licences

	Natural England licence number	Proposed price
Bat	A13a-1, A13b-1	£700
Dormouse/otter	A35-1, A45	£700

Great crested newt	A14	£700
Other European Protected Species (e.g., natterjack toad, sand lizard)	A12-1, A44-1, A46-1	£700
Badger	A24	£350
Bird	A22, A23	£350
Other species protected under domestic legislation e.g. deer	A32	£350

Complex individual licences (typically taking over 5 hours to complete) will be charged at the hourly rate of £101, based on the hours recorded to complete the technical assessment of the application, plus an additional fixed charge to cover compliance monitoring costs. The hourly rate includes associated administrative costs. The additional fixed charge for compliance monitoring will be set at £183 (European Protected Species, EPS) or £61 (domestically-protected species). New complex licences for EPS are expected to cost £1000 to £1500. New complex licences for domestically-protected species are expected to cost £600 to £1500. A very small number of highly complex licences that are particularly resource-demanding may cost several thousand pounds.

Applicants will usually be able to tell whether the fixed or variable price category will apply. Typically variable price licences will include works to badger main setts, bat roosts with more than five bats (of any species) and most great crested newt applications.

If applicants are in doubt, Natural England will be able to advise whether a licence is in the fixed or variable price category; if the latter, Natural England will also be able to advise on the likely amount of time needed from the details provided and a short telephone conversation.

Where an application is in the variable price category, Natural England will, on request, be able to provide a non-binding estimate of price to the nearest day through a Price Indication Request that will be available on GOV.UK. For a small number of more

complex applications, the application may need to be reviewed (taking up to 1 hour of Wildlife Adviser time uncharged) in order to generate the estimate.

Licences issued under the Wildlife and Countryside Act 1981 for purposes other than those listed in table 2, which do not fall under an exemption category (see section 4c below) will be charged at the hourly rate of £101, based on the hours recorded to complete the technical assessment of the application. The expected price of new applications for these licences will normally be between £100 and £200. Licence A29 may be higher where it is used for mitigation projects, in which case it will be similar to the domestically protected species licences in table 2 above and have the same fixed charge for compliance monitoring of £61.

Table 3: Licences issued for other activities under the Wildlife and Countryside Act 1981

Licences issued for other activities under the Wildlife and Countryside Act 1981	
A20, A21, A28, A29, A31, A38, A41	Variable price

Amendments and renewals of all licences will be charged at the hourly rate of £101.

Organisational licences and great crested newt district licences

The issue and renewal of an organisational licence will be subject to a charge of £101 per hour (unless the primary purpose of the licence falls under an exemption criteria). Advice on the development of an organisational licence, as a discretionary licensing option, will continue to be offered under Natural England's Discretionary Advice Service.

New district licences for great crested newts issued from April 2020 and any renewing before that date will be charged at £101 per hour. Great crested newt district licences are expected to cost between £1000 and £2500 when they are renewed every two years.

New licences within the lifespan of the Statutory Instrument

If Natural England introduces new licences during the lifetime of the Statutory Instrument, the charge for the licence will match the nearest price category, depending on the nature of the licence and the time needed to assess and issue the licence.

9 Do you have any comments on the proposed charge structure?

The proposed exemptions from charging

The proposed exemptions are designed to promote the conservation of species and habitats and to address circumstances where charging may be detrimental to wider policy objectives.

Exemptions from charges are proposed for licences issued for the following:

1. To manage health and safety issues;
2. To prevent serious damage to property, crops, fisheries, etc;
3. To prevent the spread of disease;
4. To improve scientific understanding of threatened species and habitats;
5. To conserve species and habitats **[1]** and certain historic properties **[2]**;
6. For projects subject to householder development consents, i.e. home extensions and improvements.

Where possible, the exemptions align to the legal purposes under which licences are issued.

The exemptions will be reviewed when Defra and Natural England think it reasonable to do so and any significant changes to these will be subject to public consultation and ministerial approval.

[1] Species listed in The Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981, Deer Act 1991, Protection of Badgers Act 1992, Conservation of Seals Act 1970 and species and habitats listed under Schedule 41 of Natural Environment and Access to the Countryside Act 2006.

[2] Scheduled Monuments, listed buildings, listed building and traditional farm buildings in agri-environment schemes.

Proposed exemptions from charging

Proposed exemption	Comments
1. Licences for preserving public health and public safety.	Health and safety situations that pose a current risk to life and property often require prompt action. This exemption will also include the exclusion of a small number of bat roosts from domestic properties where the householder has a phobia.
2. Licences for preventing serious damage to property, including crops and fisheries.	Protected species can cause serious damage to property, e.g., bats in historic properties and badgers setts in railway embankments and Scheduled Monuments. Some of these cases can also have health and safety implications.
3. Licences for preventing the spread of disease.	Government policy is to prevent the spread of disease. An example of where this exemption would apply is the control of badger populations with the aim of reducing bovine tuberculosis among cattle. Projects to immunise badgers against bovine tuberculosis would also be in this exemption category.
4. Licences for science, education or research activities	<p>Research is undertaken by both professionals and volunteers in order to increase the understanding of the ecology of species and habitats [1], usually to support the conservation of the species or a habitat. This exemption will include licences issued for science, education or research and ringing, marking or examining a ring or mark, etc.</p> <p>Some licences for these purposes are used for commercial projects. Licences issued for these</p>

	<p>purposes that are primarily for commercial work will be charged for.</p>
<p>5. Licences for projects that achieve conservation aims under the following circumstances:</p> <p>a) Licences for projects whose principal aim is to maintain or improve the conservation status of a threatened species or habitat;</p> <p>or</p> <p>b) Licences for projects whose principal aim is to maintain or improve the conservation of historic properties;</p> <p>or</p> <p>c) Licences for projects that deliver favourable conservation for bats through <i>in-situ</i> mitigation.</p>	<p>a) If the principal aim of a conservation project is to improve the conservation status of the species or habitat [1], then licences will not be charged for.</p> <p>These activities will include capturing, ringing or marking individuals. Collection and possession of individuals, e.g., for museums, will also be exempt.</p> <p>Some licences issued under conservation purposes are used for commercial projects. Licences that are primarily for commercial work will be charged for.</p> <p>b) Historic properties includes scheduled monuments, listed buildings, places of worship and traditional farm building in agri-environment schemes [2]. Planning applications for change of use proposals will not be exempt.</p> <p>c) This exemption will include licences for development projects that deliver favourable conservation for bats where a maternity, day or hibernation roost of three or more bats present together remains within the roof void or other part of the building or structure. Other factors such as light levels and flight paths around the roost will also need to remain unaffected or improved.</p>

<p>6. Licences for householder applications</p> <p>Applications for alterations or extensions for a single dwelling house.</p>	<p>To avoid disproportionate impacts on householder building projects, ie home extensions and improvements to a single dwelling.</p>
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Exemptions relating to science, research or education and conservation projects will be dependent on the nature of the proposed activity, as described in sections 4 and 5 of table 3 above. Depending on the activity, applicants may be requested to provide additional information to demonstrate why an exemption from charging should apply.

Natural England will decide whether an exemption will apply to a particular application at the point that the application is received. If circumstances change during the period for which the licence is valid, a licence issued for charge-exempt activity may not be valid for an activity where charges would normally apply. Applicants will therefore be expected to pay the charge for the licence before it is used for chargeable activity.

If you are uncertain about how these exemptions apply to a particular licence type, please refer to the attached document "appendix to wildlife licence consultation - all licence fees & exemptions" for further detail.

[1] Species listed in The Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981, Deer Act 1991, Protection of Badgers Act 1992, Conservation of Seals Act 1970 and species and habitats listed under Schedule 41 of Natural Environment and Access to the Countryside Act 2006.

[2] Scheduled Monuments, listed buildings, listed building and traditional farm buildings in agri-environment schemes.

Appendix to Wildlife Licence Consultation - all proposed fees & exemptions

Attached as PDF. To view clearly, you may wish to save a copy; alternatively you can click on the buttons to magnify text and scroll.

10 Do think that the proposed exemptions from charging are reasonable?

What are the reasons for your response?

