

EPS Mitigation Licensing: Latest developments

NATURAL
ENGLAND

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Dear Stakeholder

RE: Introduction of the Low Impact Bat Class Licence: invite to apply to become a 'Registered Consultant'

Those of you who regularly receive our EPS Latest Developments Newsletter will be aware Natural England completed a Bat Class Licence trial this summer testing a streamlined licensing process which permitted works that had low impacts on certain bat species and certain roost types but which still needed to be licensed in order to meet legal requirements.

The trial Class Licence successfully reduced the burden on the customer and on Natural England for a significant number of low impact type cases, by reducing the application paper work, scrutiny of the three tests prior to a licence being granted and speed in which a licence decision was determined. It also enabled a more proportionate approach to licensing to be taken for certain case types.

Following the trial, we plan to formally launch this new Class Licence in spring 2015. Becoming a Registered Consultant is the first step of a 2-stage process in order to be able to use the Low Impact Bat Class Licence; the second step is to register each site before undertaking any licensable works. **Only Registered Consultants will be able to make use of this Bat Class licence and we are now inviting experienced bat consultants to apply.** We aim to sift the applications to become a Registered Consultant and inform those who apply of the outcome before Christmas.

Introducing the concept of Registered Consultants fits with the work Natural England is undertaking with Chartered Institute of Ecology and Environmental Management (CIEEM) to explore the potential for introducing Earned Recognition (ER) into the licensing system, which includes piloting the delivery of training through CIEEM. The use of ER in this instance would be based on an applicant providing an evidence base to show that they have gained sufficient relevant experience to achieve a set threshold of competency which would allow them to perform certain tasks under a specific licence. We have set the bar higher to become a Registered Consultant for this Class Licence, and therefore the level of experience and skill required is higher than that to become a 'Named Ecologist' on an individual mitigation licence. The criteria to meet to become a Registered Consultant are *summarised* below and found in more detail in the application form (attached to this email) so please do read it.

Consultants applying to become a Registered Consultant must:

- Be an Associate or Full member of a relevant professional body (e.g. CIEEM or IEMA, etc);
- hold a current level 2 (minimum) bat class survey licence and have held a bat survey licence for at least 5 years – which must have included disturbance and capture (handling) of bats for that period;
- submit survey records to Local Records Centre's, in accordance with the condition of survey licences;
- have held at least 6 mitigation licences over a 3 year period (if someone has had a career break within the last 3 years they can provide details of mitigation licences over the last 4 years) covering at least 6 species, including at least one species from each of the following species groups - Pipistrellus, Plecotus and Myotis;
- have personally undertaken the majority of the surveys, assessed the impacts, designed the licensed works (mitigation, compensation, etc) and implemented (overseen) the licensed works on all of the licences cited;
- have experience and understanding of a specified range of licensable methods;

- be able to demonstrate work on and experience with a range of roost types (including both low and higher conservation status roost types than those covered by the low impact class licence);
- have submitted all survey and mitigation licence returns;
- not have been convicted of any wildlife-related or animal welfare offence in the last 5 years, which is not spent under the Rehabilitation of Offenders Act 1974;
- be able to demonstrate knowledge, skills and experience are up-to-date and are maintained by undertaking relevant regular continuing professional development (CPD); and,
- agree to attend a mandatory workshop (if the criteria are met) in order to become a Registered Consultant and receive a unique reference number.

Should you wish to apply to become a Registered Consultant for this Low Impact Bat Class Licence please complete the application form and submit to the following address: EPSBatTrial@naturalengland.org.uk. The application period will be open from the 12th November to 1st December. As we may be limited in the number of consultants we accept who meet the criteria at this time we will be accepting consultants on a first come first served basis. This is further explained in the Questions & Answers overleaf. *Please do take the time to read these Q&As before you decide to apply so you fully understand what is required and the limitations of the licence (see next page).*

Kind regards

Kathryn Murray

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Questions and Answers on the Formal Introduction of the Low Impact Bat Class Licence

What will the Low Impact Bat Class Licence cover?

- The disturbance and/or capture of bats and/or damage or destruction of bat roost/s of low conservation significance (i.e. feeding perches/roosts, day and night roosts), affecting no more than three (3) of the more common species of bats present in small numbers.
- The 7 species that will be covered within the remit of the licence are common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared (*Plecotus auritus*), whiskered (*Myotis mystacinus*), Brandt's (*Myotis brandtii*), Daubenton's (*Myotis daubentonii*) and Natterer's (*Myotis nattereri*).

When will this Class Licence be available for use?

- Spring 2015 for consultants registered to use this licence only. The licence can only be used following attendance of a workshop (see below, dates to be confirmed in the New Year).

How do you apply to become a Registered Consultant able to register sites which require a licence before works can commence under the Low Bat Impact Class Licence?

- Following a review of the low impact trial Natural England have set criteria and standards which must be met in order to become a Registered Consultant. We are inviting experienced bat ecological consultants to apply to become 'Registered Consultants' from the **12th November to 1st December**. An application form is attached to this mail shot and should be submitted to EPSBatTrial@naturalengland.org.uk.
- Any applications received after the 1st December will not be processed or reviewed.
- We will sift the applications following the closing date, in order of date and time received and will inform people whether they have been accepted as a Registered Consultant before Christmas. We will inform successful consultants of workshop dates and venues in the New Year (also see below on 'other useful things to know').

Are there benefits of being a Registered Consultant able to register sites under this licence compared to the standard mitigation licence process?

- There is a reduced application process (via a 'site registration form' rather than a standard application form, reasoned statement and method statement). This translates into 'less paperwork', time and savings to licence these 'lower impact/risk' bat cases.

- The citizen charter turnaround times are 10 working days, compared to a standard mitigation licence of 30 working days.
- Those consultants partaking in the trial reported savings for them and their clients using this Class Licence route. Natural England reported savings, during the trial licence period, to developers over £180,000 and 444 weeks in possible delays to development.

Who can use this Bat Low Impact Class Licence?

- Only Registered Consultants (for the Bat Low Impact Class Licence) will be able to use this licence and each site must then be registered separately, should it fit the detail of the licence (which is not included within this document). An assessment of the three licensing tests must be made, and they must be met, before Natural England can confirm that the site is registered and licensable works can begin.
- *Important note: not only does a consultant need to be registered with Natural England for the Low Impact Bat Class Licence but each site the licence is to be used at must also be independently registered.*

Are there any other useful things you need to know before applying to become a Registered Consultant?

- Before becoming a Registered Consultant and being assigned a unique registration number you will have to attend a workshop, which is likely to be held over 2-days which will cover: the 3 licensing tests, the evidence required to meet them and the use of the licence including the licence overview, criteria and conditions, report forms, etc.
- Details of the workshops will be made available in the New Year but they are likely to be held in late spring 2015 in advance of the launch of the licence. Any consultant successful in becoming registered to use this licence will not be able to apply to register sites until they have attended one of these workshops and received their registration number.
- Only Registered Consultants will be able to use this Bat Class Licence. The use of Accredited Agents (AAs) will not be permitted, so consultants applying to become a Registered Consultant must be able to undertake the licensable works themselves. The use of other Registered Consultants (on this Class Licence) will be permitted.
- Depending on the number of consultants who meet the criteria and how many we can register following the first application 'round' (see below point), we may have to limit the number of consultants registered within each consultancy.
- Before Christmas Natural England hopes to accept at least 50 consultants who meet the criteria to become a Registered Consultant. We will also be informing applicants whether they met the criteria but were not within the number we can currently accept. Should we be in a position to register more consultants before

the first workshops we will inform individuals of this as soon as possible and ask whether they still wish to become a Registered Consultant. Those applicants who did not meet the criteria will also be informed of the outcome, but we ask people to carefully consider whether they have the evidence to meet the criteria and whether they are able to undertake the licensed works (as no AAs can be used) before applying.

- There will be more than one opportunity to apply to become a Registered Consultant in 2015 and Natural England will confirm the future registration process next year.

Is there a charge for attending the workshops?

- There will be a charge and we estimate it will be approximately £150 (TBC) to attend a 2-day workshop (excluding accommodation) for the first intake of Registered Consultants who will need to take part in evaluating the workshops, as part of the pilot to deliver training through CIEEM. Charges for workshops/training courses in future will be higher and at market rate or on a full cost recovery basis. There are likely to be up to 3 workshops held in spring 2015.

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