

EPS Mitigation Licensing: Latest developments

NATURAL
ENGLAND

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Dear Stakeholder

Welcome to our July EPS Newsletter which covers the recent introduction of Dormouse Annexed licensing, an update on Case Work Management System, and a change to the existing Annexed licensing process. It also provides an update on current processing times for licences and provides some guidance on how customers can help us determine licences more quickly.

As always, to ensure this newsletter reaches as many people who are involved with EPS licensing as possible, we encourage you to share it with colleagues and anyone else who you feel may be interested. We aim to provide as much notice as we reasonably can prior to any changes being implemented and we also provide these updates via e-mail and publish them on our [website](#). Back dated newsletters and EPS mailshots can be found at

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/epsnewsletters.asp>

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1. **Announcement: Introduction of Dormouse Annexed licensing 1st July 2014**

We introduced annexed licences for **new** dormouse mitigation licence applications on the 1st July. If you are a regular reader of our EPS Newsletters you will be aware that we undertook a Business Engagement Assessment in February on this process for Bats and Dormice; one area of concern was around the possible requirement for interim reporting and whether this creates an additional burden for the customer. We believe that as the data will be collected as part of the licence, asking for early sight of it via interim reports means that any additional burdens are minimal.

As part of the change to Dormouse Annexed licensing, just like for Bat Annexed licensing, we have removed the old dormouse Method Statement template from our web pages and replaced it with a new version plus a separate “Work Schedule” which must be completed with each new application. Everyone should start to use these new documents when preparing new Dormouse applications; however we are allowing a ‘lead out’ time of one month. From the 1st August should any new applications be received on the ‘old format’ Method Statement these will be returned to you with a request to complete the new method statement template, work schedule etc.

In addition to the above, there are a number of other things that have changed, including details on a new licence condition, so please do read the revised Frequently Asked Questions ([FAQs](#)) in relation to annexed licences and the “[Dormouse Announcement](#)” on our EPS Newsletter web page and [Latest News](#) web page which provides further detail on this new process. Please note that the special condition relating to the requirement for a ‘tool box’ talk, and written record that this has been undertaken, has also been included in the Great crested newt and Bat annexed licences as well as the Dormouse annexed licences.

2. **Important Advice: Maps / Figures are no longer sent to the Licensee when an annexed licence is granted**

We have taken the decision to no longer send out maps / figures with annexed licences granted. Although we have done so in the past, the relevant maps / figures are dated and referenced in the special conditions of the annex and must be complied with. As the applicant (who becomes the Licensee) and the Named

Ecologists have copies of the maps / figures agreed with Natural England during the licence decision making process this is not considered necessary. We take the opportunity to remind Licensees and all those acting under any licence to read the standard licence and annex special conditions carefully and to ensure that copies of the correct versions of the agreed maps / figures are available at all times and to be sure that they are being followed. Compliance checks could be made at any time – in line with our compliance policy.

We stopped sending maps/figures with new annexed licences granted from the 14th July.

3. Update: Improving licensing capability

Natural England capacity to assess EPS licence applications, particularly those for great crested newts means we are not meeting our service standards for all types of licence application. We are aware of a number of outstanding cases and are taking steps to process these as quickly as we can. We sincerely regret any inconvenience to our customers.

We are doing all we can to process new applications within our standard of 30 working days. Where this is not possible we will advise you when you can expect a decision. We are also targeting as a matter of urgency those applications that are already overdue.

To resolve these issues we are taking urgent steps to increase our capacity to meet the demand for licences. This includes the appointment of additional wildlife advisers.

In the short term we would like to remind applicants that it helps us determine applications as quickly as possible, if applicants and their consultants ensure they:

- Read our [Guidance documents](#) before completing and submitting an application.
- Submit applications as early as possible.
- Ensure applications are complete, making sure that all supporting documents and details are carefully checked, all maps and figures are

dated and referenced, the Works Schedule contains all licensable activities and that any deviations from guidelines are clearly explained and justified. This helps us having to come back to you for more information and to request changes are made to your documents.

- Ensure that all necessary consents and permissions are in place before submission.

To track the progress of your application please call our Enquiries team on 0800 060 3900 or e-mail enquiries@naturalengland.org.uk, rather than calling Wildlife Advisers directly who are fielding large numbers of calls and e-mails each day, which can inadvertently delay processing times.

Natural England remains committed to delivering a high standard of service and appreciate your understanding and support as we make the necessary improvements to our licensing service.

4. Update: Case Work Management System and submitting EPS licence applications

The new casework management system (CWMS) has now been launched and we are encouraging all customers to apply online. You can now register as a customer, submit an application and provide any subsequent return information about the use of any licence granted to you through the online system. For further information, please see our [Casework Management](#) page.

If you are an existing customer you will shortly or already have received a letter detailing your customer number and unique passcode together with guidance on updating details and access through the Government Gateway. If you have not received a letter or are experiencing problems please email wildlife@naturalengland.org.uk or call 0845 601 4523.

For any customers who are unable to apply online (e.g. due to no access to a computer or a viable internet connection or due to accessibility requirements) revised application forms have been published on our website. We are aware of issues with these forms and we are working to resolve them as quickly as possible. The application forms currently displayed on our website are in non-

dynamic PDF format, if you require a dynamic PDF, please contact our [Enquiries team](#) who will forward a copy to you.

We have received feedback from ecologists in relation to the additional information and the added effort that you are having in completing the paper forms. The additional information is required to enable Natural England to provide detailed reports on actions taken to both UK and European Governments. We are aware that in some circumstances customers may feel that there is duplication in the questions asked, the forms are designed to mirror the content of the new system so when completing off line customers will see all the questions.

If there are specific issues that customers are experiencing, we would be grateful if they provide feedback to Natural England to consider (contact Sarah Seaman at Sarah.Seaman@naturalengland.org.uk).

We will be providing some advice and top tips for CWMS users in the near future.

5. For awareness: Smarter Guidance

Defra and its regulators are simplifying all of their guidance to make it quicker to understand and easier to use. Environmental rules are not being changed – the idea is to *explain* the law and policy more clearly.

Our new guidance will focus on information that government has to provide such as explaining law, services or how to access your rights. We want increasingly to work with others to provide advice on good practice as it's not generally government's role to give advice.

Your views

We want your comments on the content identified within each of our topic plans. Your comments will help to shape revised guidance. The list for each topic sets out what should happen to current content;

- some will be moved to [The National Archives](#) website and can still be accessed
- some will be rewritten to make it clearer and the current version will be archived
- some will be kept.

When you are making comments, please think about the information that is needed from government:

- Is anything missing?
- What good practice advice is important to you but will no longer be provided by government?
- Do you have any ideas on how we might work with others to provide good practice advice?

To find out more and to access the online consultation please click the link below:

[Online consultation](#)

6. Update: Bat Low Impact licence trial

The Bat Low Impact licence trial came to an end at the end of June (see previous Newsletters and mailshots for details). We are waiting for the final licence returns in order to finalise a review of our findings. The review will help us make a number of decisions on how we formally introduce this licence. We will update you following this and revision of the criteria to become a Registered Consultant as we are aware that a number of you are interested.

7. For awareness: Developing Earned Recognition for Protected Species Licensing

Natural England and the Chartered Institute for Ecologists and Environmental Managers (CIEEM) launched a project in July to develop “Earned Recognition” in protected species licensing activities. This project aims to review our licensing activities and highlight opportunities for streamlining the means of permitting works that have low impacts on protected species but still must be licensed in order to meet legal requirements.

This project will build upon the Natural England’s year-long trial of the low impact bat class licensing (see above) which concluded in June 2014. It is envisaged that as part of the project we will bring forward other areas of our species

licensing work in a pilot in 2015 which will be supported by training for participants involved in this trial project.

Earned recognition is a risk based approach based on good compliance enshrined in the [Regulators' Code](#) (paragraph 3.4). It encourages regulators to reduce the regulatory burden in recognition of good compliance. Natural England and Chartered Institute of Ecology and Environmental Management (CIEEM) are working together to develop earned recognition from a focus of:

- Understanding and building up the core skills that are the platform for delivering a good compliance record in protected species licensing
- Delivering a better service to customers
- Supporting the improvement of professional standards.

Natural England and CIEEM are currently working on the first stage of this project reviewing areas of protected species licensing which may be suitable for taking forward under Earned Recognition. This project is being supported by grant funding from the Innovative Regulation Programme from the Better Regulation Delivery Office.

Kind regards



Kathryn Murray

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