

EPS Mitigation Licensing: Latest developments

NATURAL
ENGLAND

July 2015

Dear Stakeholder

RE: Invite to apply to become a 'Registered Consultant' able to use the Bat Low Impact Class Licence.

Natural England is inviting applications to become a Registered Consultant able to apply to register sites under the terms and conditions of the Bat Low Impact Class Licence. Should you wish to apply to become a Registered Consultant for this licence please carefully read and complete the application form and submit to the following address: BatLowImpactCL@naturalengland.org.uk.

The application period will be open from Friday 3rd July to noon Friday 24th July 2015; applications received after noon on the 24th July will not be processed or considered. We aim to sift the applications towards the end of July and to inform applicants in early August of the outcome of their application. When we inform successful applicants we will also provide details of workshops to be held in late August and September (see Questions and Answers below).

If you are a regular reader of the EPS Newsletter you will be aware we reported in the [June 2015 Newsletter](#) that we have reviewed the criteria to be met at the application stage and I set these out below; a number of criteria have changed from November 2014 (see the [November 2014 newsletter for details](#)) as we aimed to address the feedback to make the process more flexible, yet still maintaining a higher standard than that required to become a named ecologist on an individual mitigation licence application. These changes should enable more suitably experienced consultants to

readily demonstrate their experience and skills with licensed bat work that does not necessarily solely include mitigation licensing.

Please read the application form for full details but to briefly summarise, consultants applying to become a Registered Consultant must:

- Be an Associate or Full member of a relevant professional body (e.g. The Chartered Institute of Ecology and Environmental Management (CIEEM), The Institute of Environmental Management and Assessment (IEMA), The Chartered Institute of Water and Environmental Management (CIWEM) or Royal Institute of Chartered Surveyors (RICS) – the exact requirements are set out in the application form;
- Hold a current level two (minimum) bat class survey licence and have held a bat survey licence for at least three years – which must have included disturbance and capture (handling) of bats for that period;
- Meet one of three scenarios in relation to licensing (Scenario 1: have held at least five mitigation licences over a three-year period covering at least five species, including at least one species from each of the following species groups - Pipistrellus, Plecotus and Myotis; Scenario 2: have held at least three mitigation licences and three scientific research/project licences over a three-year period (same species requirements as Scenario 1); Scenario 3: have held at least three mitigation licences two scientific research/project licences over a three-year period (with same species requirements as Scenarios 1 and 2), and have been a fully trained and registered Volunteer Bat Roost Visitor for at least a year, having undertaken at least two visits in the last 12 months. If someone has had a career break within the last three-years they can provide details of mitigation and scientific research/project licences from over the last four years.
- Have personally undertaken the majority of the surveys, assessed the impacts, designed the project plan and/or licensed works (mitigation, compensation, etc) and implemented (overseen) the licensed works on the licences cited;
- Demonstrate experience and understanding of a 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 bat low impact class licence);
- Have submitted all survey licence returns to Natural England and records to the relevant Local Records Centre;
- Be able to demonstrate knowledge, skills and experience are up-to-date and are maintained by undertaking relevant regular continuing professional development (CPD);
- Not have been convicted of any wildlife-related or animal welfare offence in the last five years, which is not spent under the Rehabilitation of Offenders Act 1974; and
- Agree to attend a mandatory workshop (if the above are met) in order to become a Registered Consultant.

Please do take the time to read the Questions & Answers overleaf 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

European Protected Species Mitigation Licensing Senior Specialist

Questions and Answers on the Bat Low Impact Class Licence

How long has the Bat Low Impact Class Licence been available?

- The licence was formally launched at the end of March 2015, after a 12-month trial, for consultants registered to use this licence only. The licence can only be used following attendance of a workshop and passing an assessment. There are currently just under 70 consultants registered to use this licence.

What does the Bat Low Impact Class Licence cover?

- This licence permits the disturbance and capture of bats and / or damage /destruction of roost/s of no more than three low conservation significance roosts (i.e. feeding roosts, day, night and transitional / occasional roosts), affecting no more than three of the more common species of bats present in small numbers.
- The seven species that are 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*).

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

- If you meet the requirements, complete the application form and submit to the below email address before the noon Friday 24th July. The application form is attached to this mail shot and should be submitted to BatLowImpactCL@naturalengland.org.uk. Any applications received after this time will not be processed or reviewed.
- We will sift the applications following the closing date and inform applicants whether they have been accepted as a Registered Consultant in early August. We will inform successful consultants of workshop dates, costs and venues at the same time (also see below on 'other useful things to know').

Why has Natural England decided to keep member of a professional body as one of the criterion to be met?

Natural England carefully considered feedback received following the November 2014 application process as opinion was divided as to whether professional membership should be a criterion. A decision has been made to keep it as this demonstrates professional practice in terms of an overall competence and responsibility. The other selection criteria look at a consultant's knowledge, skills and experience in relation to bats. There are three elements to being a member of a professional body that we consider important for the earned recognition component of the class licence – signing up to a code of professional practice, the implementation of appropriate disciplinary procedures if required and a requirement for continuing professional development (CPD).

In the application form we reference four suitable professional bodies and will accept others if it can be demonstrated that they also have the same requirements.

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

- The Bat Low Impact Class Licence reduces the burden on the customer and on Natural England for a significant number of low impact bat applications, by reducing the application paper work, scrutiny of the three tests prior to a licence being granted and speed in which a licence decision is determined. It also enables a more proportionate approach to licensing to be taken for certain case types. It is estimated that a significant proportion of standard bat licence applications will be licensed through this route, by consultants Registered to use this licence. Please see the [June 2015 newsletter](#) for further detail on the 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.

- Consultants who partook in the 12-month trial of this licence 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) are able to use this licence and each site must then be registered individually by them, should it fit the terms and conditions of the licence (which are 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 Bat Low Impact Class Licence but each site the licence is to be used at must also be independently registered*

Is a survey required to use this licence once you are a Registered Consultant?

- It has commonly been misunderstood that this licence will omit the need for survey work, or require survey of a reduced standard, and that there will be no assessment of the three licensing tests. This is not true: the licence simply provides another licensing route (ie should offences be unavoidable) which Registered Consultants can decide whether it is appropriate to use following a survey and impact assessment, in accordance with licence conditions and BCT survey guidelines. An assessment of the three tests is made on each site registration request made.

What do you need to do to become a Registered Consultant should you meet the requirements in the application form?

- Before becoming a Registered Consultant and being assigned a unique registration number you must attend a workshop, which will be held over 2-days and will cover: the three licensing tests, the evidence required to meet them and the use of the licence including the licence overview, criteria and conditions, report forms, etc.
- We are currently organising six workshops (up to a maximum of 15 individuals per workshop) and details will be made available in early August to successful

applicants. They will be held in late August and September 2015. Should the need arise further workshops will be held on future dates and those consultants not accommodated on these proposed six workshops will be invited to attend. Places on the six workshops will therefore be on a first come first served basis.

- 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, passed an assessment and received their registration number.

Is there a charge for attending the mandatory workshops?

- There will be a charge for attendance and the amount will be on a full cost recovery basis. The cost will be specified when we inform successful applicants that they are invited to a choice of up to six workshops, held from late August 2015. We estimate costs will be at current market rates which will exclude the cost of an overnight stay, but will include lunches.

Who can act under the licence when a site is registered with Natural England?

- Only Registered Consultants will be able to use this Bat Low Impact Class Licence and they personally must complete the site registration form to apply to register a site. The use of Accredited Agents (AAs) is not permitted in the same manner as with an individual mitigation licence, 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) however is permitted, following specific conditions written in the licence.

Does Natural England hold a list of Registered Consultants which is makes available to its customers?

- Natural England does not hold a list of Registered Consultants. Our current position is this: we are not currently able to provide details of consultants registered to use the Bat Low Impact Class Licence due to data protection issues and Natural England does not recommend individual consultants. The directory on the CIEEM website - [Professional Directorate of CIEEM](#) does provide details of ecological consultants and it also enables people to search by area. CIEEM does not currently hold a list of consultants registered to use the Bat Low Impact Class Licence but will be updating their professional Directorate to indicate those members registered to apply under this licence shortly. Using an internet search

engine should also identify ecological consultants including, where they've chosen to promote it, those who are registered consultants. A bat ecological consultant will be able to advise on the licensing requirements for the work proposed, which may or may not fall within the scope of the Bat Low Impact Class Licence remit. Natural England will also be investigating whether other publically available lists of consultants (e.g. ENDS Directory) will distinguish which consultants are able to use this licence.

Will unsuccessful applicants expect to hear back from Natural England?

- Those applicants who do not meet the criteria will 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.

When will there be another application process to become a Registered Consultant?

- There will be further opportunities to apply to become a Registered Consultant in 2016 and Natural England will confirm the future application process for this licence next year.

Can groups of consultant apply to become registered to use this class licence?

- This licence is only available to individual consultants who independently meet the criteria. It does not cover groups of consultants.

This content was withdrawn on 12 October 2020