

# Response ID ANON-A5SM-J8CB-W

Submitted to **Wildlife Licence Charges**

Submitted on **2018-02-05 18:42:00**

## Consultees and how we will use your information

### 1 What is your name?

**Name:**

Jason Reeves

### 2 What is your email address?

**Email:**

jasonreeves@cieem.net

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

On behalf of an organisation

## Responding on behalf of an organisation

### 5 What organisation do you represent?

**Organisation name:**

CHARTERED INSTITUTE of ECOLOGY and ENVIRONMENTAL MANAGEMENT

### 6 How big is your organisation?

small (10 - 49 employees)

### 7 Which sector is your organisation in?

Other

**Other - please state:**

Professional Membership Body

## The charging proposal

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

#### introduction of charges free text comment box:

1 CIEEM understands the reasons for introducing charges for licences and supports Natural England's ambition to improve the licensing system. However, we must point out that it is not the only way to improve delivery of the licensing service and any decisions in relation to charging for licences should be made with reference to the potential impact or impacts of other approaches. We are obviously aware, for example, that Natural England is also considering using Earned Recognition to deliver improvements. Answers to the following questions are integral to a proper consideration of the charging proposal:

- How would the Earned Recognition and licence charging approaches work together, or do Natural England consider them to be mutually exclusive?
- Have any other alternatives been considered?

Natural England should be mindful that new, more cost-effective, approaches to licensing (e.g. District Licensing, Earned Recognition) also result in a cost to the user. The uptake of such new approaches may well be affected by the introduction of charging for licences (i.e. Natural England may, by introducing charging, inadvertently undermine some of its own initiatives designed to significantly reduce the number of licence applications).

Any such charges should be considered in parallel with reforms of the licensing process. This should include simplification of the licence application process in consultation with the industry. This is particularly important if Natural England wishes to achieve its aim to improve service delivery in the face of increased demand, which could potentially be a more rewarding target than charging for wildlife licenses.

2 Natural England states that the intention of charging will be to:

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

CIEEM is supportive of these aims, but it is not clear from the information presented how this would be effected. In terms of b), this would require a much improved level of service and better value for money from the Pre-submission Screening Service (PSS) and Discretionary Advice Service (DAS).

In terms of c) avoidance of the need for a licence is, in principle, a welcome approach in relation to 'mitigation' licences but not 'survey' licences.

In relation to 'mitigation' licences, there is already a risk-averse attitude in the industry that has been exacerbated when situations many ecologists would previously have dealt with by non-licensed method statements are now being dealt with via the Bat Low Impact Class Licence (BLICL) scheme (and possibly also GCNLICL). This is increasing the number of licence applications, even if more of them are of the low-impact type. In order to increase the number of non-licensed approaches Natural England needs also to rethink the BLICL criteria – in conjunction with those who are registered to use it – and/or needs to provide clear and consistent advice to consultants on when a licence is or is not needed. At the moment this advice is simply not possible to obtain outside of the DAS which is

expensive, inconsistently available and counterproductive in a BLICL situation.

In relation to 'survey' licences, CIEEM is strongly of the opinion that the use of survey licences should be encouraged rather than discouraged, in order to support the gathering of better baseline data on many of our protected species. This may also be Natural England's view, but we would like to clarify this point as the introduction of charging could serve to discourage the use of such licences. The advantages of surveys being undertaken under a licence are numerous, but in particular it serves to increase the level of expertise of those undertaking surveys and it promotes the reporting of survey data to local records centres.

3 Natural England needs to be mindful of the additional delivery pressure that charging will bring – both in terms of timescales for reviewing applications and the knowledge and experience that will be required of the staff used to review applications. At present it appears that Natural England is falling short in relation to both of these aspects on a regular basis.

CIEEM would like confirmation that funds received from mitigation licence applications will be used to employ licence assessors who have the required knowledge and experience (of the protected species that is the subject of the licence that they are assessing) and are competent in their knowledge of appropriate mitigation for the species. Bat and great crested newt licence applications are tremendously variable as every site is different; therefore, the licence assessor must be competent to make judgements on the situations presented to them and such competence can only come from understanding and experience. One of the challenges facing any licensing body in an industry where there are so many natural variables is how to deliver consistency of licensing decisions with pragmatic approaches based on sound judgement. This is an area where Natural England needs to improve significantly. We would suggest that Natural England staff providing advice on protected species should be able to demonstrate their competence to do so by membership of an appropriate professional body or by a qualification such as Chartered Ecologist.

If charging for licences is introduced, it must result in a demonstrably improved service. This improvement should not just relate to licence processing but also to Natural England's wider licence-related work (i.e. PSS and DAS) which are at present disproportionately expensive and also poorly resourced.

## The proposed charge structure

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

#### Proposed charge structure free text comment box:

In general terms, CIEEM is not against the principle of charging for site-specific mitigation licences. We are however against charging for individual survey licences. There are several key issues to address.

#### Fee Charge Structure

1 CIEEM reiterates our call for fixed fees (which could be banded) that provide certainty for applicants and end users. The proposal in this consultation is a complicated mix of fixed (for "simple" applications) and variable (for "complex" ones). This in itself is confusing, but there is also no guidance on what criteria will be used to determine 'complexity'.

2 Natural England also states that: "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" – thus effectively very many licences, including nearly all GCN licences, would fall into the complex/variable category. CIEEM suggests that if "complex" licence applications are anticipated to cost between £1,000 and £1,500 then the higher fee should be set and fixed somewhere between these two figures, because this will even out over all applications and will save the time needed to assess the level of complexity for any given application.

3 CIEEM is very concerned by the proposed Natural England hourly rate of £101, which is far above the average hourly rate for consultant ecologists, and seems at odds with the average salaries paid to the staff working in this part of Natural England. This suggests to stakeholders that the charging proposal is designed to generate income rather than to cover costs. We would like to see how this rate is justified.

4 Should charging for mitigation licences be introduced, CIEEM strongly recommends that Natural England makes the charge directly to the client (as happens now with PSS and DAS), and not via the consultant. This may however require a rethink with the Low Impact Class Licences, because at present it is the consultant who holds the licence.

5 CIEEM would also encourage Natural England to consider some kind of benefit for licence applicants who have already used the PSS or DAS, such as a cost discount and/or quicker turnaround for the actual licence when submitted.

#### Impact on the Ecological Consultancy Sector and Nature Conservation

1 CIEEM does not agree with charging for individual licences for the purposes of undertaking surveys. This will introduce an ongoing financial burden on consultants which cannot be offset against a project and thus will have to be added generally to fee rates, thereby indirectly increasing costs to developers. Natural England must be mindful that in a cost-competitive market, the additional costs being added to a consultant's quote to a client will be undercut by less scrupulous operators – which will drive down standards and ultimately undermine protection of the natural environment. Whilst this will apply across the board, as costs rise so clients are likely to be even more focused on price and less concerned with professional standards. This may also serve to actively discourage consultants from doing surveys under licence, which will lead to lower quality of work and fewer records being fed back to local records centres. If Natural England is serious about reducing poor quality work, and the costs imposed by legitimate consultants working to high standards increase, Natural England must enforce the use of competent consultants who are members of an appropriate professional body.

2 Another outcome of increased costs to clients will likely be an adverse effect for conservation by increasing intolerance amongst developers who may actively seek ways to avoid requiring surveys and/or engaging an ecologist, at the risk of illegally and negatively impacting protected species and habitats. It is also unlikely to improve the current negative view of protected species (especially bats and newts) in the British media.

3 Small consultancies will suffer from the proposed charging structure whilst larger ones may be able to compete more effectively due to economies of scale. For small consultancies with many senior staff, the total cost of licences could be prohibitive. This is likely to result in larger consultancies – in order to minimise their overall licensing outgoings – using a selected few staff to undertake certain surveys, which will limit others' career development, discourage knowledge sharing

and fail to develop junior staff. The introduction of charges for individual survey licences may even potentially create a situation where employers expect employees to pay the fees themselves. This is in contradiction to the Government's stated aim to encourage entrepreneurship and support SMEs.

From a Graduate member of CIEEM:

"I am a graduate at [a large consultancy] and have worked extremely hard to get my Level 3 bat licence. I am also currently training for a dormouse and GCN licence. To me, the proposed fees would damage the most vulnerable members of CIEEM who need the most support. There is no way I could have afforded the £130 to apply for my bat licence after putting in months of training which was entirely voluntary and unpaid. My current position is entirely based on having a licence. Therefore introducing these charges would prevent young early career professionals like me from gaining the skills which are necessary to secure a permanent job."

"Young ecology professionals already have enough of a battle in this industry. [...] The damage that introducing these charges would cause is completely unjustifiable and have the most impact on individuals who need the most help and support."

"I completely oppose the introduction of a fee for a personal licence and hope that Natural England is conscious enough of future leading ecological professionals not to prevent them from being successful in the early stages of their careers."

The List of Licences

The table of charges appears to have missed some licences which Natural England might issue:

- 1) Conservation licences for water voles or white-clawed crayfish (the only licensing route for works affecting these species in relation to development projects).
- 2) Licences to survey for water voles or otters in specific circumstances - such as regular monitoring of an otter holt using a camera, or inspections of burrows/holts using an endoscope.

## **The proposed exemptions from charging**

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

**What are the reasons for your response?:**

1 There is already an unclear situation with survey licences that are used for conservation/non-commercial work but also commercial work. There are exemptions for the former, but there are also situations of overlap. The wording used in the Exemptions text is "primarily" (in relation to when this will be charged) but it is not clear how this will be judged, and it is likely to be abused. Natural England must clearly define how "primarily" will be determined.

2 CIEEM welcomes the exemption for in situ mitigation for bats. However, Natural England will need to be careful how the judgement is made on this. Again, it comes down to the level of understanding and experience of those assessing licence applications.

3 CIEEM also welcomes the exemption for householders, but noting that the exemption states "home improvements and extensions" and does not explicitly include demolition and rebuild; in certain circumstances the latter may also be appropriate and should be judged on a case-by-case basis. The exemption should be for genuine householders and not developers.