

# Technical Guidance Series



Chartered  
Institute of  
Ecology and  
Environmental  
Management

## Competencies for Species Survey in Britain and Ireland: Overview



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## Acknowledgements

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## 1. Background

The Chartered Institute of Ecology and Environmental Management (CIEEM) exists to advance the science and practice of ecology, further biodiversity, conservation and sustainable development, promote and encourage training and education and uphold and advance standards within the ecological profession. The Institute aims to drive up standards in the ecological profession for the benefit not only of ecologists but also of the public.

IEEM has identified the need to establish clear criteria for, and guidance on, the level of skills and experience required to competently carry out species surveys and to demonstrate having undertaken appropriate training.

The purpose of this document is to set out the knowledge, skills and experience required to survey, disturb, handle or to carry out research work (hereinafter referred to generically as 'survey') for protected species in a professional capacity. For an individual to competently survey for a particular species, CIEEM would consider attainment of the criteria outlined in this guidance to be a minimum.

These documents do not cover the competencies required for works or activities that may require a mitigation licence.

This document does not provide guidance on the techniques to be employed in carrying out survey activities; this can be found in various publications that are referenced here or in the Sources of Survey Methods ([www.cieem.net/competencies-for-species-survey-css-](http://www.cieem.net/competencies-for-species-survey-css-)).

## 2. Purpose

This guidance is intended to assist ecologists undertaking protected species surveys or conducting ecological research, developers commissioning surveys from professional ecologists, planners and ecologists working within local authorities or SNCOs and training providers.

The guidance aims to:

- set a standard for the survey skills required by those practising ecology as a profession;
- assist in the provision of training by relevant bodies;
- enable individuals to demonstrate competence, e.g when applying for species licences;
- provide background when dealing with enquiries for surveyors through the Professional Directory; and
- provide information for potential clients that would help them understand the role and responsibilities of a surveyor and what can be expected of them.

## 3. Legislation

This outline of legislation is not comprehensive. It is a summary of the law only and for a definitive list of offences, the appropriate legislation should always be consulted.

### EC Habitats Directive

Under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the EC Habitats Directive), EU member states are required to promote the maintenance of biodiversity by taking measures to maintain or restore natural habitats and wild species listed in the annexes of the Directive. Annex II lists fauna and flora species that require the designation of Special Areas of Conservation for habitats that contribute to conserving these species. Annex IV lists fauna and flora species of community interest that require strict protection.

In the UK and the Republic of Ireland, the EC Habitats Directive has been transposed into national law as detailed below:

COUNTRY	LEGISLATION
<i>England and Wales</i>	The Conservation of Habitats and Species Regulations 2010 (SI 2010/490), which replaces the Conservation (Natural Habitats, &c.) Regulations 1994.
<i>Scotland</i>	The Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994/2716), as amended by SI 1997/3055, SI 2000/192, SSI 2004/475, SSI 2007/80, SSI 2008/17 and SSI 2008/425.
<i>Northern Ireland</i>	The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (SR 1995/380), as amended by SR 2004/435, SR 2007/345 and SR 2009/8.
<i>Republic of Ireland</i>	European Communities (Natural Habitats) Regulations 1997 (SI 94/1997), as amended by SI 233/1998 and SI 378/2005.

Under these regulations, commonly referred to as the 'Habitats Regulations', European Protected Species (as listed in the schedules of the relevant legislation) are protected. For example, it can be a criminal offence (subject to exceptions) to:

- deliberately capture, disturb, injure (not Ireland) or kill a wild animal;
- deliberately harass a wild animal (Scotland only);
- deliberately take or destroy the eggs of a wild animal;
- damage or destroy the breeding or resting place of a wild animal;
- be in possession of or control a wild animal; or
- sell or offer for sale a wild animal.

In all cases the original and country specific legislation must be consulted for the full and precise details.

### **Other Nature Conservation Legislation**

There are various other pieces of legislation that provide protection to other non-European Protected Species:

COUNTRY	LEGISLATION
<i>England, Wales and Scotland</i>	Wildlife and Countryside Act 1981 (c. 69), as amended by 2000 c. 37, 2004 asp 6 and SI 2007/1843.  Protection of Badgers Act 1992 (c. 51), as amended by 2004 asp 6 (in Scotland only).
<i>Northern Ireland</i>	Wildlife (Northern Ireland) Order 1985 (SI 1985/171 (N.I. 3)), as amended by Wildlife and Natural Environment Act (Northern Ireland) 2011.
<i>Republic of Ireland</i>	Wildlife Act 1976 (No. 39/1976), as amended by No. 38/2000.

#### *England, Wales and Scotland*

Section 9 of the Wildlife and Countryside Act 1981 provides protection to certain wild animals listed in Schedule 5 of the act, making it an offence to:

- intentionally (or recklessly in Scotland) kill, injure or take a wild animal;
- possess or control a live or dead animal;
- intentionally or recklessly damage, destroy or obstruct access to a structure or place used for shelter or protection;
- intentionally or recklessly disturb an animal when it is occupying such a structure or place which it uses for that purpose; or
- sell, offer for sale or advertise for live or dead animals.

It is important to note that not all species covered by the Wildlife and Countryside Act are covered by the full range of protections and the schedules should always be consulted for clarification.

Birds listed under Schedule 1 of the Wildlife and Countryside Act 1981 are granted protection from similar actions as above by Section 1 of the Act. Animals listed under Schedule 6 of the Wildlife and Countryside Act may not be killed or taken by certain methods.

Badgers and their setts are protected under separate legislation, the Protection of Badgers Act 1992.

#### *Northern Ireland*

The Wildlife (Northern Ireland) Order 1985 provides protection to certain wild animals listed in Schedule 5, with similar offences to those in the Wildlife and Countryside Act in England, Scotland and Wales, above.

#### *Republic of Ireland*

The Wildlife Act 1976 makes it an offence to hunt, injure or wilfully interfere with or destroy the habitat of any animal listed under Schedule 5 of the Act. However, under Section 23(7), species are not protected from killing, injury or habitat disturbance resulting from otherwise lawful acts, including: road construction, building operations, engineering construction, 'or while carrying on such other operation or work as may be prescribed'.

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\* The Wildlife and Countryside Act 1981 has been amended via many separate pieces of legislation, listed here is the legislation that amends Section 9, which covers protection to certain wild animals. Not all amendments apply across England, Wales and Scotland.

## 4. Licensing

When surveying for protected species, an individual may need to carry out activities that would be an offence under nature conservation legislation. In cases where a valid justification exists, the SNCOs (below) issue licences to permit certain activities that would otherwise be illegal.

COUNTRY	SNCO
England	Natural England
Scotland	Scottish Natural Heritage
Wales	Natural Resources Wales
Northern Ireland	Northern Ireland Environment Agency
Republic of Ireland	National Parks & Wildlife Service

It is the role of the appropriate licensing authority to define the criteria for issuing such licences, therefore, attainment of the skills set out is no guarantee that a licence will be obtained; other criteria will be need to be considered.

There are a range of licences that can be granted, including:

- science, research and education;
- conservation;
- ringing, marking or examining rings or marks; or
- photography.

The requirement for a licence to disturb protected species whilst surveying should be considered by a competent professional ecologist for each individual survey. The purposes for licences vary depending on the species and particular legislation and some survey methods may not require a licence. In all cases, it is the responsibility of the ecologist to avoid or minimise disturbance during surveys. The SNCOs provide guidance on the requirements for applying for a survey licence (which can be found on their websites). Requirements (including submission of references) differ depending on the species and the methods that the applicant is applying to use.

When applying for a survey licence, the applicant has to state their experience, provide a reference(s) from ecologists who can vouch for the applicants experience and particularly their approach concerning minimising disturbance to protected species. The application may need to include a method statement to demonstrate how disturbance would be kept to a minimum.

## 5. Competencies

This guidance sets out the status and legislative protection for each species, and details the types of survey that require species survey licences. The subjects that an individual should have knowledge and experience of when undertaking a survey for protected species are set out, along with the specific survey skills that an individual should possess to carry out surveys independently and competently. The guidance also outlines the amount of supervised practical experience that individuals are recommended to have accrued before they attempt to carry out surveys without supervision.

As a minimum, individuals should be able to demonstrate both theoretical and practical knowledge, skills and experience appropriate to the particular type of survey being undertaken in order to apply for a species survey licence.

This log book can be used by trainees to keep track of survey activities carried out during their training. Species-specific log books can be found in the guidance for barn owls, great crested newts, otters and white-clawed crayfish.

Cumulative total

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