

## Position Statement on Strategic Protected Species Licensing Schemes

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In recent years there have been several initiatives in England attempting to streamline licensing for protected species by taking a more strategic view of delivering Favourable Conservation Status, rather than focusing on the protection of individuals. One of the features of such approaches is to limit delays to development by reducing the work done to survey and translocate the species at the site of impact and providing large-scale strategic habitat enhancements. Such measures include District Level Licensing for great crested newts, Defra's four 'new licensing policies'<sup>1</sup> and the proposals in the Environment Bill for 'Species Conservation Strategies'. It is possible that similar approaches may be adopted elsewhere, and CIEEM's position relates to strategic protected species licensing in general, rather than to any specific model.

CIEEM welcomes initiatives to streamline the protected species licensing system for the benefit of all stakeholders, provided that such initiatives demonstrably enhance the conservation of the species concerned. We welcome developing a more strategic approach to mitigation and off-site compensation and agree that this can deliver better outcomes for biodiversity as well as for developers. With this in mind, we are supportive, in principle, of innovative initiatives that bring about positive change.

CIEEM believes that the following principles are necessary for such schemes, in any jurisdiction, to be successful.

1. **The approach should be based on good baseline data.** If a strategic approach to licensing a protected species is to be taken, it should be based on robust data regarding the distribution and abundance of that species over the area concerned. For nationally mandated schemes this should include comprehensive national survey data and modelling. For local schemes, the outcomes of such data collection and modelling should be included as part of the local development plan in defining, for example, zones for nature recovery, and species conservation strategies.
2. **There should be a Favourable Conservation Status Strategy for the species.** A clear national strategy should be in place for each species setting out what must be achieved to fulfil international and national commitments for the species concerned. Any local or district level licensing (DLL) scheme, strategy, or new approach taken under new licensing policies should clearly demonstrate how it contributes to the delivery of Favourable Conservation Status for the species in its natural range.
3. **The mitigation hierarchy should be followed.** Strategic licensing schemes should require developers to seek all possible means to avoid impacts on protected species and ameliorate them as far as possible before resorting to compensation via strategic licensing. Strategic licensing should not be seen as a 'licence to trash' and, whilst delays associated with translocating each individual could be reduced, proportionate efforts should still be made to rescue and relocate species to safety where possible.
4. **Compensatory habitat should provide all requirements of the species concerned.** A compensatory scheme must not concentrate solely on one aspect of the species' ecology. Any

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<sup>1</sup> <https://www.gov.uk/government/consultations/wildlife-licensing-comment-on-new-policies-for-european-protected-species-licences>

consideration of a strategic licensing scheme for protected species must operate at a landscape-scale and deliver habitat and connectivity for all aspects of the species' life cycle throughout the year.

5. **Compensatory habitat should conform to the principles of 'more, bigger, better, joined up'.** Compensatory habitat for protected species should be identified and mapped at a landscape-scale and driven by species needs, rather than by the locations where landowner consent can be achieved. The use of compulsory purchase powers should be considered, where essential to avoid bottlenecks or gaps in habitat corridors, in the same way that such powers can be used for essential mitigation for the impacts on protected species of major infrastructure. The creation and enhancement of habitat for the species should be at a significantly greater scale than that expected for routine licensing approaches to reflect the fact that there may be greater associated losses to offset.
6. **Compensatory habitat creation should be demonstrably successful before impacts arise.** One of the risks of the strategic approach to licensing is the decoupling of impacts and offsetting measures. In order to avoid a net loss, new habitat should always be created in advance of the loss of habitat, and it should be established through monitoring that this has been successful.
7. **The ongoing suitability of compensatory habitat should be secured.** Compensatory habitat required for strategic mitigation for protected species should be secured in perpetuity via a legal agreement such as a management agreement or conservation covenant. The continued suitability of created habitat will require ongoing monitoring which should be tied to adaptive management as required.
8. **Different schemes should be aligned and not progressed in isolation.** A range of different strategic licensing schemes for different purposes may be proposed. For example, in England, the DLL scheme for newts may need to be considered alongside new conservation strategies and commitments in the 25 Year Environment Plan. Whilst the approach taken by schemes for different protected species may vary, every effort should be made to explore their synergies and deliver landscape-scale benefits for biodiversity. This will require broad stakeholder engagement.
9. **The impact generator should pay.** As with the principle of 'the polluter pays', the developers benefitting financially from the impact on biodiversity should be required to pay the full costs of restoring and enhancing biodiversity through strategic licensing schemes. Such schemes should be supported by economic modelling to demonstrate that the suggested financial contributions can deliver the required outcomes and secure them in perpetuity. There should be a transparent mechanism for tracking the habitat losses and gains for the species as a result of the strategic licensing scheme.
10. **Appropriate ecological expertise should be brought in to administer such approaches.** The lack of sufficient professional ecological expertise within most local planning authorities could create both knowledge and capacity gaps that could undermine appropriate implementation of, or decision-making regarding, strategic licensing schemes by the local planning authority. This, in turn, creates uncertainty for developers. Any strategic protected species licensing approaches should be supported by appropriate levels of expertise within both the licensing authority and local planning authority and should be implemented by ecologists with appropriate competence.

CIEEM is committed to working with SNCBs, local authorities and other stakeholders to ensure that protected species licensing approaches help to deliver Favourable Conservation Status and a measurable benefit for biodiversity.

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