

Question	Answer
<i>Consultation</i>	
Surely to contribute effectively to the consultation process we need to see it all?	The consultation is primarily about the principles and approach. Those participating in the pilot will be asked to comment on the full Competency Framework. If you don't want to take part in the pilot but want to see the full Competency Framework and comment then please say so in your consultation response.
What other professional bodies have been informed that this consultation is going ahead?	Royal Society of Biology, Royal Institution of Chartered Surveyors, Institute of Environmental Management and Assessment, Landscape Institute, Arboricultural Association and Institute of Chartered Foresters.
Is there a separate consultation for those involved in planning and development?	Yes, there is a separate consultation for other stakeholder groups, including local authority planners, local authority ecologists, developers, architects, planning consultants, builders and non-governmental organisations, which can be accessed at: https://www.surveymonkey.co.uk/r/662QLYM . The closing time/date for the consultation for other stakeholder groups is midday on 5th January 2021 (as per the ecology practitioner survey). It would be appreciated if ecologists could share this other stakeholder consultation with their contacts.
<i>Accreditation Levels</i>	
Are any of the levels likely to take into consideration/have thresholds for the number of bats using the site? All levels only mention the number of species and/or number of roosts.	We considered including roost size in the table but found that it didn't make much difference to the different categories that species/roost types fall under. The numbers of bats varies regionally and so it is also difficult to define this in a way that works across the whole of England. However, there is some distinction outlined in the table. Also, any roost of high conservation significance falls into accreditation level 3. Even where a common species is present, where that's an exceptionally large roost that would come under level 3, so it is taken into account in that way.
How would whether or not a site 'relates to' a designated site be defined?	This may be up to the ecologist to identify, or it may be an area we need to provide guidance on.
If you exceed any one of the thresholds for a given level do you bump up to the next even if the other thresholds are not met (e.g. a large site with more than 8 separate day roosts of common pipistrelle, but with no other species/roost types)?	Yes. We are gathering views on proposed species and roost number limits as part of the consultation.
Why is Level 3 accreditation required for roosts related to Nationally Significant Infrastructure Projects (NSIPs)?	NSIPs are a good way to capture the most complex and most high risk projects. We do appreciate that there might be the odd situation where there is only a low conservation significance roost present on a site, however because of the typical size of NSIPs and types of impacts, we

(Including roosts which would otherwise be counted as Levels 1 or 2.)	also need to ensure that the ecologist dealing with the case is able to accurately identify potential offences and the overall impacts. We feel the nature of most NSIPs mean that even if ultimately you end up with a single common pipistrelle roost being impacted, that it needs to be the higher accreditation level that organises the survey work and impact assessment in particular.
How are roosts counted under this scheme?	See guidance in Earned Recognition Accreditation Levels document, available as part of the consultation from https://www.bats.org.uk/our-work/project-collaborations-partnerships/earned-recognition-project and https://cieem.net/i-am/current-projects/earned-recognition/ .
How does the Level 3 accreditation for NSIPs sit with the HS2 bat class licences, where you might only be dealing with small numbers of common species? This feels like a major U-turn in assessing risk to bats?	HS2 class and organisational licences are bespoke licences which sit outside individual bat mitigation licensing and Bat Mitigation Class Licence (BMCL), developed by a dedicated team of Natural England advisers according to the specifics of the scheme. The proposed ER approach to bat mitigation licensing would not remove the need for strategic and bespoke licences, such as the HS2 class and organisational licences, where these are appropriate.
Would being accredited at Level 3 for an NSIP replace the need for a project or organisational licence?	The proposed ER approach to bat mitigation licensing would not remove the need for strategic and bespoke licences, including project and organisational licences, where these are appropriate.
Will there be a definition or explanation as to what you define as a small roost or small number of bats.	The BMCL also uses this idea of individual or small numbers of bats and there is some guidance in that licence on what that means. We might use similar guidance or we might try to define it more closely, but it is difficult to take account of every species. Guidance in BMCL is: <i>For the purposes of this licence, the term 'small numbers of bats' is not defined. Registered Consultants are expected to use their experience and professional judgement in deciding what reasonably can be considered to be small numbers of the species of bat involved. These judgements are expected to be in line with established best practice and likely to be determined in the same way by other professional consultants who are experienced in bat ecology and mitigation.</i>
<i>Licensing / operational details</i>	
Will it be possible to use accredited agents? Will accredited agents need to be ER assessed?	We anticipate that Accredited Agents will be permitted under the ER system, and we are considering how this should be regulated.
Will the applications for site registration with Natural England be similar to the current BMCL form?	This is not yet determined – it is likely it will be a site registration approach but not necessarily the same as the site registration form for BMCL.
At present, the process is one of completing a licence application form and Method Statement (etc.), it's evaluated within around 30 working days, and a licence decision is issued. So am I right in thinking that it will	The exact process has not yet been determined, but yes it is likely it will be a site registration approach. We anticipate that a majority of site registration applications will not require manual assessment and will be issued rapidly. This will be the case where the ER Consultant has the appropriate Accreditation Level, where the case falls within Accreditation Levels 1 and 2, and where standard guidance and methods have been followed.

<p>be a site registration application that kicks it off for an ER Consultant, which is then evaluated alongside the accreditation level of the ER Consultant?</p>	
<p>What emphasis will there be on reports to support the ER licensing? I'm just thinking about the reports required from ecologists for Planning Applications and ER using or requiring different/similar formats and opportunities for synergies - has this been thought of?</p>	<p>It has not yet been determined precisely what information will need to be submitted for different types of site registration application. It is possible that bat reports may be submitted in lieu of detailed survey information and results (for assessment or compliance purposes) in some cases, but this is still being considered. Where submission of reports is required, guidance will be provided on what the reports must include.</p>
<p>Will this cover trees, buildings and structures?</p>	<p>This has not yet been determined. Currently, there is no proposal to separate out the licensing of built structures and trees. We are gathering views on this as part of the consultation.</p>
<p>For a Local Authority ecologist needing a bat licence for health and safety situations (i.e. not needing bat licences to support development), has the text for indicator activities considered this for management, mitigation and enhancement?</p>	<p>It is intended that preserving public health or public safety is included as a licensable purpose under the proposed ER scheme. Licences for <i>preserving public health or public safety</i> are issued under Regulation 55(e) of the Conservation of Habitats and Species Regulations 2017 along with licences for <i>other imperative reasons of overriding public interest</i>. Applications for this type of licence in a local authority context are expected to include appropriate survey, mitigation, compensation, monitoring and management measures and as such, could be used as examples during the ER application and assessment process. Local Authority ecologists are encouraged to apply for accreditation where they can demonstrate relevant skills, experience and competencies against the full Competency Framework.</p>
<p>How would an annual registration tie in with multi-year projects?</p>	<p>If an ER Consultant is deregistered during the execution of a licence, the developer or licensee would be required to appoint a replacement.</p>
<p>Currently with BMCL, if you're not a registered consultant, you can't see the criteria for registering sites etc. – which makes it difficult if you want to discuss sites with clients but you're not the person who will act as the registered consultant. Will the information for this be similarly hidden for those not registered on each level?</p>	<p>It is anticipated that the licence (or licences) itself will be publicly available along with site registration / licence application information.</p>
<p>The first scenario given in the consultation document mentions surveys carried out across the active season, as per guidelines. Yet in practice we still see a great many reports</p>	<p>The proposal is that where survey guidelines are not followed, the case would be picked up for some level of assessment – it wouldn't pass through the new system automatically. This will rely on the consultant submitting accurate information in the site registration application.</p>

<p>where all surveys were carried out over a short period, and sometimes all outside of the appropriate survey season. As a bat group that is consulted by our Local Planning Authority we usually advise rejection of such applications, but clearly in other areas they are often accepted and presumably get through the bat mitigation licensing system also.</p>	<p>Where a consultant states that guidance has been followed and where subsequent compliance checks find this is clearly not the case, that would be subject to enforcement action. Enforcement actions have not been defined yet but could involve a range of sanctions depending on severity and could ultimately result in de-registration from the licence.</p> <p>We are also aware that we need to account for situations that are based more on judgement and where it may not be clear cut whether guidelines have been followed or not. For example, for survey to detect presence of a maternity roost in a structure with high suitability – 3 dusk/dawn surveys would be recommended during May to August. BCT guidelines note that surveys should be spread out and spaced at least two weeks apart. 1 consultant might say that 3 surveys carried out at in the last 2 weeks of August is acceptable, and another might not – and this might vary according to species.</p> <p>We're aware of this issue, and that it will need to be taken into account in how the system works and what guidance is needed. It will be important that consultants can be confident in the answers they give when completing the site registration application.</p>
<p>If you are accredited at a given level, and you are working on a roost of that level, am I correct in thinking that that you simply have to register the site, and confirm everything has been done according to best practice and guidelines, and you are then 'good to go', no need to give details of surveys undertaken, survey results?</p>	<p>It has not yet been determined precisely what information will need to be submitted for different types of site registration application. It will be necessary to provide some information (including survey information and results), even in cases where standard methods and guidance have been followed, for compliance and outcome monitoring purposes. However, information to be submitted will be streamlined as far as possible and the details of this are still being considered. In the situation described in the question, for cases falling in Accreditation Levels 1 and 2, the site registration application would not be flagged for manual assessment and the licence would be issued rapidly.</p>
<p>If you are accredited at a given level and find that a job you take on requires the next level accreditation, how do you proceed? In a large consultancy there may be someone within the organisation who has the appropriate level of accreditation, and the job can be taken forward under their name. As a sole trader I do not have that luxury.</p>	<p>The proposed ER approach to bat mitigation licensing is not expected to result in significant differences on this issue, in comparison to the current situation. Currently, ecologists can only gain a bat mitigation licence for species/roost types (and project scales, methods and mitigation) they have skills and experience in. That would still be the case in the new system.</p>
<p>How will ER accreditation fit within the planning system, i.e. is it anticipated that, in order to submit a report to support a planning application you must be ER accredited?</p>	<p>No, the ER pilot project relates to bat mitigation licensing only and is not proposing changes to the planning system.</p>
<p>It might be worth considering setting costing guidelines – especially at accreditation levels 2 & 3 to prevent these becoming a licence to print money. There</p>	<p>We want to avoid some of the issues associated with BMCL which include difficulty in securing a place on a training course to become registered. Number of ecologists for ER assessment would be limited for the pilot project. But if the decision is made to implement the system in the long term, no limits would be set. We would need to</p>

<p>should always be a range of charges from different consultants, but we have widely seen with the BMCL that some people charge a significant premium to obtain their services – this cannot be good for bat conservation or the overall respect of the scheme.</p>	<p>ensure there are sufficient assessors to cope with demand. The system will be based on recognising skills and experience, it would not be a one size fits all approach but will have differing levels of accreditation depending on skills, experience and competencies. Currently, ecologists can only gain a bat mitigation licence for species/roost types (and project scales, methods and mitigation) they have skills and experience in. That would still be the case in the new system.</p>
<p>How will the key benefit – to improve outcomes for bats – be measured without widespread post-development monitoring for the most common species and where only small numbers of bats are present? I would ask that there should be increased monitoring to go hand in hand with this project.</p>	<p>Natural England is separately investigating options to improve post-development monitoring. Natural England will review the system of compliance and outcome monitoring to ensure that it is adapted to this system of accreditation and licensing. The pilot project will be formally evaluated.</p>
<p><i>Being assessed for ER</i></p>	
<p>Will non-licensed bat mitigation work count towards experience or will it only be bat mitigation licences that are counted?</p>	<p>The full Competency Framework (not published as part of the consultation, but a sample is available from https://www.bats.org.uk/our-work/project-collaborations-partnerships/earned-recognition-project and https://cieem.net/i-am/current-projects/earned-recognition/) describes what evidence is required. It is intended that examples of work carried out under bat mitigation licence (not necessarily as the Named Ecologist) and also work carried out under non-licensed Method Statement will be required.</p>
<p>Will there be any kind of ‘fast tracking’ for those with appropriate experience and demonstrated quality?</p>	<p>There is a need to ensure high standards and everyone will need to go through the assessment process. It will be important to ensure that there is sufficient assessment capacity if the scheme is implemented in the long-term.</p>
<p>Some indicative levels would be helpful to understand the transition between accreditation levels.</p>	<p>The full Competency Framework (not published as part of the consultation, but a sample is available from https://www.bats.org.uk/our-work/project-collaborations-partnerships/earned-recognition-project and https://cieem.net/i-am/current-projects/earned-recognition/) describes what evidence is required for each accreditation level.</p>
<p>How will the competencies be evidenced by bat ecologists – written format, evidence base, previous bat mitigation licences, interview or training?</p>	<p>The proposal is to assess competency using four different methods: online testing, practical assessment, submission of a portfolio and a structured interview. All four methods of assessment will be applied to each level of accreditation and must be passed to gain that level of accreditation. We are gathering views on assessment methods as part of the consultation.</p>
<p>Will it be possible to get accredited under Earned Recognition if you hold a Level 1 bat class survey licence?</p>	<p>A minimum of a Level 2 bat class survey licence will be needed to become accredited as an ER Consultant. It is typically a requirement currently to hold a minimum of a Level 2 bat class survey licence, when applying for a bat mitigation licence for the first time.</p>

<p>Bat species. In the competency profiles the 'all species' might be difficult for some to achieve under some competencies? Would a bat ecologist have to demonstrate mitigation experience with all species that could apply to a given Accreditation Level?</p>	<p>In terms of competencies you would only need to provide evidence for species/roost/project types relevant to the level you are applying for. All species will be relevant to survey competencies but if you've already got a level 2 class survey licence you should be able to demonstrate competence in this. In terms of whether you need mitigation and compensation (for e.g.) experience in all Group 1 and Group 2 species to qualify for level 1 – the precise criteria haven't been finalised, but the expectation would be that you need to demonstrate competencies for a range of the species of that are included in Group 1 and Group 2, not necessarily for every species in those groups. We also expect that there will be species based annexes (like BMCL) so that you can be licensed only for specified species, however this has not been finalised.</p>
<p>Many CIEEM grades have minimum requirements for specific skills that will likely overlap with the competencies in the ER scheme, so will CIEEM grade be used to assess some of these or will they be independently assessed through the ER scheme?</p>	<p>All competencies will be assessed independently through the ER scheme. This is because the process for assessing competencies for CIEEM membership will not have specifically focused on bats, and also because non-CIEEM members are eligible to apply. It will be important to have the same system for everyone. In relation to CIEEM, it will work conversely, in that assessed competence for ER will be evidence of competence for upgrading membership/applying for Chartership.</p>
<p>Will applicants for registration need to provide references (as per the current process)?</p>	<p>No, referees/sponsors will not be required as part of the assessment process.</p>
<p>Will experience gained in the devolved nations be counted as appropriate for this England-based scheme?</p>	<p>Yes, we are looking for evidence of competence and the nation/country in the UK in which the competency has been employed will not usually be relevant.</p>
<p>Will there be any requirement to be a member of a professional body and if so which will be acceptable?</p>	<p>Membership of a professional body will not be a requirement during the pilot. We will explore during the pilot whether membership of a suitable professional body will be a requirement, should the decision be made to implement the scheme in the long term. If this is the case, Natural England will set out the requirements for relevant professional bodies and will assess those which are suitable. We will ensure we keep other professional bodies informed of the progress of the pilot and give opportunities to explore with us how they can get involved. Other professional bodies have been contacted about the consultation.</p>
<p>Are the competency profiles available as part of the consultation?</p>	<p>The Competency Profiles document is available from https://www.bats.org.uk/our-work/project-collaborations-partnerships/earned-recognition-project and https://cieem.net/i-am/current-projects/earned-recognition/.</p>
<p>There could be geographical considerations e.g. clustering of consultants with experience on some rare species with restricted ranges – how would that be managed?</p>	<p>The proposed ER approach to bat mitigation licensing is not expected to result in significant differences on this issue, in comparison to the current situation. Licences for the rarest species, or the most complex/high risk situations, occur relatively rarely. It is anticipated that many ecologists will only require Level 1 accreditation, some will require Level 2 and a small number working in the highest risk situations will require Level 3.</p>

<p>Will there be a fixed time period over which we can demonstrate the experience/competency? e.g. last 3 years, 5 years etc.</p>	<p>No specific time periods will apply – the assessment will focus on robustly testing whether someone is competent.</p>
<p>Will a particular grade of CIEEM membership be required or will it simply be down to relevant experience?</p>	<p>Membership of a professional body will not be a requirement during the pilot. We will explore whether membership of a suitable professional body will be a requirement, should the decision be made to implement the scheme in the long term. If this is the case, there will be an expectation of an appropriate minimum grade of membership appropriate to each relevant professional body. For CIEEM this would be Associate level membership which relates to capable level competence. For other professional bodies, this is something that would be explored.</p>
<p>In assessing competencies will it be taken into account that BMCL has drastically reduced the number of bat mitigation licences that non-BMCL registered consultants have held? For example in the past two years all but one project I have worked on has gone through BMCL working with a partner BMCL registered consultant rather than applying for bat mitigation licences in my own name.</p>	<p>Numbers of full (non-BMCL) bat mitigation licences have been relatively stable since the BMCL (or formerly, the Bat Low Impact Class Licence or BLICL) was introduced in 2015. Overall, numbers of bat licences, including BMCL, have continued to increase year on year. Therefore although BMCL may have arrested the increase in number of full bat mitigation licence applications, it has not resulted in an overall decrease. The evidence requirements for each accreditation level are set out in the full Competency Framework, which is not available as part of the consultation but will be made available to those taking part in the pilot project.</p>
<p>How long will the ER accreditation be valid for? e.g. after two years would it be necessary to be re-evaluated?</p>	<p>Should the decision be made to implement the ER scheme in the long term, we anticipate that there may be an annual requirement to demonstrate that you still have the required competencies. The precise way that might work hasn't been decided but could include a requirement for Continuing Professional Development (CPD), for example.</p>
<p>How it is envisaged that evidence can be demonstrated of having designed previous suitable mitigation strategies if one hasn't held a bat mitigation licence previously and doesn't have ER accreditation? What type of evidence will be accepted?</p>	<p>The full Competency Framework (not published as part of the consultation, but a sample is available from https://www.bats.org.uk/our-work/project-collaborations-partnerships/earned-recognition-project and https://cieem.net/i-am/current-projects/earned-recognition/) describes what evidence is required. It is intended that examples of work carried out under bat mitigation licence (not necessarily as the Named Ecologist) and also work carried out under non-licensed Method Statement will be required.</p>
<p>Has there been any consideration of the impact further down the line on non ER-accredited consultants gaining sufficient experience in the future once this is up and running. It strikes me that no client would look to use any non-ER consultant in the future.</p>	<p>Ecologists looking to gain accreditation would need to gain knowledge, skills and experience through working with others, training and keeping up to date with the latest research and guidance. No significant departure is anticipated in this regard in comparison to the current system for gaining a full bat mitigation licence (or subsequent licences for additional species or roost types/project scale/methods/mitigation).</p>

<p>How many competencies would you be expected to evidence? Would it be all or a set number?</p>	<p>Evidence will be needed in respect of all competencies set out in the Competency Profiles and full Competency Framework.</p>
<p>Will there be training programmes to help people who want to apply for this or to help guide them in what needs to be done to go up a level?</p>	<p>We would welcome training providers running training courses tailored towards gaining accreditation or moving up an accreditation level.</p>
<p>The competencies appear to have some aspects that one would have considered to be core skills to securing a Level 2 bat class survey licence. However some core skills for Level 2, such as the use of hand nets, are not included. If it is a requirement to have at least a Level 2 bat class survey licence, might it not be more straightforward if those sorts of skills are assumed, rather than requiring to be demonstrated? Conversely, if some are included, why not all?</p>	<p>The full set of competencies is listed in the full Competency Framework (not published as part of the consultation, but a sample is available from https://www.bats.org.uk/our-work/project-collaborations-partnerships/earned-recognition-project and https://cieem.net/iam/current-projects/earned-recognition/). Core skills for a Level 2 bat class survey licence are included. Anyone involved in the pilot project will have an opportunity to comment on the full Competency Framework. As part of the competency based approach to assessment, we don't want to assume competency in any specific area, but instead intend to independently assess all relevant competencies.</p>
<p>How will people move up the system?</p>	<p>Ecologists looking to move up accreditation levels would need to gain knowledge, skills and experience through working with others, training and keeping up to date with the latest research and guidance. They would then be assessed at the level of accreditation that they want to move up to.</p>
<p>What about experienced bat ecologists who are not members of a professional body – this requirement seems to be a closed shop/discrimination scenario?</p>	<p>Experience doesn't always equate to competence. In terms of CIEEM, members who have found to be in breach of professional conduct for bat work, in some cases they may be very experienced but they are not necessarily demonstrating competence. There are a number of factors which influence competence and level of experience is only one of them. We do understand concerns about membership of a professional body, we have made it clear that it doesn't have to be CIEEM, there are other professional bodies. Membership of a professional body will not be a requirement for the pilot. If the decision is taken to implement ER in the long term, and it is decided that membership of a professional body is a requirement, Natural England will set out the requirements for relevant professional bodies and will assess those which are suitable.</p>
<p><i>Queries about existing licensing system</i></p>	
<p>Will ER be mandatory or will there still be the option of pursuing an individual bat mitigation licence?</p>	<p>During the pilot all existing bat mitigation licensing routes will be open and licence applications will be processed as usual. If the decision is taken to implement the ER scheme in the long term it is possible that ER will eventually become the mandatory route for bat mitigation licences. However, no decisions on this have been made. There would be a long lead in time – but eventually that route could be closed. We will share our thinking on this as the project progresses.</p>

<p>Will this supersede the current Bat Mitigation Class Licence? Will existing BMCL holders need to go through the whole process again?</p>	<p>During the pilot project, BMCL will run alongside. BMCL Registered Consultants will need to go through the assessment process, which will be different to the process to become registered under BMCL.</p> <p>If the decision is made to implement the ER system in the long term, BMCL could eventually be phased out, but there would be a long lead in with plenty of time to adjust. BMCL would still be fully operational for some time. The new system would cover everything already covered by BMCL and more.</p>
<p>How does the proposed Accreditation Level 1 differ from BMCL?</p>	<p>BCML permits: the disturbance and capture of bats and/or damage/destruction of roost(s) of no more than 3 low conservation significance roosts affecting no more than 3 species of bats, which are present in small numbers only. Registered Consultants can be registered to use up to 4 Annexes which together cover the following species: common pipistrelle, soprano pipistrelle, brown long-eared bat, Natterer's bat, Daubenton's bat, whiskered bat, Brandt's bat (all counties of England), serotine bat (in core range counties only), and lesser horseshoe bat (in core range counties only). For most species, the relevant roost types covered are: Feeding roosts, Night roosts, Day roosts, Transitional/occasional roosts. However for lesser horseshoe bat the only roost types covered are: Day roosts and Transitional/occasional roosts. Mating sites are not included, and nor are tree roosts, for any species under BMCL.</p> <p>The full detail of what's proposed for Accreditation Level 1 is set out in the Earned Recognition Accreditation Levels document. Level 1 covers additional roost numbers (up to 7 is proposed) compared to BMCL. It includes additional species (Leisler's, noctule and Nathusius' pipistrelle) for some roost types (Feeding roosts and Night roosts). It also includes common pipistrelle and soprano pipistrelle mating sites (not covered in BMCL). Overall however, Level 1 covers fewer species/roost types than the 4 Annexes for BCML because for Day roosts and Transitional/occasional roosts, only common pipistrelle, soprano pipistrelle and brown long-eared are included. It does not include lesser horseshoe bat for any roost types. There is no specific proposal to limit coverage to buildings or trees only (this is currently being consulted on), or by geographical area within England.</p> <p>Overall, everything included in BMCL would be covered by Accreditation Levels 1 and 2 together, but note that those levels together would also cover additional species/roost types not covered by BMCL. We are gathering views on proposed Accreditation Levels as part of the consultation.</p>
<p>Would it not help improve the quality of mitigation licence applications if Natural England provided training on the application templates and allowed a two-way dialogue between Natural England advisers and consultants?</p>	<p>A two-way dialogue is an integral part of the assessment of cases with minor issues and where it is thought that the Favourable Conservation Status (FCS) test can be met if minor changes to proposed mitigation/compensation/monitoring/management can be agreed and implemented. In cases where issues are more significant and it is not thought that the FCS test can be met, a two-way discussion is often not possible prior to issuing the formal licence decision (Further Information Request (FIR)). Detailed feedback and advice, if needed, should be sought via Pre-submission Screening Service (PSS) (https://www.gov.uk/guidance/pre-submission-screening-service-advice-on-planning-proposals-affecting-protected-species).</p>

	The suggestion regarding training is noted – to date it has been difficult for Natural England to resource such training.
What is driving the increase in bat mitigation licence applications, given the BMCL was, if I understand it right, designed to reduce the requirement for detailed Natural England input?	Numbers of full (non-BMCL) bat mitigation licences have been relatively stable since the BMCL (or formerly, the Bat Low Impact Class Licence) was introduced in 2015. Overall, numbers of bat licences, including BMCL, have continued to increase year on year. Therefore although BMCL may have arrested the increase in number of full bat mitigation licence applications, it has not resulted in an overall decrease.
<i>Queries about guidance</i>	
Has this approach been integrated with the guidance currently being prepared by CIEEM?	No, this is only a potential new approach so it is too soon to incorporate into the forthcoming guidance.
How does this work in relation to new BCT guidelines being drafted? Are these still due before summer 2021?	BCT survey guidelines expected spring 2022.
The current mitigation guidelines are very dated - when will the mitigation guidelines be updated?	CIEEM is currently working on an updated edition of the Bat Mitigation Guidelines, assisted by an Advisory Group consisting of the SNCBs, BCT and a group of consultants. There is an advanced draft which is currently being commented on by members of the advisory group. The publication date is still unclear, at present.
<i>Queries about Natural England EPS licensing policies</i>	
Will it still be possible to use Natural England licensing policies under this new licensing approach?	Yes. No changes are proposed to how licensing policies are applied to EPS licensing projects. Applications which use licensing policies will be subject to assessment under the new system, as they are now. A simplified example of application of Natural England licensing policy 4 is included in 'Scenario 2' in Consultation Document 1 (Earned Recognition Accreditation for Bat Mitigation Licensing in England, Consultation 1), available from https://www.bats.org.uk/our-work/project-collaborations-partnerships/earned-recognition-project and https://cieem.net/i-am/current-projects/earned-recognition/ .
I was surprised to read in the second scenario that it was considered perfectly in order to base a licence on one out-of-season inspection survey as long as precautionary mitigation and compensation was employed. This seems to undermine the necessity for seasonal surveys as specified in the guidance. It is unsurprising that consultants are sometimes confused.	The scenario presents a situation where one of Natural England's licensing policies is used – these policies were brought in at the end of 2016 to provide more flexibility when obtaining EPS mitigation licences, whilst still meeting the licensing tests. Scenario 2 is presented as a simplified situation – most real licensing policy cases are more complicated than this – but it is in line with the application of licensing policy 4. This policy allows non-standard survey work, but only where certain criteria can be met. It is not the intention of the policy to undermine survey standards, and it is not the case that a developer can simply opt out of survey work. When proposals come to us that don't meet the criteria they are rejected. What the policy does do is recognise that there may be circumstances where non-standard survey and uncertainty in survey results is acceptable – under certain circumstances and where mitigation and compensation can be put in place for the reasonable worst case scenario that might be present at

	the site. For all licensing policy applications, we recommend engaging with chargeable pre-application services before submitting a formal licence application, so that consultants can get advice on their situation.
<i>Compliance and enforcement in the ER scheme</i>	
Please can you comment on the liability/responsibilities for licence implementation – does this now fall on the ecologist rather than the client who is licence holder – if so can CIEEM comment on any insurance implications ecologists should be considering?	<p>Current insurance provision should be adequate in terms of public liability/professional indemnity. In terms of liability, it comes down to evidencing what advice you have given. You can't control your client but you can demonstrate you have given competent advice.</p> <p>With respect to licence implementation – responsibility would fall (as now) to everyone named and/or acting under a licence. This would include both the client and the ecologist.</p>
Do you think the scheme risks that species relating to Level 2 and Level 3 accreditation will get under recorded in order to avoid the hassle of obtaining the next accreditation level by inexperienced registered consultants?	We anticipate that this is a low risk and not significantly raised in comparison to the current system (where specific skills and experience are also required in order to obtain a bat mitigation licence for additional species, roost type, project scale, methods and mitigation). Natural England will undertake compliance testing on registered sites for all accreditation levels, and individuals who are falling below the standards of their accreditation level will be subject to investigation and appropriate sanctions. Natural England will also investigate complaints made against individuals regarding non-compliance.
Given that Natural England currently struggles to resource licensing and in my experience very seldom carries out any compliance checks, is it realistically going to be possible to properly resource the necessary level of monitoring of competency levels and survey/mitigation practice? Has this been realistically modelled and costed?	We are modelling this and this is part of the purpose of the pilot. If we can reduce resource required for licence assessment, that will enable us to shift resource into compliance. This project is part of a broader programme and there is another project which is about planning and ensuring that we achieve appropriate levels of compliance monitoring. This pilot is essential to enable us to see how the resourcing pattern changes with this scheme in place.
If a person breaks the code of conduct and is banned from a professional body would they lose their status as an ER Consultant? Would that be the case if they were just reprimanded?	A good professional body doesn't seek to exclude members, unless there are powerful reasons to do so. If a member is in breach of the code, the idea is to help address those shortcomings through training, mentoring and so on. We're not looking to stop people practicing, we are looking to encourage them to practice at the right level. Ultimately it will be Natural England's decision as to whether someone can remain as an ER Consultant following disciplinary and/or enforcement action.
<i>Pilot project</i>	
We've run into real issues with Local Planning Authorities and BMCL (particularly with respect to the derogation tests) – how will you roll this out to Local Planning Authorities so they	We have a separate consultation for other stakeholders including LPAs so hopefully LPAs will be aware we are looking at this and piloting next year. You're right we need a good way of raising awareness with LPAs, this is something to be considered down the line.

understand how licences will be issued?	
Will there be a trial similar to how the Bat Low Impact Class Licence was trialled? If so how do we apply to be on the trial?	There will be a pilot project. You can apply to take part through the consultation. For the pilot, priority will be given to those who have taken part in the consultation and expressed their interest in being involved. However, not all respondents will be chosen as pilot candidates. We will select a sample of participants which represents a wide geographical range, size of business and level of experience.
What is the expected timeline for the pilot? If deemed successful, when will roll out commence and how long will it take?	The pilot project will launch in 2021. We are aiming to enable applications for ER assessment in spring 2021 and applications for site registrations / licences in summer 2021. The pilot is expected to run until summer 2022. No decisions have been taken about future roll out, including timeline, however we would build in a planned timeline to transition which would take into account the speed at which people could become accredited.

Glossary

BCT	Bat Conservation Trust
BLICL / BMCL	Bat Low Impact Class Licence / Bat Mitigation Class Licence
CIEEM	Chartered Institute of Ecology and Environmental Management
EPS	European Protected Species
ER	Earned Recognition
HS2	High Speed 2
LPA	Local Planning Authority
NSIP	Nationally Significant Infrastructure Project
SNCB	Statutory Nature Conservation Body