

# Appendix 6:

## Species licensing charging scheme

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## Key messages

We propose introducing charges to some of the species licences that we issue.

When we refer to species licences, we mean those we issue to allow:

- the capturing, picking, taking, killing, or disturbing of European protected species under Regulation 55 of the Conservation of Habitats and Species Regulations 2017
- the capturing, picking, taking, killing, or disturbing of species under Section 16 of the Wildlife & Countryside Act 1981
- the release of species listed on Schedule 9 of the Wildlife & Countryside Act 1981
- the marking, taking, or killing of badgers and interference with setts under Section 10 of the Protection of Badgers Act 1992
- the eradication, management, commercial use or keeping of invasive species under Article 36 of Invasive Alien Species (Enforcement & Permitting) Order 2019.

## Our charge proposals

We manage the licensing of activities that would otherwise be illegal to carry out due to their likely impact on European or UK protected species. Most of the licences for European Protected Species (EPS) are in relation to developments, but we also receive 'domestic' EPS related requests. These are generally for the removal of bats from dwellings for reasons of health, as well as small-scale, low-impact work to domestic properties. We also receive applications for activities in relation to scientific projects, to help conservation, for forestry operations, and for agriculture.

UK protected species licences are normally issued for conservation work that includes educational activities, monitoring and surveying. A smaller number (mostly badger licences) relate to property development. Some applications are for health and safety reasons at commercial premises, and due to agricultural impacts of certain species on crops and livestock. A small number are concerned with biological control or species reintroductions.

The determination of these applications is currently funded through general taxation, although we can introduce species licence charges through Regulation 57(5) of the Conservation of Habitats and Species Regulations 2017:

**57(5)** The relevant licensing body may charge for a licence such reasonable sum (if any) as it may determine

## Proposed charge waivers

We do not want our charges to discourage activities that are in the public interest, or the interest of the protected species. We also do not want our charges to disproportionately

impact those with low incomes. We have developed our proposed waivers to support these aims.

Our proposed charge scheme for species licensing includes four categories of 'charge waivers.' These set out the circumstances where we think that the cost of permitting should continue to be funded through general taxation. This will help us to manage the risks of unintended consequences (increased charges resulting in negative impacts on the Welsh environment), and to enable us to deliver our policy objectives.

Other areas, where we feel charging is not the right approach or in the public interest, are for:

- licences for the purpose of disease control
- licences for the management of invasive alien species (INNS), and
- licences for householders to manage protected species (such as bats) in their homes or to enable small-scale improvement to domestic properties where protected species are present.

Applications that come under one or more of these waivers will continue to be processed free of charge.

### **Waiver A – Conservation, scientific research, and education**

No charge shall apply to an application for a species licence where, in the view of NRW, the principal objective of the activity is:

1. the conservation of a protected species or its habitat
2. the furthering of scientific understanding of a protected species or its habitat
3. education related to a protected species or its habitat
4. maintaining or enhancing biodiversity or the resilience of ecosystems
5. the maintenance or conservation of protected historic buildings or monuments.

No charge shall apply to an application for a species licence required to carry out not-for-profit survey work for the above activities or to enable a law enforcement agency to investigate a suspected offence.

### **Waiver B- Public safety, public health, and the prevention of serious damage to property**

We will consider waiving charges for applications for a species licence where in the view of NRW, the licensable activity is necessary for:

1. maintaining the safety of the public
2. preserving public health or the prevention of the spread of disease
3. preventing serious damage to property, including crops, livestock, and fisheries.

### **Waiver C – Licences relating to the control of Invasive Alien Species**

No charge shall apply to any application for a licence under Part 8 of [The Invasive Alien Species \(Enforcement and Permitting\) Order 2019](#)

### **Waiver D – Householder developments and developments to provide facilities and access for disabled people**

No charge shall apply for applications for a species licence necessary to allow the lawful implementation of a householder development as defined in [Article 2 of the Town and Country Planning \(Development Management Procedure\) \(Wales\) Order 2012](#) as:

‘Householder application’ (‘cais deiliad tŷ’) means an application for:

(a) planning permission for the enlargement, improvement, or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or (b) change of use to enlarge the curtilage of a dwelling house, for any purpose incidental to the enjoyment of the dwellinghouse but does not include:

- (i) any other application for change of use
- (ii) an application for erection of a dwellinghouse, or
- (iii) an application to change the number of dwellings in a building.

## **Charges for species licence applications:**

**We propose introducing the following charges, based on recovery of our costs to process species licence applications:**

<b>European protected species licences - Development</b>		
Application for a licence to deliberately kill, injure, capture (take), deliberately disturb, damage, or destroy a breeding site or resting place, or transport a European Protected	Applications to enable householder developments, permitted	<b>No charge</b>

Species (EPS) under the Conservation of Habitats and Species Regulations 2017	development or property maintenance not requiring planning consent	
	Applications to enable local developments	<b>Fixed charge of £965</b>
	Applications to enable major developments and Nationally Significant Infrastructure Projects	<b>Flexible charge of £125 per hour</b>
Amendment request form for European Protected Species (EPS) Development Licence	<b>Fixed charge of £133 or flexible charge of £125 per hour (rounded up to nearest 15 minutes) if complex (where licence was subject to a charge)</b>	
Change of ecologist form in support of an amendment to an existing European Protected Species (EPS) Development Licence	<b>Fixed charge of £133 (where licence was subject to a charge)</b>	
Change of licensee form in support of an amendment to an existing European Protected Species (EPS) Development Licence	<b>Fixed charge of £133 (where licence was subject to a charge)</b>	

There are explicit powers to charge a reasonable sum for these licences in [Paragraph 57\(5\) of the 2017 Regulations](#).

<b>European Protected Species Licences - Forestry</b>		
Application for a licence to deliberately kill, injure, capture (take), deliberately disturb, damage/destroy a breeding site or resting place, or transport a European Protected Species (EPS) in relation to forestry or woodland management under the Conservation of Habitats and Species Regulations 2017	Applications to enable operations primarily for conservation, or necessary for health and safety, preventing the spread of disease, or any other purpose covered by a waiver.	<b>No charge</b>
	Applications to enable a commercial forestry operation.	<b>Flexible charge of £125 per hour (rounded up to nearest 15 minutes)</b>
<i>For Forestry amendments same forms and cost schedule applies as for development licences</i>	<i>See above</i>	

There are explicit powers to charge a reasonable sum for these licences in [paragraph 57\(5\) of the 2017 Regulations](#).

## Licences for surveys, science, education, photography, and conservation purposes

Application for a licence to <b>disturb or take bats, damage, destroy or obstruct access to any place used by them for breeding, shelter, or protection – Bat survey, conservation, and project -</b> Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981	<b>Fixed charge of £133 where required to operate on a for-profit basis. Otherwise, no charge</b>
Application for a licence to <b>kill, take, disturb, or possess any wild animal (or derivative)</b> under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 – Schedule 5 & 6 Species <b>for survey, conservation, project, and temporary possession.</b>	<b>Fixed charge of £133 where required to operate on a for-profit basis. Otherwise, no charge</b>
Amendment request for a survey or conservation species licence	<b>Fixed charge of £133 where required to operate on a for-profit basis. Otherwise, no charge</b>
Species survey licence: reporting and renewal	<b>Fixed charge of £133 where required to operate on a for-profit basis. Otherwise, no charge</b>
Application for a licence to <b>disturb, take possess or kill wild birds for scientific, education and conservation purposes and for the purposes of ringing or marking or examining any ring or mark and for photographic purposes</b>	<b>Fixed charge of £133 where required to operate on a for-profit basis. Otherwise, no charge</b>
Application for a licence to <b>remove deer from one area to another or for taking deer alive for scientific or educational purposes</b> under section 8 (2) of the Deer Act 1991	<b>No charge</b>
Application for a licence to <b>release a species</b> listed on schedule 9 of the Wildlife and Countryside Act 1981 <b>for the purposes of science or conservation</b>	<b>No charge</b>

Most licences coming under this category will come under a charge waiver.

[There are explicit powers to charge a reasonable sum for these licences \(except for the Deer Act, where no charge is proposed\).](#)

## Licences relating to the killing or taking of wild birds under Section 16 WCA 1981

Application for a licence to kill or take wild birds <b>for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, or fruit or to prevent the spread of disease to livestock, foodstuffs for livestock, crops, vegetables, or fruit.</b> Section 16 of the Wildlife and Countryside act 1981	<b>No charge</b>
Application for a licence to kill or take birds <b>for the purpose of preserving public health or public safety</b> under section 16 of the Wildlife and Countryside Act 1981	<b>No charge</b>
Application for a licence to kill or take birds <b>for the purpose of preserving air safety</b> under section 16 of the Wildlife and Countryside act 1981	<b>No charge</b>
Application for a licence to kill or take birds <b>for the purpose of conserving wild birds</b> under section 16 of the Wildlife and Countryside Act 1981	<b>No charge</b>
Application for a licence to kill or take birds <b>for the purpose of preventing the spread of disease</b> issued under section 16 of the Wildlife and Countryside Act 1981	<b>No charge</b>
Application for a licence to kill or take cormorants, herons, goosanders, or mergansers, <b>to prevent serious damage to fisheries</b> under Section 16 Wildlife and Countryside Act 1981	<b>No charge</b>

Although there are no proposals to use them for these licences, there are powers to charge a reasonable sum in [section 16\(5\) of the Wildlife & Countryside Act 1981](#).



<b>Licences for collection, possession, sale or exchange of protected species or their derivatives</b>	
Application for a licence for the <b>possession of Annex IV Species</b> of The Conservation of Habitats and Species Regulations 2017	<b>Fixed charge of £133 (no Charge if proposed activity is covered by Waiver)</b>
Application for a licence to <b>sell, exchange or offer for sale or exchange any wild animal</b> (or derivative) protected under the Wildlife and Countryside Act 1981 or the Conservation of Habitats and Species Regulations 2017	<b>Fixed charge of £133 (no charge if proposed activity is covered by waiver)</b>
Application for a licence to <b>sell, exchange or offer for sale or exchange any wild plant</b> (or derivative) protected under the Wildlife and Countryside Act 1981 or the Conservation of Habitats and Species Regulations 2017	<b>Fixed charge of £133 (no charge if proposed activity is covered by waiver)</b>
Application for a licence to <b>pick, collect, cut, uproot, or destroy a wild plant</b> protected under the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2017	<b>Fixed charge of £133 (no charge if proposed activity is covered by waiver)</b>
Application for a licence to <b>possess dead specimens for research and educational purposes and for the purposes of any public exhibition</b> under Section 16(1) (a) and (f) and 16 (5) of the Wildlife and Countryside Act 1981	<b>No charge</b>

There are explicit powers to charge a reasonable sum for these licences in [paragraph 57\(5\) of the 2017 Regulations](#) and [section 16\(5\) of the 1981 Act](#).

<b>Licences issued under Article 36(2) of The Invasive Alien Species (Enforcement and Permitting) Order 2019</b>	
Invasive Alien Species – Application for a licence to keep an animal in a facility	<b>No charge</b>
Invasive Alien Species – Application for a licence to implement management measures	<b>No charge</b>
Invasive Alien Species – Application for a licence to implement eradication measures	<b>No charge</b>

There are no powers to charge for these licences in [The Invasive Alien Species \(Enforcement and Permitting\) Order 2019](#).

<b>Licences for the release of Biological Control Agents</b>	
Application for a licence to <b>release a biological control agent</b> under section 16(4) (c) of the Wildlife and Countryside Act 1981	<b>No charge</b>

There are powers to charge a reasonable sum for these licences in [section 16\(5\) of the Wildlife & Countryside Act 1981](#).

<b>Licences issued by NRW under the Badgers Act 1992</b>	
Application for a badger licence <b>for the purpose of science, education, and conservation, ringing or marking</b> under section 10(1) (a), (b) and (c) of the Protection of Badgers Act 1992	<b>No charge</b>
Application for a licence to interfere with badger setts <b>for the purpose of preservation or archaeological investigation of a scheduled monument</b> under Section 10(1) (e) of the Protection of Badgers Act 1992	<b>No charge</b>
Application for a licence to interfere with badger setts <b>for the purpose of controlling foxes to protect wildlife</b> under section 10(3) of the Protection of Badgers Act 1992	<b>No charge</b>
Application for a licence to interfere with badger setts <b>for the purpose of investigating offences:</b> section 10(1) (f) of the Protection of Badgers Act 1992	<b>No charge</b>
application for a licence to interfere with badger setts <b>for the purpose of development:</b> section 10 (1) (d) of the Protection of Badgers Act 1992	<b>Fixed charge of £618</b>

**Table 8 - Licences issued by NRW under the Badgers Act 1992**

There are no explicit charging powers in the 1992 Act and any charge will need to rely on our general charging powers under [Article 12A of the Functions Order 2013](#).

<b>Licences relating to seals</b>	
Application for a licence <b>to kill or take seals</b> under section 10 of the Seals Act 1970 and the Conservation of Habitats and Species Regulations 2017	<b>No charge</b>

**Table 9 - Licences relating to seals**

There are no powers to charge for these licences in the 1970 Act and we do not propose to create a charge at this time.

**Consultation questions – See Appendix 9**