

Information to be provided in a European Protected Species licence application

The Conservation of Habitats and Species Regulations 2010 protects species which have been designated as European Protected species (EPS). If you wish to undertake works that would affect an EPS then you will need a licence.

Natural Resources Wales (NRW), in exercise of the powers conferred under regulation 53(1) and 56(3) (a) of the Conservation of Habitats and Species Regulations 2010, may issue licences for the following purposes:

- **Preserving public health or public safety** or other **imperative reasons of overriding public interest** including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- **Preventing the spread of disease**;
- **Preventing serious damage** to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries; to allow people to carry out activities which would otherwise be illegal;

Before issuing a licence under the Habitats Regulations, the licensing authority must be satisfied that:

- “there is no satisfactory alternative” to the work as proposed and, □ that the proposed actions “will not be detrimental to the maintenance of the population of the species at a *favourable conservation status* (FCS)”.

To ensure these requirements are met, the licensing authority must have enough information to complete an assessment of the application. This information should be included in the application form and the method statement. Method statement templates for bats, dormice, great crested newts and otters are available on this web site. If the works needed planning permission, then the Local Planning Authority will also need to provide information.

The **method statement** provides the detail of the proposed works and should include the following information:

1) Survey information

Surveys should be undertaken at an appropriate time, in an appropriate way and with sufficient effort. Adequate surveys are needed to establish the presence, abundance and distribution of the protected species. The survey will also need to consider the distribution of habitat on the site and connectivity to the surrounding area. This information can then be used to predict the probable impacts of the proposed activity or development. The method statement should summarise and interpret the survey results and give details of any limitations of the survey. The full survey report should be appended to the method statement.

Guidelines on survey techniques for selected EPS are available in the documents listed below. Where it has not been possible to follow the standard survey methodologies (including timing and effort) the method statement must fully explain and justify why. *Please note that if complete survey information has not been provided it may not be possible to assess the likely impact of the development and so the application may be refused.*

2) Mitigation and compensation

The results of surveys and assessments should be used to set out how the works will be undertaken to ensure there is no impact on the protected species of concern. Clear unequivocal information should be provided on the likely impact of the works in the absence of mitigation and once the proposed mitigation or compensation measures have been implemented. The method statement should detail how the works will be undertaken (including site clearance methods or measures to avoid risk of killing or injury), measures that will be undertaken to reduce the impact, mitigation or compensation that will be provided where impacts are predicted, and measures that demonstrate that the project has been implemented appropriately.

Where compensation proposals are submitted (i.e. new sites or areas of habitat to compensate for the loss of breeding sites / habitat), mechanisms for ensuring long term site security and management will need to be included. In some situations biosecurity risks assessments may also be needed.

Assessment of licence applications is greatly improved by the inclusion of relevant maps or drawings. The method statement should therefore also include relevant maps, aerial photographs and annotated architectural drawings.

3) Project surveillance and post project monitoring

Monitoring against clear targets is required to determine the success of the mitigation or compensation measures. The method statement should set out monitoring proposals and provide details of remedial action that will be undertaken if the mitigation does not work as expected. Such monitoring information will also be used to improve the advice and guidance provided to future applicants.

For complex schemes, medium to high risks schemes and for schemes affecting sensitive species, proposals to demonstrate full and proper implementation of the method statement may be required. This is most likely to be in the form of the submission of a compliance audit scheme.

4) Compliance

It should be noted that if a licence is issued, compliance with the method statement will be a condition of the licence and it is an offence under the Habitats Regulations not to comply with or to contravene the conditions of a licence. The method statement needs to be written so that there is a clear commitment to undertake the proposed mitigation measures eg 'a fence *will* be erected ...' rather than 'a fence *may* be erected ...'. If the method statement is incorrectly worded it may be returned for revision.

Guidance on surveys and mitigation

In order to supply the information required with your licence application it is likely that you will need to employ the services of a professional ecologist. See 'Guidance on Engaging Ecologists' for further information.

Guidance on surveys and mitigation can be obtained from the following publications/links:

- **Bat Mitigation Guidelines** (2nd edition currently in preparation)
- **Bat Surveys – Good Practice Guidelines** (2nd edition)
http://www.bats.org.uk/download_info.php
- **Lesser horseshoe bat roost design and management**, Schofield, H.W. (2008)
- **The Lesser Horseshoe Bat Conservation Handbook**, The Vincent Wildlife Trust www.vwt.org.uk
- **Bats and Bats in Roofs: a guide for building professionals.**
- **Dormouse Conservation Handbook 2nd Edition**
- **Otters: Guidelines for developers.**
- **Great Crested Newt Mitigation Guidelines**

All NRW Publications are available to order from your local NRW office or the NRW enquiries team on enquiries@naturalresourceswales.gov.uk 0300 065 3000 (Mon-Fri, 8am - 6pm)

Licence application forms and method statement templates can be downloaded from the Apply and Buy section of our website.