

2018 No. 771

FEES AND CHARGES, ENGLAND

WILDLIFE, ENGLAND

The Wildlife Licence Charges (England) Order 2018

<i>Made</i> - - - -	<i>26th June 2018</i>
<i>Laid before Parliament</i>	<i>28th June 2018</i>
<i>Coming into force</i> - -	<i>1st October 2018</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 11(3) and (5) and 104 of the Natural Environment and Rural Communities Act 2006(a).

Citation and commencement

1. This Order may be cited as the Wildlife Licence Charges (England) Order 2018 and comes into force on 1st October 2018.

Interpretation

2.—(1) In this Order—

“the 1981 Act” means the Wildlife and Countryside Act 1981(b);

“the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017(c);

“application” includes a notification to Natural England(d) under a class licence(e) of a particular site where an applicant intends to carry out licensed activities, and in this context “applicant” means a person intending to rely on the class licence;

“bats” means all species of—

(a) horseshoe bats (*Rhinolophidae*);

(b) typical bats (*Vespertilionidae*);

“complex application” means an application for a licence which requires Natural England to spend, prior to its issue, 5 hours or more assessing the impact on conservation of the licensable activities;

“protected species or habitat” means—

(a) species protected under—

(a) 2006 c. 16 (“the 2006 Act”). Under section 11(4), subsection (3) applies to licences issued by Natural England under or by virtue of any enactment, where no charging provisions are set out elsewhere.

(b) 1981 c. 69 (“the 1981 Act”).

(c) S.I. 2017/1012.

(d) See sections 1 and 2 of the 2006 Act for the constitution and general purpose of Natural England.

(e) See for example section 16(5)(b) and (8) of the 1981 Act for the power to issue a licence to persons of a class.

- (i) Schedule 1, Part 1 of Schedule 2, Schedule 5, Schedule 6 or Schedule 8 to the 1981 Act(a);
 - (ii) the Deer Act 1991(b);
 - (iii) the Protection of Badgers Act 1992(c); or
 - (iv) Schedule 2, Schedule 4 or Schedule 5 to the 2017 Regulations;
- (b) species and habitats set out in the biodiversity list published by the Secretary of State in August 2010 under section 41 of the Natural Environment and Rural Communities Act 2006(d); and

“simple application” means an application for a licence which requires Natural England to spend, prior to its issue, less than 5 hours assessing the impact on conservation of the licensable activities.

- (2) In this Order, the issue of a licence includes—
- (a) renewal or modification of a licence;
 - (b) registration under a class licence for the purpose of reliance on that licence;
 - (c) authorisation under a licence to carry out licensed activities at a particular site.

Licence charges

3.—(1) Where Natural England issues a licence of a description in column 1 of the Schedule in relation to an application of a kind described (where appropriate) in column 2 of the Schedule, the applicant must pay to Natural England—

- (a) any corresponding fixed charge specified in column 3 of the Schedule;
- (b) any corresponding variable charge specified in column 4 of the Schedule;
- (c) where applicable, both of the charges referred to in paragraphs (a) and (b); and
- (d) an additional charge, where paragraph (2) applies.

(2) This paragraph applies in respect of any licence for which a fixed charge alone is payable under paragraph (1)(a), where Natural England—

- (a) requires further information from an applicant prior to issuing a licence; or
- (b) issues a licence following review of an application it has rejected.

(3) A variable charge referred to in paragraph (1)(b) is calculated by multiplying the total number of hours spent by Natural England in assessing the licence application by £101.

(4) An additional charge referred to in paragraph (1)(d) is calculated by multiplying the additional hours spent by Natural England in connection with paragraph (2)(a) or paragraph (2)(b) by £101.

(5) For the purposes of paragraphs (3) and (4), the number of hours spent may be rounded to the nearest quarter of an hour, and expressed as a fraction accordingly, where the time spent is—

- (a) less than one hour; or
- (b) not a whole number of hours.

(6) A charge payable under this Order is payable to Natural England on demand.

(a) Relevant amending instruments are, in relation to Schedule 2, the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), section 3; and S.I. 1992/310; in relation to Schedule 5, S.I. 1991/367, 1988/288, 1989/906, 1992/2350, 1998/878, 2007/1843, 2008/431, 1927 and 2172; and in relation to Schedule 8, S.I. 1988/288, 1992/2350, 2007/1843 and 2011/2015.

(b) 1991 c. 54.

(c) 1992 c. 51.

(d) The list is available at the following link: <http://webarchive.nationalarchives.gov.uk/20140605093420/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>. A hard copy of the list is available from Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP.

Exemptions, reductions and remissions

- 4.—(1) An applicant is exempt from a charge payable under article 3—
- (a) where the licence is issued—
 - (i) for the purposes of preserving public health or public safety;
 - (ii) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property;
 - (iii) for the purposes of preventing the spread of disease;
 - (iv) under section 16(1)(e) of the 1981 Act, for the purposes of falconry; or
 - (v) in connection with development, within the meaning of section 55 of the Town and Country Planning Act 1990(a), which is granted planning permission—
 - (aa) pursuant to article 3 of, and Part 1 of Schedule 2 (development within the curtilage of a dwelling house) to the Town and Country Planning (General Permitted Development) (England) Order 2015(b); or
 - (bb) following the making of a householder application within the meaning of article 2 of the Town and Country Planning (Development Management) (England) Order 2015(c);
 - (b) where the principal purpose or purposes of the project or activity to which the licence relates is or are—
 - (i) scientific, research or educational purposes relating to a protected species or habitat;
 - (ii) to maintain or improve the conservation of a protected species or habitat; or
 - (iii) to maintain or improve the conservation of an historic property; or
 - (c) where the applicant maintains or improves the conservation of bats through measures taken to avoid damage or destruction to an existing bat roost or to preserve access to that roost.
- (2) For the purposes of paragraph (1)(b)(iii), “historic property” includes—
- (a) a scheduled monument (within the meaning of section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979)(d);
 - (b) a listed building (within the meaning of section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990)(e);
 - (c) a place of worship;
 - (d) a traditional farm building to which a relevant commitment relates, where a “relevant commitment” is a commitment entered into under Title III of Regulation (EU) No. 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development(f).
- (3) For the purposes of paragraph (1)(c), a “bat roost” means a maternity, day or hibernation roost, used by three or more bats concurrently, within a building or structure.
- (4) Natural England may, in any case—
- (a) reduce, or
 - (b) remit in whole or in part,

(a) 1990 c. 8. Section 55 was amended by the Planning and Compensation Act 1991 (c. 34) sections 13 and 14, and paragraph 9 of Schedule 6, the Planning and Compulsory Purchase Act 2004 (c. 5), section 49 and paragraph 1 of Schedule 9; and S.I. 1999/293.

(b) S.I. 2015/596; relevant amending instruments are S.I. 2016/332, 2017/391, 571 and 1012, and 2018/119.

(c) S.I. 2015/595. There are amendments to article 2 but they are not relevant to this Order.

(d) 1979 c. 46, to which there are amendments not relevant to this Order.

(e) 1990 c. 9. Section 1 was amended by the Historic Environment (Wales) Act 2016 (anaw 4), sections 26(1)(a) and (b), and the Enterprise and Regulatory Reform Act 2013 (c. 24), paragraphs 7 and 8 of Schedule 17.

(f) OJ L 347 20.12.2013, p.487, as last amended by Commission Delegated Regulation (EU) No. 2018/162 of 23 November 2017 (OJ No L 30, 2.2.2018, p 6).

any charge payable under article 3, as it sees fit.

26th June 2018

David Rutley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Licence charges

Article 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Licence description(a)</i>	<i>Application</i>	<i>Fixed charge</i>	<i>Variable charge</i>
Class licences issued under regulation 55 of the 2017 Regulations(b) and/or section 16 of the 1981 Act(c)			
Class licence issued under regulation 55(1) and (2)(e) of the 2017 Regulations and/or section 16(3)(f) of the 1981 Act in respect of— - interference with bat roosts; or - activities that adversely impact great crested newts <i>Triturus cristatus</i>	Notification of site of licensed activities	£130	
Class licence issued under regulation 55(1) and (2) of the 2017 Regulations and/or section 16 of the 1981 Act in respect of displacement of water voles <i>Arvicola amphibus</i>	Initial registration	£60	
	Renewal of registration	£50	
Class licence issued under	Initial registration	£80	

- (a) In addition to statutory powers to issue licences in its own right, Natural England exercises functions under an agreement with the Secretary of State pursuant to section 78 of the 2006 Act (which enables the Secretary of State to enter into agreements with designated bodies authorising such bodies to perform DEFRA functions). Natural England is a designated body listed in Schedule 7 to that Act. Under the agreement, with effect from 1st October 2006, Natural England performs specified functions of the Secretary of State, including, inter alia, the Secretary of State's licensing functions in relation to England under specified provisions of section 16 of the 1981 Act and section 10 of the Protection of Badgers Act 1992 (c.51).
- (b) Natural England is the "relevant licensing body" for specified purposes under regulation 55, pursuant to regulation 58 of the 2017 Regulations.
- (c) Section 16 was amended by the Environmental Protection Act 1990 (c.43), paragraph 11 of Schedule 9; the Countryside and Rights of Way Act 2000 (c37), paragraph 6 of Schedule 12; the 2006 Act, paragraph 72 of Schedule 11; and S.I. 1995/2825 and 2007/1843; there are other amendments not relevant to this Order. See section 16(9) for the meaning of "the appropriate authority". Natural England is the relevant conservation body for the purposes of section 16 in relation to England – see section 27(3A).

regulation 55(1) and (2)(a) and (b) of the 2017 Regulations and/or section 16(3) of the 1981 Act in respect of the survey of— - great crested newts <i>Triturus - cristatus</i> ; -hazel dormice <i>Muscardinus avellanarius</i> ; or - Atlantic stream crayfish <i>Austropotamobius pallipes</i>	Renewal of registration online	£35
	Renewal of registration by post or email	£60

Class licence issued for the purposes of section 16(3)(a) and (b) of the 1981 Act and/or regulations 55(1) and (2)(a) and (b) of the 2017 Regulations in respect of the survey of bats	Initial registration	£80
	Renewal of registration online	£35
	Renewal of registration by post or email	£80

Class licence issued for the purposes of section 16(1)(a) and (c) of the 1981 Act in respect of the survey of barn owls <i>Tyto alba</i>	Initial registration	£60
	Renewal of registration online	£35
	Renewal of registration by post or email	£50

Class licence issued under regulations 55 of the 2017 Regulations and/or section 16(4)(b) of the 1981 Act in respect of the sale or offering for sale of dead specimens and/or derivatives of species specified in Schedule 2 to the 2017 Regulations or in Schedule 5 to the 1981 Act and lawfully taken from the wild before 30th October 1981	Application for registration	£60
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Individual licences issued under regulation 55 of the 2017 regulations and/or section 16 of the 1981 Act

Individual licence issued under regulation 55 of the 2017 Regulations in respect of activities that adversely impact— - great crested newts <i>Triturus cristatus</i> ;	Simple application	£700	
	Complex application	£183	Variable charge
- bats; or	Simple application	£500	

	Complex application	£183	Variable charge
- any other species(a)	Simple application	£690	
	Complex application	£183	Variable charge
Individual licence issued under regulation 55 of the 2017 regulations and/or section 16(3) of the 1981 Act to kill, take, disturb or possess wild animals for specified purposes		£61	Variable charge
Individual licence issued under regulation 55 of the 2017 regulations and/or section 16(3) of the 1981 Act to use prohibited methods of killing, taking or capturing wild animals for specified purposes			Variable charge
Individual licence issued under regulation 55 of the 2017 regulations and/or section 16(3) of the 1981 Act to disturb or take bats		£61	Variable charge
Individual licence issued under section 16(4)(b) of the 1981 Act permitting activity prohibited by section 13(2) of that Act			Variable charge
Individual licence issued under regulation 55(1) and (2)(c) of the 2017 Regulations and/or section 16(3)(c) of the 1981 Act in respect of the taking of wild plants			Variable charge
Individual licence issued under section 16(1)(e) (falconry or aviculture) of the 1981 Act			Variable charge
Individual licence issued under section 16(1)(h) (photography) of the 1981 Act			Variable charge

(a) This currently includes the following licences issued by Natural England – A12-1 (European Protected Species), A35-1 (hazel dormice), A44-1 (natterjack toads), A45 (otters), A46-1 (smooth snakes), in addition to A14 (great crested newts), and A 13a-1 and A 13a-2 (bats).

Any individual or class licence other than any referred to above issued under regulation 55 of the 2017 Regulations	Variable charge
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Licences issued under section 10 of the Protection of Badgers Act 1992(a)

Class licence issued under 10(1)(d) of the Protection of Badgers Act 1992 (interference with a badger sett for the purposes of development)	Notification of site of licensed activities	£160	
Individual licence issued under section 10(1)(d) of the Protection of Badgers Act 1992 (interference with a badger sett for the purposes of development)	Simple application	£260	
	Complex application	£61	Variable charge

Individual licences under section 8 of the Deer Act 1991(b)

Individual licence issued under section 8 of the Deer Act 1991 for the purposes of taking deer alive for scientific or educational purposes, or for relocation	Variable charge
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Licence modification

Any licence of a type described in the table above	Modification	Variable charge
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EXPLANATORY NOTE

(This note is not part of the Order)

Under section 11 of the Natural Environment and Rural Communities Act 2006 (c.16), the Secretary of State may require charges to be paid in respect of, and for the purpose of meeting the cost of, licences issued by Natural England.

This Order sets out charges to be paid in relation to licenses issued by Natural England under the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), the Wildlife and Countryside Act 1981 (c. 69), the Protection of Badgers Act 1992 (c. 51) and the Deer Act 1991 (c. 54).

Article 3 provides that the charge for issuing a licence is specified in the Schedule. The charge may be a fixed charge, a variable charge calculated by multiplying the number of hours or part

(a) 1992 c. 51. Section 10 was amended by the Planning (Consequential Provisions) (Scotland) Act 1997 (c.11), paragraph 53 of Schedule 2; the 2006 Act, paragraph 137 of Schedule 11(1), the Wildlife and Natural Environment (Scotland) Act 2011 asp 6, section 33(6); S.I. 2002/794 and 2013/755. Under section 10(4), the appropriate conservation body means, in relation to a licence in an area in England, Natural England.

(b) 1991 c. 54. Section 8 was amended by the 2006 Act, paragraph 128 of Schedule 11, SI 2007/2183 and 2013//755.

hours worked by £101, or a combination of the two. Article 3 also provides for an additional charge, based on an hourly rate of £101, for a fixed charge licence in certain prescribed circumstances.

Article 4 contains provision relating to exemption from, and reduction and remission of, charges payable under article 3 of this Order.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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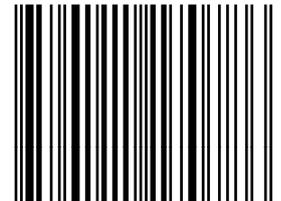
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