

# Technical Guidance Note 006: Obtaining a licence when working with protected species - Estates and Facilities Management

## 1 Introduction

As a University, we need to be aware of whether staff are handling any plants or animals considered as protected species. This can be directly from teaching, research or outreach or indirectly from work involving the University's estate (buildings and infrastructure). This Technical Guidance Note includes compliance requirements from:

- The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) as amended
- Wildlife and Countryside Act 1981 (1981 c.69) as amended

The guidance in this document is applicable to you if your work includes either of the below:

- Undertaking work on the University's estate/infrastructure which could impact protected species

For information regarding research, teaching or outreach with protected species, you will need to read 'TGN007: Working with protected species – Research, Teaching & Outreach'.

Working with a protected species requires a licence and this document details the following:

- When you may require a licence
- How to obtain a licence
- Who to notify at the University

## 2 Working with protected species

### 2.1 When do I need a licence?

You will require a licence if you intend to do work on the University's estate/infrastructure which could impact one of the species detailed in either:

- Schedules 2, 3, 4 or 5 of the Conservation of Habitats and Species (European Protected Species)
- Schedules 1 (birds), 5 (animals), 8 (plants), 9 (part II, invasive species) of the Wildlife and Countryside Act (see Appendix 1 – Wildlife and Countryside Act 1981: Relevant schedules) (UK protected species)

In Wales, this includes almost 200 plant species which are protected from being deliberately uprooted or destroyed, none of which are known to be present on campus.

Protected animal species known to be present on campus:

- \*Bats and their roosts (all species)
- Birds (all species), their nests and their eggs. Schedule 1 of the Wildlife and Countryside Act also protects a further 79 species from any disturbance; of these the Peregrine Falcon is the only one resident on campus
- Butterfly (small blue)
- Butterfly (white letter hairstreak)
- Slow worm
- Viviparous Lizard
- \*Otter, *Lutra lutra*

\*European Protected Species

## 2.2 What do I need to do to obtain a licence?

For work in Wales, Natural Resources Wales (NRW) licence certain activities under the Conservation of Habitats and Species Regulations and the Wildlife and Countryside Act. This includes work on the University's estate/infrastructure that could cause any interactions with listed species. It should be noted that while a general licence has been issued in the past permitting the destruction of gulls nests and/or eggs for reasons of health and safety, this has been rescinded and is no longer permitted without a specific licence. If you require a European Protected Species licence for your project (otters or bats) follow the process below:

1. Assess whether you meet the required criteria: Licences will only be issued where the following three criteria are met<sup>1</sup>, this includes:
  - a. the purpose of the work meets one of those listed in the Habitats Regulations
    - i. include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment
    - ii. scientific and educational purposes
    - iii. ringing or marking
    - iv. conserving wild animals<sup>1</sup>
  - b. that there is no satisfactory alternative
  - c. that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range
2. Complete the application form and submit a method statement: This should detail how the work will be undertaken to minimise the impact on species in that locality

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<sup>1</sup> NRW: <https://naturalresources.wales/permits-and-permissions/species-licensing/european-protected-species-licensing/bat-licensing/?lang=en>

- a. Where this includes work on the University’s estate/infrastructure, you will need to consult with the Biodiversity Officer and local Environment Officer
- b. Where this includes work on the University’s estate/infrastructure, you will be required to hire a listed Ecologist to undertake the survey and develop the method statement detailing suitable mitigation for the duration of the works
- c. Forms and guidance available from the NRW website
3. Liaise with the licencing authority (Natural Resources Wales), as required
4. Notify your local Environment Officer in the Sustainability Team with a copy of the licence once issued
5. Undertake any monitoring and reporting detailed on the licence, including the Biodiversity Officer and Environment Officer, as applicable

NRW also issues licences under s16 the Wildlife and Countryside Act for UKPS, so that you can undertake legitimate work without breaking the law. Licences can be issued for specific purposes including public health and public safety provided that there is no other satisfactory solution.

### 2.2.1 Useful guidance and information

There is a range of information on the NRW website, including:

- General information on applying for a licence from Natural Resources Wales (NRW)<sup>2</sup>
- EPS Development Licence: Guidance on Engaging Ecologists<sup>3</sup>
- Information to be provided in a European Protected Species licence application<sup>4</sup>

## 3 Responsibilities

Role	Responsibility
Sustainability team	<p>The Sustainability team is responsible for:</p> <ul style="list-style-type: none"> <li>• Supporting development of applications in Wales through: <ul style="list-style-type: none"> <li>○ Identifying appropriate consultant</li> <li>○ Assisting with development of plan, as required</li> <li>○ Supporting monitoring and reporting, as required</li> </ul> </li> <li>• Completing the permit application form with the appointed contact in Estates &amp; Facilities Management</li> </ul>

<sup>2</sup> <https://cdn.naturalresources.wales/media/3483/general-information-on-applying-for-a-licence-from-natural-resources-wales-nrw.pdf?mode=pad&rnd=13228321366000000>

<sup>3</sup> <https://cdn.naturalresources.wales/media/3467/guidance-on-engaging-ecologists.pdf?mode=pad&rnd=132283213650000000>

<sup>4</sup> <https://cdn.naturalresources.wales/media/683322/information-to-be-provided-in-a-european-protected-species-licence-application.doc?mode=pad&rnd=132283213680000000>

	<ul style="list-style-type: none"> <li>• Hiring an approved ecologist to develop, plan and work with Project lead to ensure works are managed correctly</li> <li>• Any costs associated with the licence, including ecologist fees</li> </ul>
<b>Heads of Service, Estates</b>	<p>The Heads of Service in Estates are responsible for the following:</p> <ul style="list-style-type: none"> <li>• Completing the permit application form with the Sustainability Team</li> <li>• Ensuring the Project is run in-line with the approved plan</li> <li>• Complying with the licence for the duration of the University's estate/infrastructure project</li> <li>• Supplying a copy of the licence to the local Environment Officer and ensuring they are updated of any changes e.g. cease of activity / cancellation of licence</li> </ul>

## 4 Additional support

For additional support, you can contact the following:

Role	Email address
Biodiversity Officer	<a href="mailto:wildlife@swansea.ac.uk">wildlife@swansea.ac.uk</a>
Environment Officer	<a href="mailto:sustainability@swansea.ac.uk">sustainability@swansea.ac.uk</a>

## 5 Document control

Document control	
Author:	Benjamin Sampson, Hayley Beharrell
Approved by:	Heidi Smith
Review Date:	February 2021
Version:	1

Version	Changes
1	New document

## Appendix 1 – Wildlife and Countryside Act 1981: Relevant schedules

**Note:** These web links were current in February 2021

### Plants

- It is illegal to uproot any wild plant, unless you have the permission of the landowner.
- In addition, more than 100 flowering plants and over 75 lower plants are listed on Schedule 8. For all Schedule 8 plants it is an offence to:
  - Intentionally pick, uproot or destroy
  - Sell, offer or expose for sale
- Link to Schedule 8:  
<http://www.legislation.gov.uk/ukpga/1981/69/schedule/8/data.pdf>
- NRW protected plant licence requirements:  
<https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/uk-protected-plant-licensing/?lang=en>

### Invasive species

- It is an offence to plant or cause certain invasive plants to grow in the wild, such as Japanese knotweed. The Act lists relevant plants in Schedule 9 Part II
  - Knotweed <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/japanese-knotweed/?lang=en>
- Covered by The Invasive Alien Species (Enforcement and Permitting) Order 2019 (S.I. 2019/527, see TGN005 Invasive Species for more information)

### Animals

- Wildlife and Countryside Act
  - Schedule 5: <https://www.legislation.gov.uk/ukpga/1981/69/schedule/5>
- Amphibians
  - NRW requirements: <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/uk-protected-species/amphibians/?lang=en>
- Badgers
  - NRW requirements: <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/uk-protected-species/badgers/?lang=en>
- Deer
  - NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/deer-licensing/?lang=en>
- Fish

- NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/fish-licensing/?lang=en>
- Invertebrates
  - NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/invertebrate-licensing/?lang=en>
- Pine marten and Polecat
  - NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/pine-marten-and-polecat-licensing/?lang=en>
- Red and Grey squirrels
  - NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/red-and-grey-squirrel-licensing/?lang=en>
- Reptiles
  - NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/reptile-licensing/?lang=en>
- Small mammals
  - NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/small-mammal-licensing/?lang=en>
- Water voles
  - NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/water-vole-licensing/?lang=en>

## Birds

- Birds
  - NRW general licence requirements:  
<https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/general-licences-for-birds-2020/?lang=en>
  - NRW protected species licence requirements:  
<https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/uk-protected-species/birds/?lang=en>