
STATUTORY INSTRUMENTS

2018 No. 771

The Wildlife Licence Charges (England) Order 2018

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⁽¹⁾;

“the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017⁽²⁾;

“application” includes a notification to Natural England⁽³⁾ under a class licence⁽⁴⁾ 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—
 - (i) Schedule 1, Part 1 of Schedule 2, Schedule 5, Schedule 6 or Schedule 8 to the 1981 Act⁽⁵⁾;
 - (ii) the Deer Act 1991⁽⁶⁾;
 - (iii) the Protection of Badgers Act 1992⁽⁷⁾; 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⁽⁸⁾; and

(1) 1981 c. 69 (“the 1981 Act”).

(2) S.I. 2017/1012.

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

(4) 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.

(5) 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.

(6) 1991 c. 54.

(7) 1992 c. 51.

(8) 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.

“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.

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⁽⁹⁾, which is granted planning permission—

⁽⁹⁾ 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.

- (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(10); 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(11);
- (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)(12);
 - (b) a listed building (within the meaning of section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990)(13);
 - (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(14).
- (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,
- any charge payable under article 3, as it sees fit.

David Rutley
Parliamentary Under Secretary of State
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26th June 2018

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

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

(12) 1979 c. 46, to which there are amendments not relevant to this Order.

(13) 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.

(14) 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).