

Coronavirus – Guidance on implications for Natural England’s development management advice and wildlife licensing. 16/4/20

This guidance provides the latest information in relation to Natural England’s development management and wildlife licensing services in light of the current COVID-19 restrictions.

Development management advice and wildlife licensing are a priority for Natural England as key statutory functions and we will work to minimise disruption to our services. Natural England staff including all our planning and licensing staff (our planning hubs, national and local terrestrial and marine planning teams and Wildlife Licensing Service) are now working from home until further notice. We are well set up to deliver in this way but there are likely to be delays due to staff sickness absences, personal child care arrangements and potential issues with accessing IT services due to the huge demands placed on systems at this time. We can only handle electronic communications.

We also appreciate that our customers are facing similar challenges and will need to understand what the impacts may be on existing or future Natural England advice and licensing decisions.

This guidance aims to address these issues. As this is a dynamic situation we will update this as the circumstances or approaches change, or to address further queries that arise.

Development management & marine licensing

Natural England consultation requirements on planning and development proposals

Statutory requirements for consulting Natural England on terrestrial planning and development proposals and associated environmental assessments continue to apply and are set out here:

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

<https://www.gov.uk/guidance/consulting-on-neighbourhood-plans-and-development-orders>

Natural England is also a statutory consultee on marine planning and licensing proposals.

Local Planning Authorities should use Natural England’s Impact Risk Zones to decide whether or not it is necessary to consult Natural England on development proposals which are likely to affect a Site of Special Scientific Interest. The Impact Risk Zone dataset is available on the [Magic website](#) or can be downloaded from [SSSI Impact Risk Zones \(England\)](#)

Local planning authorities should use Natural England’s Standing Advice on [protected species](#) and on [ancient woodland, ancient and veteran trees](#) when considering the impacts

of development on these environmental assets. You should only consult Natural England where the proposal impacts on an international or nationally designated nature conservation site.

Natural England's Discretionary Advice Service to provide pre-application and post consent advice continues to operate but we will prioritise those cases that pose the greatest risks or deliver the most value for the natural environment. Further information is here:

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

All planning consultations should be sent electronically to consultations@naturalengland.org.uk

Natural England consultation responses

Natural England has identified statutory planning casework as a key operational priority. We will, as far as possible, respond to statutory planning consultations in the usual way and continue to provide high quality, timely and evidence based advice, in line with our published standards.

If however, through staff absences, we are unable to meet demand we may need to request extensions to deadlines in more cases than usual. We will also prioritise those cases that pose the greatest risks to or deliver the greatest opportunities for the natural environment. This will include Nationally Significant Infrastructure projects on land and sea, as well as other large development, infrastructure and marine licensing proposals and priority development plans. Other cases may see longer turnaround times during this period or use of standard responses where environmental issues can be adequately addressed.

<http://neintranet/aboutus/howwework/standards/Documents/responding-dev-mgt-consults.pdf>

Environmental information requirements

Natural England requires sufficient information on the environmental impacts of development to inform its advice on plans and projects. Where surveys cannot be undertaken or other environmental information provided due to COVID-19 restrictions, we will be as flexible as possible in accepting the best available information e.g. digital evidence. We will consider whether the environmental information provided is appropriate on a case by case basis. Where there is insufficient information available to rule out significant risks to the natural environment, we may advise that a precautionary approach is needed by developers or local authorities, and/or a decision deferred until sufficient evidence is available

Government advice notes that ecologists and environmental professionals should be able to continue with outdoor work, including ecological surveying and supervision, where they can continue to follow Public Health England guidelines. Work that does not require travel, such as desk-based surveys and report writing, should be completed from home where possible. For further guidance relating social distancing and field work please see:

<https://www.gov.uk/guidance/social-distancing-in-the-workplace-during-coronavirus-covid-19-sector-guidance#outdoor-businesses>

Wildlife licensing

Submitting a wildlife licence application

Natural England is currently unable to process applications received by post. Applicants should submit applications electronically via the usual email addresses. Details on where to submit electronically for each licence type is found here:

<https://www.gov.uk/guidance/wildlife-licences>.

Upon submission, applicants will receive an email to confirm receipt followed by an acknowledgement email to confirm the expected response date. It may take Natural England longer than usual to issue an acknowledgement email to applicants.

For licence types where we have introduced charges, a charge screening form should be submitted with your application form as standard.

Natural England's Pre-submission Screening Service (PSS) is still available to provide advice on planning and development proposals which might affect European or nationally protected species before planning permission is secured. However, we will prioritise those cases that pose the greatest risks or deliver the most value for the natural environment. Further information is available here: <https://www.gov.uk/guidance/pre-submission-screening-service-advice-on-planning-proposals-affecting-protected-species>.

Changes to Natural England's licensing service

Natural England has identified progressing wildlife licence applications as a key operational priority and will continue to receive and process these. We are however operating with reduced capacity due to staff sickness and absence. This means that we may not be able to meet usual standards or timescales on all licences, and may need to prioritise those that are most urgent, e.g. those that relate to public health and safety.

Guidance on changes and interruptions to licenced activity and projects

Where licensable works are likely to be affected by government restrictions Natural England's advice is that they should not be commenced unless they can adhere to the latest government guidance. For further guidance relating to these rules in relation to field work please see: <https://www.gov.uk/guidance/social-distancing-in-the-workplace-during-coronavirus-covid-19-sector-guidance#outdoor-businesses>.

Where licensed works must proceed, but there is a risk they will not be completed, it is advised that contingency plans are submitted to NE wherever they would significantly alter avoidance, mitigation, compensation or monitoring.

Where projects are interrupted after impact has occurred, it is advised that contingency plans are drawn up as soon as possible by the project ecologist and that a modification application should be submitted wherever there may be significant changes in avoidance, mitigation, compensation or monitoring. Where this is not possible, we advise you to keep a log which records why the works have not been completed in accordance with the licensed work schedule

For bat, GCN and dormouse licences, ecologists should be aware that Condition 2 of their licence permits some flexibility in the timing of works under certain circumstances.

Data searches and field survey

Government advice notes that ecologists and environmental professionals should be able to continue with outdoor work, including ecological surveying and supervision, where they can continue to follow Public Health England guidelines. Work that does not require travel, such as desk-based surveys and report writing, should be completed from home where possible. For further guidance relating social distancing and field work please see:

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Feedback from consultants and developers suggests, that some field surveys and data searches will be affected by the pandemic. NE still requires sufficient information in order to assess the potential impacts on a species and its conservation status. This information is required for NE to discharge its legal duties. There may be occasions where NE will accept lower levels of survey effort than normal but only where this does not introduce uncertainty in whether a licence would meet the legal tests. It is acknowledged that in managing uncertainty, applicants may wish to put in place precautionary mitigation or compensation, in line with licensing policy 4. <https://www.gov.uk/government/news/new-licensing-policies-great-for-wildlife-great-for-business>

When conducting field work all Government advice needs to be adhered to. Licence monitoring works should be undertaken as soon as restrictions permit it (and any monitoring should be undertaken at an appropriate time of year for the species concerned). Natural England will accept delays to monitoring data of up to one year from when originally planned. Where monitoring works under one year (e.g. Year 1) are delayed due to COVID-19 until the following year and monitoring, of the same type and scope, is also proposed for this following year (e.g. Year 2), then the monitoring work schedule should be moved on one year (e.g. Year 1 monitoring is undertaken in Year 2; Year 2 in Year 3; Year 5 in Year 6 etc).

It is not necessary to request a licence modification to cover alteration of monitoring timetables due to COVID-19. When submitting a licence return, any deviation from monitoring timetables should however be fully justified.

We are looking into whether monitoring that will need to be undertaken outside the validity period of a licence can be undertaken without a new licence application. We will update this note once the position is confirmed.

Authorised persons

Under the majority of class survey licences (but not all), it is possible to nominate an Accredited Agent to act on your behalf under the survey licence. Please check the terms of your licence. Where you wish to use an Accredited Agent, and the licence allows this, you will need to ensure that the nominated person has sufficient skills and experience to act under your licence. You must also provide a written letter which states that the named

person is acting as an Accredited Agent under your licence – and this should be carried at all times by the Accredited Agent when operating under your licence. You do not need to inform NE when authorising Accredited Agents under your class survey licence.

Licence returns

Wherever possible licence returns should be completed and submitted to Natural England. Where this is not possible, the ecologist must record any reasons/justifications for the delay (e.g. unable to work from home or access required information). The licence return must then be submitted to Natural England as soon as it is possible to do so.

Volunteer Bat Roost Visitors (VBRVs)

For the safety of the public and our volunteers all VBRVs visits have been cancelled until further notice. However, the bat helpline remains open for advice:

<https://www.bats.org.uk/our-work/national-bat-helpline>.

Charging for licence applications

There will be no new charging introduced during this period but charges, where they exist, will still apply.