

Applying for an EPS Licence: Explanatory Notes

Introduction

Practical guidance has been developed for woodland managers and operators on how to conserve European protected species (EPS) and how to modify operations to reduce the risk of anyone committing offences under the Habitats Regulations. If activities cannot be modified, an EPS licence can be sought to carry out woodland operations that fall outside the Good Practice Guidance. The species that can occur in England's woodland include dormouse, great-crested newt, otter, sand lizard, smooth snake and all 17 species of bat. (The Good Practice Guidance is available on the Forestry Commission's website at: www.forestry.gov.uk/england-protectedspecies.)

This EPS licence is suitable for operations or activities which involve woodland EPS, woodland management operations or any work requiring Forestry Commission approval, such as grant schemes, EIA determination, felling licences, or other woodland management work. Applications should be submitted to the Forestry Commission although Natural England, as the licensing authority, will make the final decision on whether a licence will actually be issued. (If you need a licence for other types of land management, you will need to contact Natural England direct: <http://www.naturalengland.org.uk/conservation/wildlife-management/licensing/default.htm> or tel: 0845 6014523 (local rate).)

Two alternative versions of the application form are available: an electronic version for completion electronically, and a manual version for completion by non-electronic means. We encourage electronic applications wherever possible.

All EPS licence applications should be sent to your local Forestry Commission office. Contact details are available on the Forestry Commission website at: <http://www.forestry.gov.uk/forestry/hcou-4ubhr3>

How to complete your application

The application comprises the completed form and acceptable maps. Forms are available from the FC website at www.forestry.gov.uk/england-protectedspecies.

1. Contact details for the applicant:

The applicant should be the owner of the site or the owner's authorised agent. The applicant will become the licence holder. Please tick the box to confirm that you are the owner or the owner's authorised agent.

Please provide the applicant's name, postal address, telephone and email address, and indicate the preferred method of contact.

2. Property, site name and scheme reference

Property or woodland name

Give the property name (as used in any grant scheme or felling licence) or the name of the individual wood and/or compartment number if appropriate.

Nearest town/village

Enter the name of the nearest town or village.

Local authority

Enter the name of the local authority that covers this area.

Full FC Reference no.

Enter the full FC reference number as appropriate (e.g. EWGS .../.....).

Designations

Indicate if the area affected is part of a legally designated area, such as a Site of Special Scientific Interest (SSSI), a National Nature Reserve (NNR) or a Scheduled Ancient Monument. (A map showing these can be obtained from the Land Information Search (LIS) on the Forestry Commission website (www.forestry.gov.uk/forestry/INFD-6DFKMN).

3. Maps and photographs

The area being affected must be clearly shown on a good quality map, at 1:10,000 scale or larger. Annotate it (by hand is acceptable) to show the location of all the relevant features mentioned in the application, including the boundary of any designations. (EWGS applicants can copy the original base maps provided by the FC.)

A second map may be needed, at a smaller scale (1:10,000 or 1:25,000), to show the landscape context of the woodland. Annotate this to show the location of nearby woodland habitats that may complement that affected by the operations.

Please provide suitable photographs showing a) the type of habitat involved and b) the important features of the site e.g. suspected bat roost, likely otter holt, etc.

4. Protected species

Indicate by ticking the appropriate box the species for which a licence is being sought.

For bats you must name the species: it is not sufficient to say 'Unknown spp'. One application form can cover more than one species of bat, but you must list all the species you believe are present.

The other species each have distinct requirements. Please complete a separate application form for each protected species (although one application is acceptable to cover both smooth snake and sand lizard where they are found on the same site).

5. Evidence for the species being present

Some evidence and rationale is needed as to why you believe each species is present. This will need to include most, but not necessarily all, of the following types of evidence:

Geographic range

The FC will check that the site lies within the known geographic range of the European protected species (as shown on the maps in the Good Practice Guidance for each species). If it lies beyond this area you should give the source of any new information about distribution.

Records

Give the source and brief details of any records for the species from this or nearby sites. Include pre-existing information on the species at the site, including records from a local environment records centre, local groups and/or previous survey work. Do not include information for sites that are likely to be outside the geographic range of the particular European protected species. You must retain copies of this information as it may be required at a future date.

Field evidence

List the signs of the species that have been observed on site (e.g. 'gnawed hazelnuts' in the case of dormice or 'folded leaves' for great crested newts).

Specialist survey

In most cases a specialist survey by an expert is not required and it will be sufficient to assess the site yourself to ascertain whether a European protected species is present. (For information on how to assess whether a particular European protected species is present, please refer to the Good Practice Guidance available at www.forestry.gov.uk/england-protectedspecies). Although a specialist survey is not normally required, you may choose to obtain one.

However, if the operations you are planning would disturb or remove a confirmed bat roost and you are within the geographic distribution range of Bechstein's and Barbastelle bats a bat expert must be used to survey the tree and identify the species present.

If specialist surveys have been carried out give the name of the surveyor, the approximate date of the survey(s) and summarise what was found.

Suitable habitat

Identify the type of habitat that you believe is being used by each protected species (e.g. 'mixed coppice' or 'veteran trees').

6. Purpose

To qualify for a licence the work you want to undertake must be for one or both of the listed purposes. If more than one purpose is relevant, please tick the primary one. Brief details will be required for the purpose you have ticked, as follows:

a) 'Overriding public interest'

Work that counts as sustainable management of woodland and forests and will contribute to delivering the Government's Strategy for England's Trees, Woods and Forests will be considered as 'over-riding public interest'. If the work is part of an FC Grant Scheme or an environmental stewardship scheme you can assume that it qualifies under this purpose, but work under a felling licence does not necessarily qualify. Work that contributes to delivering the UK Biodiversity Action Plan (or England Biodiversity Strategy) will similarly qualify. In either case, briefly explain how the work will contribute to the protection and enhancement of the specific woodland, and deliver public benefits (including social and economic).

b) Preserving public health and safety

To qualify under this purpose you will have to explain why there is an imminent threat to public safety, summarising any risk assessments that have been made.

Explain why the public is at risk in terms of the threat, the number of people at risk and the severity of the consequences. Note that preserving 'public safety' can still be a valid purpose even if there isn't full public access, as it can apply to the safety of employees or other people using the site.

7. Operations and activities

Provide full details of the proposed works on the site that would be covered by the licence, including information on the machinery and methods to be used. The amount of detailed information required is greater than that needed for an EWGS plan of operations. Make sure any features mentioned are marked on the accompanying map. You should refer to the Good Practice Guidance for the species concerned.

You must indicate the precise month(s) and year(s) in which the work will be carried out.

There is a presumption against licensing of killing European Protected Species. The applicant will need to provide a compelling rationale for this to be licensed. However, the applicant is advised to note that only deliberate killing can be licensed, and therefore many forestry activities are unlikely to result in a killing offence if reasonable precautions to avoid killing have been taken.

8. Alternatives

To qualify for a licence you have to show that there is no satisfactory alternative to the proposed operations. Briefly describe the alternatives you considered and why they were considered unsatisfactory.

Some of the alternative options you should have considered to avoid impacting on the species are:

- Not doing the work;
- Delaying or phasing the work;
- Using alternative techniques and machines;
- Taking a different route or treating a different area.

In providing an explanation as to why the alternatives have been discounted you may include:

- other adverse environmental impacts;
- public objection;
- risk to public safety;
- cost and income foregone;
- not achieving the desired woodland condition;
- unpredictable or unreliable.

9. Favourable conservation status

Describe, and quantify as best you can, the risks and/or impacts to the species. This description should cover:

- the nature and extent of any short or long-term impacts and risk to the animals;
- the proportion of the local population that could be affected;
- how the habitats will recover with time, as a result of the operation;
- any other work you are doing to improve the habitat or mitigate for any impacts (see final section of the Good Practice Guidance).

It is possible that the Forestry Commission will contact you to obtain further information that will allow it to fully consider the application.

10. Duration of licence

If you are applying for an EPS licence alongside another permission (e.g. EWGS or felling licence), the EPS licence will be issued for the same length of time as the other permission. If you are applying for an EPS licence only, the licence may be granted for up to five years from the date of issue.

11. Declaration and approval

If you have had a previous caution or conviction for a wildlife or animal welfare related offence, please provide full details to accompany your application.

THE FINAL TWO SECTIONS WILL BE COMPLETED BY THE FORESTRY COMMISSION AND NATURAL ENGLAND.

Other permissions

This licence application covers only European protected species. If the work requires other permissions (e.g. a felling licence, an SSSI consent from Natural England or planning permission) you must make sure you have obtained them before or at the same time as applying for an EPS licence. You will need all necessary permissions before you carry out the work.