

Technical Guidance Note 007: Obtaining a licence when working with protected species - Research, Teaching & Outreach

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 research 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 involves protected species in any of the following:

- Research
- Teaching
- Outreach

For information regarding work on the University's estate/infrastructure which could impact protected species, you will need to read 'TGN006: Working with protected species – Estates and Facilities Management'.

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 undertake research, teaching or outreach involving one of the species detailed in either:

- European Protected Species (EPS) listed in Schedules 2, 3, 4 or 5 of the Conservation of Habitats and Species (Appendix 1 – Licence requirements)

In Wales, this includes the following:

- Plant species¹
 - Fen Orchid, *Liparis loeselii*
 - Floating Water-plantain, *Luronium natans*
 - Killarney Fern, *Trichomanes speciosum*
 - Shore Dock, *Rumex rupestris*
- Animal species
 - Bats (all species)
 - Dormouse, *Muscardinus avellanarius*
 - Great Crested (or Warty) Newt, *Triturus cristatus*
 - Natterjack Toad, *Bufo calamita*
 - Otter, *Lutra lutra*
 - Sand Lizard, *Lacerta agilis*

‘Appendix 1 – Licence requirements’ of this document contains the full schedules in case the work you will be conducting will be outside of Wales. Please check whether you are or will be handling any of these species prior to commencing your project.

UK Protected Species (UKPS) detailed in the Wildlife and Countryside Act, this includes:

- all wild birds and their nests,
 - all bats, plus those
 - species listed in schedules 1 (birds), 5 (animals), 6 (animals that may not be killed or taken by certain methods), 6ZA (animals that may not be killed or taken by trapping or snaring), 8 (plants), 9 (part II, invasive species)
- (Appendix 2 – Wildlife and Countryside Act 1981: Relevant schedules)

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 Wildlife and Countryside Act. This includes activities associated with ‘scientific or educational purposes’ (Part 5, Regulation 55, 2 (a)) that could have an interaction with one or more listed species. If you require an EPS licence for your project you will need to follow the process below:

1. Assess whether you meet the required criteria: Licences will only be issued where the following three criteria are met¹:
 - 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

¹ NRW, Information on European protected species licensing:
<https://naturalresources.wales/permits-and-permissions/species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>

- iii. ringing or marking
 - iv. conserving wild animals²
- 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 detailing how the work will be undertaken to minimise the impact on species in that locality
 - a. You can contact your local Environment Officer or the Biodiversity Officer for more support (Section 4)
 - b. Forms and guidance available from the NRW website
3. Liaise with the licencing authority, as required
4. Notify your local Environment Officer (Section 4) 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 for scientific, research or educational purposes, 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 for working with protected species in Wales, including:

- General information on applying for a licence from Natural Resources Wales (NRW)³
- Information to be provided in a European Protected Species licence application⁴

2.3 I need a licence from outside Wales (but within the EU), what should I do?

You will need to follow the country's process that you will be undertaking your research in. If the country is within the EU, the EU regulations will be applicable and there will be local legislation to implement it. Questions you should consider when designing your research project include:

- Is the species I am working with protected by law?

² NRW: <https://naturalresources.wales/permits-and-permissions/species-licensing/european-protected-species-licensing/bat-licensing/?lang=en>

³ <https://cdn.naturalresources.wales/media/3483/general-information-on-applying-for-a-licence-from-natural-resources-wales-nrw.pdf?mode=pad&rnd=132283213660000000>

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

- Who is the licencing body that can enable my work?
- How can I obtain the licence?

You should discuss any legal requirements with your colleagues.

You will need to notify your local Environment Officer of any licence/permit you receive.

2.4 Does this apply to my research outside of the EU?

If the country is outside of the EU they may have their own protected species legislation, you will need to assess this prior to commencing your research. This should be captured in your risk assessment with controls developed to ensure you do not break the law. Questions you should consider when designing your research project include:

- Is the species I am working with protected by law?
- Who is the licencing body that can enable my work?
- How can I obtain the licence?

You will need to notify your local Environment Officer of any licence/permit you receive.

3 Responsibilities

Role	Responsibility
Sustainability team	<p>The Sustainability team is responsible for:</p> <ul style="list-style-type: none"> • Supporting development of applications in Wales • Facilitating specialist disposal, as required⁵
PI or Research Lead	<p>The PI or Research Lead (or designated responsible person) is responsible for the following:</p> <ul style="list-style-type: none"> • Understanding whether a licence is required for the country the work will be undertaken in (i. Wales, ii. EU, iii. Rest of the World) • Completion of application for licence • Applying for the licence • Any costs associated with the licence • Liaising with regulatory body • Complying with the licence for the duration of the research project • Disposal in-line with licence requirements, including any associated costs • Renewing and cancelling licence, as required • Reporting on licence, as required • Supplying a copy of the licence to the Environment Officer and ensuring they are updated of any changes e.g. cease of activity / cancellation of licence

⁵ For more information see the [Waste Management Guidance Notes](#) for Swansea University or contact estates-waste@swansea.ac.uk

4 Additional support

For additional support, you can contact the following:

Role	Email address
Biodiversity Officer	wildlife@swansea.ac.uk
Environment Officer	sustainability@swansea.ac.uk

5 Document control

Document control	
Author:	Benjamin Sampson and Hayley Beharrell
Approved by:	Heidi Smith
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Version	Changes
1	New document

Appendix 1 – Licence requirements

- Table 1: Schedule 2, European Protected Species of animals
- Table 2: Schedule 3, Excluded populations of certain species
- Table 3: Schedule 4, Animals which may not be captured or killed in certain ways
- Table 4: Schedule 5, European protected species of plants

Note: These tables were current in June 2020, please use the links in the footnotes to ensure you are checking the most up to date versions.

Table 1: Schedule 2, European Protected Species of animals⁶

Common name ⁷	Scientific name
Bats, Horseshoe (all species)	<i>Rhinolophidae</i>
Bats, Typical (all species)	<i>Vespertilionidae</i>
Butterfly, Large Blue	<i>Maculinea arion</i>
Cat, Wild	<i>Felis silvestris</i>
Dolphins, porpoises and whales (all species)	<i>Cetacea</i>
Dormouse	<i>Muscardinus avellanarius</i>
Frog, Pool	<i>Rana lessonae</i>
Lizard, Sand	<i>Lacerta agilis</i>
Moth, Fisher's Estuarine	<i>Gortyna borelii lunata</i>
Newt, Great Crested (or Warty)	<i>Triturus cristatus</i>
Otter, Common	<i>Lutra lutra</i>
Snail, Lesser Whirlpool Ram's-horn	<i>Anisus vorticulus</i>
Snake, Smooth	<i>Coronella austriaca</i>
Sturgeon	<i>Acipenser sturio</i>
Toad, Natterjack	<i>Bufo calamita</i>
Turtles, Marine	<i>Caretta caretta</i> <i>Chelonia mydas</i> <i>Lepidochelys kempii</i> <i>Eretmochelys imbricata</i> <i>Dermochelys coriacea</i>

⁶ Schedule 2: <http://www.legislation.gov.uk/ukxi/2017/1012/schedule/2/made>

⁷ The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names must not be taken into account.

Table 2: Schedule 3, Excluded populations of certain species⁸

Common name ⁴	Scientific name	Excluded countries and areas
Beaver, Eurasian	<i>Castor fiber</i>	Estonia, Finland, Latvia, Lithuania, Poland and Sweden
Hamster, Common (or Black bellied)	<i>Cricetus cricetus</i>	Hungary
Lynx, Eurasian	<i>Lynx lynx</i>	Estonia
Viper, Seoane's	<i>Vipera seoanni</i>	Spain
Wolf, Grey	<i>Canis lupus</i>	Bulgaria, Estonia, Greece north of the 39th parallel, Latvia, Lithuania, Poland, Slovakia, Spain north of the River Duero, and the reindeer management area in Finland as defined in paragraph 2 of Finnish Act No. 848/90 of 14th September 1990 on reindeer management ⁹

Table 3: Schedule 4, Animals which may not be captured or killed in certain ways¹⁰

Common name ⁴	Scientific name
Barbel	<i>Barbus barbus</i>
Grayling	<i>Thymallus thymallus</i>
Hare, Mountain	<i>Lepus timidus</i>
Lamprey, River	<i>Lampetra fluviatilis</i>
Marten, Pine	<i>Martes martes</i>
Polecat	<i>Mustela putorius</i> (otherwise known as <i>Putorius putorius</i>)
Salmon, Atlantic	<i>Salmo salar</i> (only in fresh water)
Seal, Bearded	<i>Erignathus barbatus</i>
Seal, Common	<i>Phoca vitulina</i>
Seal, Grey	<i>Halichoerus grypus</i>
Seal, Harp	<i>Phoca groenlandica</i> (otherwise known as <i>Pagophilus groenlandicus</i>)
Seal, Hooded	<i>Cystophora cristata</i>
Seal, Ringed	<i>Phoca hispida</i> (otherwise known as <i>Pusa hispida</i>)
Shad, Allis	<i>Alosa alosa</i>
Shad, Twaite	<i>Alosa fallax</i>
Vendace	<i>Coregonus albula</i>
Whitefish	<i>Coregonus lavaretus</i>

⁸ Schedule 3: <http://www.legislation.gov.uk/ukxi/2017/1012/schedule/3/made>

⁹ A copy of this Finnish Act can be obtained from the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol BS1 5AH.

¹⁰ Schedule 4: <http://www.legislation.gov.uk/ukxi/2017/1012/schedule/4/made>

Table 4: Schedule 5, European protected species of plants¹¹

Common name⁴	Scientific name
Dock, Shore	<i>Rumex rupestris</i>
Fern, Killarney	<i>Trichomanes speciosum</i>
Gentian, Early	<i>Gentianella anglica</i>
Lady's-slipper	<i>Cypripedium calceolus</i>
Marshwort, Creeping	<i>Apium repens</i>
Naiad, Slender	<i>Najas flexilis</i>
Orchid, Fen	<i>Liparis loeselii</i>
Plantain, Floating-leaved water	<i>Luronium natans</i>
Saxifrage, Yellow Marsh	<i>Saxifraga hirculus</i>

¹¹ Schedule 5: <http://www.legislation.gov.uk/uksi/2017/1012/schedule/5/made>

Appendix 2 – Wildlife and Countryside Act 1981: Relevant schedules

Note: These web links were current in July 2020

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: Obtaining a licence for The Invasive Alien Species (Enforcement and Permitting) Order 2019' 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>
- Seals
 - NRW requirements: <https://naturalresources.wales/permits-and-permissions/species-licensing/uk-protected-species-licensing/seal-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>