Earned Recognition Accreditation for Bat Mitigation Licensing in England
CONSULTATION 1

Audience: Ecologists involved in mitigation licensing
November 2020

Introduction

The Earned Recognition (ER) Project is a partnership between Natural England, the Bat Conservation Trust (BCT) and the Chartered Institute for Ecology and Environmental Management (CIEEM). The aims of the project are to design a scheme to streamline the mitigation licensing process for bats in England, raise and maintain professional standards in this work and improve outcomes for bats.

Through this consultation we will gather your views on the proposed ER scheme to inform a pilot in 2021, and identify individuals who could potentially be involved in the pilot. For the pilot, priority will be given to those who have taken part in the consultation and expressed their interest in being involved. However, not all respondents will be chosen as pilot candidates. We will select a sample of participants which represents a wide geographical range, size of business and level of experience. The purpose of the pilot is to test the scheme and inform wider rollout, if the decision is taken to implement the scheme as business as usual.

A separate and less detailed consultation is being run concurrently for other stakeholders.

Why do we need change?

The current system in England requires the content of all bat mitigation licence applications to be checked by the regulator, Natural England. This is a resource intensive process and it is challenging for Natural England to meet its normal service standards for bat mitigation licensing. This presents a risk of delay to applicants. In addition, bat licence application numbers continue to increase year on year.

Within the current system it is difficult for Natural England to target proportionate effort towards the cases which present greatest risk to bat conservation and to ensure consistency of standards in the applications which it receives. This makes it important to consider whether there are alternative systems which would be more efficient and better manage risk.

The Bat Mitigation Class Licence shows that earned recognition can be used to streamline the licensing process. However, the accreditation process used for the Bat Mitigation Class Licence is not sufficient to ensure high professional standards in the full range of bat licence applications.

What is the ER scheme?

The ER Project proposes a scheme whereby professional ecologists involved in bat mitigation licensing are rigorously assessed against a detailed Competency Framework and only accredited to carry out mitigation work if they pass the assessment and prove their competence. The process for submission and assessment of mitigation licences will then be streamlined for those who are accredited. In many cases site registration will be issued within a short space of time and only a small percentage of cases will be subject to manual assessment.

Survey skills and survey licensing

The pilot is for bat mitigation licensing only and there will be no change to existing requirements to register or continue registration for a bat survey licence. However, the ER Project has the potential to raise standards and recognise competence in all areas of professional bat work. The Project Partnership is considering whether and how, in due course, ER can incorporate bat survey licensing in addition to mitigation licensing.

The competencies described for bat mitigation licensing encompass skills that are key to effective and accurate bat surveys (excluding advanced techniques), even if some of the activities are not licensable and some are covered by survey licences. Therefore, the pilot will enable the Project Partnership to test the competencies, assessment and the accreditation process relating to survey work. If, following this, it is decided that ER should incorporate survey licensing, there will be a separate, detailed consultation and an opportunity for stakeholders to comment.

Levels of ER accreditation

There are three levels of ER accreditation for mitigation licensing (1, 2 and 3), which relate to the level of risk to bats from the proposed activities. The species affected (separated into three groups), roost types (feeding, day, maternity, hibernation etc.) and other criteria covered by the three levels are described in the *Earned Recognition Accreditation Levels* document provided as part of this consultation. It is anticipated that many ecologists will only require Level 1 accreditation, some will require Level 2 and a small number working in the highest risk situations will require Level 3.

Of course, the mitigation hierarchy should be adhered to and where the need for licensing can be avoided through carefully designed project delivery then this should be the chosen course of action.

Competency Profiles

The *Competency Profiles for Bat Mitigation* document shows the competencies required for the three levels of ER accreditation for mitigation licensing (1, 2 and 3). These identify the broad competencies required by accredited individuals (ER Consultants) to undertake licensable mitigation work to the standard required. They are divided into technical competencies (requiring specific bat-related knowledge and skills) and transferable competencies (knowledge and skills common to many professional activities). It is these competencies that will be assessed through the accreditation

process. For those ecologists who are members of CIEEM, these competencies will be familiar to you as they align with the CIEEM Competency Framework.

Levels of Competence

The scheme recognises two levels of competence – capable and accomplished.

Capable level competence means that you can undertake straightforward activities and tasks to a good standard consistently well and without supervision. You may be able to undertake more complex or higher risk work, but this would normally be under supervision. All of the ER Accreditation Level 1 competency profile (which covers most of the scenarios found in development projects involving bats) requires only Capable level competence.

Accomplished level competence means that you can undertake more complex activities and tasks, or those involving a higher risk to bats, consistently well without supervision. Indeed, you may supervise others. In general, you are working on projects that require greater application of professional judgement in order to secure good outcomes for bats and your clients. Both the ER Accreditation Level 2 and Level 3 competency profiles include a number of technical competencies at the Accomplished level.

Complexity refers to assemblages of multiple bat species and/or sites with a range/number of buildings (some of which may be hard to access), landscapes and environmental conditions.

Competency Framework

The ER Competency Framework takes the broad competencies identified in the Competency Profiles and drills down into the indicators of competence – *i.e.* the specific areas of knowledge and skill that, when correctly applied, demonstrate the required level of competence in that competency. We appreciate that this may sound a bit confusing, and the full Competency Framework is too detailed for this consultation. But to show you what we mean by this approach we have included a sample row from the full Competency Framework – *Design and Preparation of management, mitigation and enhancement plans and projects*.

BCT's Professional Training Standards

The ER scheme has been designed to align with the latest edition of BCT's Professional Training Standards, which can be found here.

Assessment Methods and Assessors

The proposal is to assess competency using four different methods: online testing, practical assessment, submission of a portfolio and a structured interview. All four methods of assessment will be applied to each level of accreditation and must be passed to gain that level of accreditation. If the scheme is rolled out all those who intend to hold bat mitigation licences could eventually go through

this assessment of competence and the scheme could eventually replace the current bat mitigation licensing system.

We are aware that the Covid-19 pandemic could impact our ability to carry out face-to-face and field assessments and handle bats during the pilot and are looking into alternative options.

Assessors will be external to Natural England, carefully selected and fully trained by members of the Project Partnership. A lead assessor will be responsible for ensuring consistency across the assessment team and the whole scheme will be monitored by an expert panel.

Class Licensing and the Three Licensing Tests

A class licence will be central to the ER scheme. It will be used to register professionals, and record their level of accreditation and membership of a suitable professional body. It will authorise them to disturb, capture, damage or destroy the species and type of bat roosts defined within their level of accreditation, subject to sites being registered with Natural England before work proceeds.

The site registration process will ensure that the legal licensing tests (purpose, no satisfactory alternative and favourable conservation status) are met in all cases. It will be a streamlined process which requires the registered professional to declare whether survey, mitigation, compensation and monitoring are in accordance with specified guidelines (such as the most recent editions of the survey and mitigation guidelines) and will rely on accreditation as one means of assuring the quality of this action.

Sifting Process

Site registrations where the accreditation level of the applicant does not match the level required for the species and roost type which may be present will be rejected.

Site registrations for lower and medium levels of risk (at Accreditation Levels 1 and 2) which meet specified guidelines will usually not be subject to any manual assessment, and the site registration confirmation will be issued within a short space of time.

Those sites for which methods deviate from the specified guidelines will be subject to greater levels of assessment before being determined, as will site registrations for higher risk (Accreditation Level 3) cases. Where manual assessment is still required, this process will be streamlined and targeted to areas of risk within the site registration, with a sliding scale of increased risk leading to increased levels of assessment.

Three scenarios are presented below to illustrate.

Scenario 1

A dilapidated building is to be demolished to make way for a small-scale housing development (<1 hectare). One preliminary bat roost assessment and three emergence surveys were undertaken

spread across June, July and August. The surveys found evidence of a soprano pipistrelle maternity roost (maximum roost count 35 bats) in a south-facing roof, and small numbers of common pipistrelle bats in two day roosts. Demolition will take place in October following standard mitigation techniques including exclusion and soft demolition. Compensation will be two pole-mounted maternity bat boxes in south-facing locations installed before the next maternity season (for the soprano pipistrelle maternity roost), and three small integrated bat boxes on the new houses (for the common pipistrelle day roosts). Two years of post-development population monitoring, and two years of site management and maintenance are proposed, staggered over five years. Standard measures are proposed for avoidance and mitigation of artificial lighting impacts. A Reasoned Statement does not need to be submitted in support of the application. The ecologist has Level 2 Earned Recognition accreditation.

Outcome: The case involves destruction of a maternity roost of a Group 1 species (categorised as Level 2 activity), and destruction of a small number of day roosts of another Group 1 species (categorised as Level 1 activity). The ecologist has followed standard guidance for survey, impact assessment, mitigation, compensation and monitoring and confirms this in the information submitted for the site registration application. The ecologist has the required Level 2 Earned Recognition accreditation. No part of the site registration application is flagged for manual assessment, and the site registration is confirmed within a short space of time.

Scenario 2

A domestic dwelling is to be extended and re-roofed in order to provide space for a growing family. A planning requirement for a bat survey was not communicated to the owner until after the end of the active season which meant that only limited surveying was possible, at a sub-optimal period. A bat survey was carried out in October and found evidence of bats. A small number of bat droppings were found in the roof void, in the gable end and internal wall. DNA analysis confirmed brown long-eared bat and common pipistrelle bat. There were no signs of significant usage or use by any other bat species. The building was assessed as having hibernation roost potential, but a hibernation survey of the building during January did not find any evidence of hibernating bats. The ecologist concluded that the building is likely to support day roosts for brown long-eared and common pipistrelle bats. The owner is worried about delaying works until the next maternity season to carry out further survey work, as this would considerably delay the completion of the house. Instead the owner wishes to obtain a licence, based on the available survey information to date and to mitigate and compensate based on a precautionary interpretation of the evidence, making use of Natural England licensing policy 4. This precautionary interpretation is that there are maternity roosts of brown long-eared and common pipistrelle bat present. Standard mitigation, compensation, monitoring and site management/maintenance measures are proposed appropriate for brown long-eared and common pipistrelle maternity roosts. No artificial lighting is proposed as part of the development. A Reasoned Statement does not need to be submitted in support of the application. The ecologist has Level 2 Earned Recognition accreditation.

Outcome: The case involves destruction/damage of (potentially) maternity roosts of two Group 1 species (categorised as Level 2 activity). Because standard survey guidance has not been followed, the site registration application is flagged for manual assessment. The Natural England adviser focuses

their assessment on survey and site assessment, including interpretation and evaluation of survey results. The adviser is satisfied with the conclusions drawn by the ecologist, and the site registration is confirmed.

Scenario 3

A barn conversion to a single residential property is proposed. Detailed surveys were undertaken over a two year period, including emergence/re-entry surveys and hibernation survey. The barn was characterised as supporting a Natterer's bat maternity roost (maximum roost count 20 bats) and was ruled out as a hibernation roost. Standard exclusion and soft demolition works are planned for October. Two tree-mounted bat boxes are proposed as short-term roost provision. Long-term roost provision is to be construction of three large bat voids, with two of the voids to be complete before the next maternity season. Three years of post-development monitoring is proposed, staggered over a 10 year period, consisting of internal inspection and emergence survey. Site management and maintenance is proposed over the same timescale. No external lighting is proposed. A Reasoned Statement does not need to be submitted in support of the application. The ecologist has Level 3 Earned Recognition accreditation.

Outcome: The case involves destruction of a maternity roost of a Group 2 species (categorised as Level 3 activity), and is flagged for manual assessment. The assessment finds that the submitted information and documents contain the details needed to confirm that the three licensing tests are met, and the site registration is confirmed.

Compliance and Enforcement of ER scheme

Natural England will undertake compliance testing on registered sites for all accreditation levels, and individuals who are falling below the standards of their accreditation level will be subject to investigation and appropriate sanctions. Natural England will also investigate complaints made against individuals regarding non-compliance.

The ER scheme will require registered professionals to be members of a suitable professional body with robust disciplinary procedures. This means that they will also be bound to a professional code of conduct, and will be subject to investigation and appropriate sanctions should that code be breached.

Charging

During the pilot, there will be no charge to gain accreditation. Natural England is looking at options for charging for site registration.

Key benefits

If successfully rolled out we believe the project will:

- improve outcomes for bats through better practice and improved compliance/enforcement;

- streamline the mitigation licensing process for bats, reducing delays and uncertainty in many cases;
- enable Natural England to redeploy resources towards higher risk cases and improvement of outcome monitoring and compliance/enforcement measures; and
- raise and maintain professional standards in bat licensed work, improve consistency, accountability and level the playing field.

The consultation is separated into two parts. The first asks more generic questions about the consultee and the potential pros and cons of the scheme (these questions are mandatory) whereas the second asks more detailed questions about the ER Accreditation Levels and Competency Profiles/Framework and your interest in potentially taking part in the pilot (these questions are optional).

We ask that you respond as an individual rather than representing the views of your company or organisation.

We would like to thank you for your time in reading and responding to this consultation.