



Marine licensing guidance 5
Wildlife licence guidance
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1.0 Introduction

The MCAA 2009 transferred to the Marine Management Organisation (MMO) the function of granting certain licences (referred to here as 'wildlife licences') under the following pieces of nature conservation legislation:

- The Conservation of Seals Act 1970 (and subordinate legislation made under it) (from 0 to 12 nautical miles)
- The Wildlife and Countryside Act 1981(as amended) (from 0 to 12 nautical miles)
- The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) (from 12 to 200 nautical miles)
- The Conservation of Habitats and Species Regulations 2010 (from 0 to 12 nautical miles).

The purpose of this guidance is to:

- introduce applicants to wildlife licence applications
- detail and guide applicants through each step during the application process.

2.0 What is a wildlife licence?

A wildlife licence can be issued to authorise what would otherwise be an offence under the nature conservation legislation. We will only issue a licence where the activity meets certain requirements of the relevant legislation. Mitigation should be used in the first instance to reduce the risk of an offence and a wildlife licence may be applied for only as a last resort to allow the activity/project to go ahead.

A wildlife licence is only issued if there is a likelihood that an offence will occur. If there is a negligible risk of an offence or mitigation reduces the risk of an offence to negligible levels then this negates the requirement for a wildlife licence. Please contact us for further advice.

The following activities may constitute an offence unless carried out under a licence granted by the MMO¹.

¹ Information provided in the tables in Section 2 will be subject to changes in legislation. Schedule 5 of The Wildlife and Countryside Act 1981 is currently being reviewed and is due to be amended on 6 April. This guidance will be amended to align with these changes.

0 to 12 nautical miles

Group	Species	Offences and guidance
<p>European protected species</p> <p>Conservation of Habitats and Species Regulations 2010</p> <p>Wildlife and Countryside Act 1981 (as amended)</p>	<p>All whale species</p> <p>All dolphin species</p> <p>All porpoise species</p> <p>Green sea turtle</p> <p>Hawksbill turtle</p> <p>Kemp's Ridley sea turtle</p> <p>Leatherback turtle</p> <p>Loggerhead turtle</p> <p>Common sturgeon</p>	<p>To capture, injure, kill or disturb.</p> <p>The Joint Nature Conservation Committee are redrafting guidance on injury and disturbance and this will be available when complete. In the meantime please contact us with any queries.</p>
<p>Common and grey seals</p> <p>Conservation of Seals Act 1970</p> <p>Conservation of Habitats and Species Regulations 2010</p>		<p>To kill, injure or take in closed season.</p> <p>To kill or take in certain ways.</p>
<p>Other seals</p> <p>Conservation of Habitats and Species Regulations 2010</p>	<p>Hooded seal</p> <p>Ringed seal</p> <p>Harp seal</p> <p>Bearded seal</p>	<p>To kill or take in certain ways.</p>
<p>Sharks</p> <p>Wildlife and Countryside Act 1981 (as amended)</p>	<p>Basking shark</p> <p>Angel shark</p>	<p>To kill, injure, take or disturb.</p> <p>To kill, injure or take.</p>
<p>Shad</p> <p>Wildlife and Countryside Act 1981 (as amended)</p> <p>Conservation of Species and Habitats Regulations 2010</p>	<p>Allis shad</p> <p>Twaite shad</p>	<p>To kill, injure, take or damage place of shelter or breeding.</p> <p>To kill or take in certain ways.</p>
<p>Skates</p> <p>Wildlife and Countryside Act 1981 (as amended)</p>	<p>White skate</p>	<p>To kill, injure or take</p>

Group	Species	Offences and guidance
Other fish Wildlife and Countryside Act 1981 (as amended)	Couch's goby Giant goby	To kill, injure or take. To damage or destroy or obstruct access to any structure or place used for shelter or protection or to disturb while occupying that place.
Lagoon species Wildlife and Countryside Act 1981 (as amended)	Lagoon sandworm Lagoon sea slug De Folin's lagoon snail	To kill, injure or take. To damage or destroy or obstruct access to, any structure or place used for shelter or protection or to disturb while occupying that place.
	Lagoon sand shrimp Tentacled lagoon worm	To damage or destroy, or obstruct access to, any structure or place used for shelter or protection.
Marine turtles (non-European protected species) Wildlife and Countryside Act 1981 (as amended)	Flatback turtle Olive Ridley turtle	To kill, injure, take. To damage or destroy or obstruct access to any structure or place used for shelter or protection or to disturb while occupying that place.
Anemones Wildlife and Countryside Act 1981 (as amended)	Ivell's sea anemone Startlet sea anemone	To kill, injure, take. To damage or destroy or obstruct access to any structure or place used for shelter or protection or to disturb while occupying that place.
Seahorses Wildlife and Countryside Act 1981 (as amended)	Short snouted seahorse Spiny seahorse	To kill, injure, take. To damage or destroy or obstruct access to any structure or place used for shelter or protection or to disturb while occupying that place.

Group	Species	Offences and guidance
Other Wildlife and Countryside Act 1981 (as amended)	Marine hydroid Trembling sea mat	To kill, injure, take. To damage or destroy or obstruct access to any structure or place used for shelter or protection or to disturb while occupying that place.
	Fan mussel Pink sea fan	To kill, injure or take.
Wild birds Wildlife and Countryside Act 1981 (as amended)	All species	To kill, injure or take. To damage or take or prevent from using nest while that nest is in use or being built. To take or destroy eggs.

12 to 200 nautical miles under the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended)

Group	Species	Offences and guidance
European protected species	All whale species All dolphin species All porpoise species Green sea turtle Hawksbill turtle Kemp's Ridley sea turtle Leatherback turtle Loggerhead turtle Common sturgeon	To capture, injure, kill or disturb. The Joint Nature Conservation Committee are redrafting guidance on disturbance and this will be available when complete. In the meantime please contact us with any queries.
Seals	All seal species	To kill or take in certain ways.
Fish	Allis shad Twaite shad	To kill or take in certain ways.
Sturgeon (non-European protected species)	All (except common sturgeon)	To kill or take in certain ways.
Wild birds	All species	To capture, injure or kill.

3.0 Can a wildlife licence be issued for the activity?

Licences can only be issued for specific purposes under the relevant legislation. These are outlined in the sections below. Licences are issued only when it can be proved that there is no other satisfactory alternative to the proposed activity. In addition, licences can only be issued under the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended), if the activity will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Favourable conservation status of a population would be impacted if there was:

- risk of long-term decline in population
- risk of long-term reduction of the range of the population
- risk of the reduction in habitat size.

3.1 The Conservation of Habitats and Species Regulations 2010

- Scientific or educational purposes.
- Ringing or marking, or examining any ring or mark on, wild animals.
- Conserving wild animals or wild plants or introducing them to particular areas.
- Protecting any zoological collection.
- Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Preventing the spread of disease.
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

3.2 The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended)

- In the interests of public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- For the purpose of preventing serious damage to fisheries.
- For the purpose of preventing serious damage to property.
- In the interest of protecting wild flora and fauna or conserving natural habitats.
- For the purpose of preventing the spread of disease.
- For scientific or educational purposes.
- For the purposes of the re-population of an area with, or the re-introduction into an area of, wild animals or wild plants (including any breeding or artificial propagation necessary for those purposes).

3.3 The Wildlife and Countryside Act 1981 (as amended)

- For scientific or educational purposes.

- For the purpose of ringing or marking, or examining any ring or mark on, wild animals.
- For the purpose of conserving wild animals or wild plants or introducing them to particular areas.
- For the purpose of protecting any zoological or botanical collection.
- For the purpose of photography.
- For the purpose of preserving public health or public safety.
- For the purpose of preventing the spread of disease.
- For the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.
- For the purposes of taxidermy.
- For the purpose of photography.
- For the purposes of preserving public health or public or air safety.
- For the purpose of preventing the spread of disease.
- For the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber fisheries or inland waters.

3.4 The Conservation of Seals Act 1970

- For scientific or educational purposes.
- For the purposes of any zoological gardens or collection specified in the licence.
- For:
 - the prevention of damage to fisheries
 - the reduction of a population surplus for management purposes
 - the use of a population surplus of seals as a resource
 - the protection of flora or fauna in a site of special scientific interest or nature reserve.

4.0 Introduction of non-native species

The deliberate introduction of wild non-native species is an offence under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitat and Species Regulations 2010 (from ships) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) (from installations and ships). Wildlife licences can only be issued if the MMO is satisfied that the authorisation of this activity will not prejudice native habitats or flora/fauna.

5.0 Types of wildlife licence: Examples

5.1 Science and conservation

Most wildlife licences are issued to researchers and scientists in order to carry out activities/experiments for the purposes of furthering the conservation and knowledge of protected species, such as taking samples of pink sea fans for genetic analysis, tagging seahorses.

Offences would otherwise be committed by carrying out these activities if a licence was not issued permitting them to go ahead.

There may be instances where development projects that have applied for marine licences may require this type of wildlife licence to carry out any required mitigation plans, such as the relocation of seahorses from a development site would require a licence to allow the disturbance offence to go ahead. This licence would be issued under the Wildlife and Countryside Act 1981 (as amended) for the purpose of conservation.

5.2 European protected species

Some large developments may require wildlife licences to permit the acoustic disturbance of cetaceans to go ahead, such as the acoustic disturbance generated during the construction phase of offshore wind turbines. If a project did not affect the Favourable Conservation status of the species concerned, a licence could be issued as a last resort when mitigation techniques have been applied in order to reduce the risk of committing an offence to negligible levels, licences can only be issued to projects for reasons of overriding public interest (that is social or economic importance or beneficial consequences of primary importance for the environment) as outlined in the legislation.

Other activities could also lead to the injury or disturbance of European protected species. Applicants should consult the guidance produced by the Joint Nature Conservation Committee (JNCC), Natural England and the Countryside Council for Wales entitled 'The protection of marine European Protected Species from injury and disturbance' for more information on assessing the risk of committing an offence.

6.0 Guidance on individual cases

Although it is the ultimate responsibility of the applicant to assess the risk of committing a wildlife offence when carrying out a proposed activity and to determine whether a wildlife licence is required, the MMO will be happy to give guidance, where possible, in response to queries or requests.

6.1 Enquiries

An enquiry can come in one of three forms:

1. a phone call
2. a written letter
3. an email to conservation@marinemanagement.org.uk

The MMO will have regard to the MMO [Customer Charter](#)² when dealing with enquiries.

² www.marinemanagement.org.uk/about/customer_charter.htm

7.0 Application process

The MMO will manage the whole wildlife licensing process from initial queries to the issuing of licences for successful applications.

The MMO encourages early contact to discuss the potential requirement for a wildlife licence. This is particularly useful in the environmental impact assessment (EIA) stages if the wildlife licence is associated with a relevant project. These are expected to begin with queries and consultation, once applicants have gathered initial data and / or development information.

Applicants will decide when to make their first approach to the MMO, but early contact is strongly recommended. The general process is as follows:

- preparation of documentation, such as method statement
- formal application
- consultation, feedback and mediation
- issuing of licence(s) by the MMO
- management of returns.

For more complex projects where pre-application engagement has occurred early on in the process, it is envisaged that the application stage will be much shorter.

7.1 Application stage and consultation

The MMO will acknowledge receipt of an application within five working days and inform the applicant if any further information is required at this stage. The MMO will make a decision as to whether a licence will be granted or refused within six weeks (30 working days) of receiving a full application, including all the required information. Reasons for any refusal will be provided.

The Wildlife Licensing Officer (WL) will ensure that all the relevant sections of the application form are completed and correct, and ensure all supporting documents have been submitted by the applicant. All applications must also be submitted with a minimum of one reference. Further guidance on reference requirements is currently being developed and will be added to this document in due course. Please contact us for further information. Within one week (five working days) of the application **submission date**, the WL Officer will start processing the application.

Natural England and JNCC are statutory consultees for wildlife licence applications. For applications within 12 nautical miles, the MMO will formally consult with the most appropriate person in the Natural England Evidence Team as well as the local marine advisor if applicable. For applications outside 12 nautical miles JNCC will be consulted.

The WL Officer will also send details of the application to the relevant MMO coastal office. This is an informal consultation to ensure that the coastal officers are kept informed of planned activities and also to invite any comments about local issues and / or advice on potential licence conditions.

The MMO will lead the consultation process, managing the responses from consultees, such as providing any information required, passing on questions to the applicant to answer, ensuring that the consultees views are taken into account when making a licensing decision.

7.2 Missing or incorrect information

If any information is missing or appears incorrect the WL Officer will contact the applicant and inform them that they are required to submit information or corrected information to the MMO.

The MMO will send out a request for further information to the applicant. This will outline the information that needs to be provided or concerns that need to be satisfied in order for the MMO to be satisfied that the requirements of the legislation have been met and for the licence to be granted.

Following the request for further information the application will be kept open for six months or until this information is provided. If the applicant can resolve the issues concerned and submit the information within six months then it will be assessed by the same officer and have the same reference number, to treat them as the same case.

If not, the applicant does not need to inform the MMO, instead the case is withdrawn. Therefore, the activity must not be carried out as it has not been licensed.

The applicant would then need to submit a new application (with the information that was missing or address the concerns of the original application).

7.3 Licence decision

Once an application has been determined, the applicant will receive an email notification of the decision. Where a licence has been granted, then the applicant may log into their service account to view the proposed licence and confirm online that they accept the terms and conditions contained within the licence. The licence holder must confirm receipt and acceptance of the conditions associated with the licence within 10 days of the licence being issued. Once accepted, the applicant will be issued with a digitally signed licence, which will remain in their service account for future reference. A copy of the licence **must** be printed off and carried at all times when undertaking the licensed activity so that it can be inspected.

If the application is to be rejected, the applicant can view the reason(s) why through their service account in the licensing system.

7.4 Application withdrawal process

If the applicant wants to withdraw their application they can request this by logging into their service account. The applicant must submit a reason why they wish to withdraw their application.

8.0 Applications in association with a marine licence

Some wildlife licences may be applied for which are associated with an existing marine licence application, such as wind farms may require a wildlife licence to allow construction activities to go ahead.

It is the responsibility of applicants to ascertain for themselves whether a wildlife licence is required. However, through the marine licence application process the applicant may be informed that there is the requirement for a wildlife licence (this could be triggered by consultation responses as well).

9.0 Working with the Infrastructure Planning Commission (IPC)

The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010, and in particular the contents of Part 1 of the Schedule prescribes the removal of consent requirements in England and Wales.

Therefore the IPC (or Secretary of State, when the IPC is abolished) may issue a 'deemed' wildlife licence as part of a development consent order (DCO) for nationally significant infrastructure projects.

Guidance on this process is currently being developed and will be added to this document in due course.

10.0 Emergency licences

It is highly unlikely that a situation would arise in which a wildlife licence was required in an emergency situation. However, in exceptional circumstances a wildlife licence can be issued within a day with consultation being carried out by telephone. The MMO understands that the applicant may be in the field dealing with an emergency situation. Therefore, the applicant can phone the MMO (0300 123 1032) and they will then be passed through to a WL Officer who will take down the applicant's details and details of the emergency. Please refer to the MMO's Marine licensing guidance 7: Emergency works for greater detail on emergency licences.