

## Consultation on our regulatory fees and charges for 2023/24

### Generic Questions

**To what extent do you agree or disagree that NRW's regulatory services should be paid for by those who use them and not by the taxpayer or other charge payers?**

*Neither disagree nor agree*

**Having considered our consultation documents and supporting information, to what extent do you agree or disagree with NRW'S proposed charge structure?**

*Disagree*

**Do you think that there are any better alternatives to how NRW proposes to fund its regulatory activities?**

*Yes*

*If yes, please tell us more in the box below*

The Government and regulatory bodies should consider automating the licencing and recording system. A suggested example is the Scottish Environment Protection Agency (SEPA) and the notification of controlled burning. Using a similar system would create an efficient and quick licencing or recording system, encouraging participation and good practice due to its simplicity. This type of system could also allow for complaint investigation and risk-based auditing.

### Species Licencing

**Determining species licence applications is currently funded by the taxpayer. To what extent do you agree or disagree with NRW's proposal to introduce new charges for species licencing?**

In principle our members do not have an issue with charging a fee for a service given. However, the process needs to be delivered in a manner that is transparent and it is not clear that the regulator has enough evidence to determine if the licencing process is effective for forestry. Arguably, what is required is a more risk-based approach. It is plausible that we can expect more of these proposals across all devolved nations as public funding becomes ever stretched and, in that context, the Institute can see why such measures are proposed. But it also seems counterintuitive to only be charging for commercial operations, without explanation.

There should be clear definitions between conservation and commercial, as these are currently open to interpretation. Though forest operations should not be categorised, as this ignores many operations such as thinning and there is the possibility that this will marginalise the management of smaller woodlands, due to the additional costs that would be attached to a felling licence. In this context, the definition of commercial should perhaps be based on income generated.

In addition, our members have highlighted that some of the information sources being used to enforce licencing are out of date, or not necessarily relevant to the site (for example, NBN Gateway), and it should be the responsibility of NRW to ensure that professional standards are being maintained through referring to accurate information.

**NRW does not want charges to discourage activities that are in the best interests of the public and of protected species. NRW is proposing four categories of waiver, which would mean that some specified activities will remain funded by the taxpayer. To what extent do you agree or disagree with the waivers NRW proposes?**

We have engaged with members and the feedback we have received is that charges are only reasonable if the process will be open and transparent. There is a risk that the approach of having an open-ended charging system may discourage forest owners and managers from identifying and notifying authorities about protected species and as such it may be counterproductive. This is particularly relevant for small woodland owners, where the costs of small-scale working can discourage positive change for environmental protection.

If a fee is to be applied, this should be fixed and be valid for all forest operations, not just commercial. It should be a sliding scale and be based on the size of the holding and appropriate to scale of operations and application. This also applies for charges to amendments under the development framework, again this should relate to scale. Arguably, any UKFS compliant operation would fall under the waiver due to the conformity and consideration given to environmental protection and conservation.

**To what extent do you agree or disagree with our proposals for pre-application advice?**

Any pre-application advice would be dependent on timescales and accessibility to services. Practitioners should have the option to provide their own pre-application advice to NRW through a professional ecologist or other qualified environmental practitioner.