

ORGANISATIONAL LICENCE WML-OR32



Issued to HS2 Ltd

OVERVIEW

This organisational licence is issued to HS2 Ltd and permits suitably experienced employees and staff of contractors to undertake certain activities affecting Bechstein's bat *Myotis bechsteinii*, Brandt's bat *Myotis brandii*, Daubenton's bat *Myotis daubentonii*, Whiskered bat *Myotis mystacinus*, Natterer's bat *Myotis nattereri*, Common pipistrelle bat *Pipistrellus pipistrellus*, Soprano pipistrelle bat *Pipistrellus pygmaeus*, Brown long-eared bat *Plecotus auritus*, Noctule bat *Nyctalus noctula*, European Protected Species (EPS) that would otherwise be unlawful. The licence facilitates the enabling and construction works for a high speed rail line between London and Birmingham (Phase 1) and at Greatmoor Railway Sidings.

HS2 Ltd ('the Licensee') is responsible for the conduct of all activities performed under the authority of this licence.

Natural England Ref: WML-OR32

Organisational Licence The following annexes form part of this licence:

- WML – OR32(A) (Map of area covered by this licence)
- WML – OR32(B) (permitted activities and licensed methods for bats)

The following documents are also integral to this licence:

- The Bernwood Master Plan
- The Bernwood Monitoring Strategy
- The Ecology Technical Standard
- The Bernwood Work Schedule

Issued under Conservation of Habitats and Species Regulations 2017 (as amended) ("the 2017 Regulations")

IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above.

Failure to comply with its terms and conditions:

- may be an offence under the 2017 Regulations or mean that the licence cannot be relied upon. The maximum penalty available for failing to comply with a condition of a licence under the 2017 Regulations is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- may result in this licence being revoked and/or the refusal to grant future licences.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then the Licensee will need to apply to Natural England for an amendment to this licence or you need to apply for a separate licence.

This licence is not a consent or assent for the purposes of Part II of the Wildlife and Countryside Act 1981 (as amended) ("the 1981 Act") in respect to Sites of Special Scientific Interest. It is your responsibility to get consent if required (see Information & Advice note c).

Under the Conservation of Habitats and Species Regulations 2017 Natural England has granted this licence for Bechstein's bat *Myotis bechsteinii*, Brandt's bat *Myotis brandii*, Daubenton's bat *Myotis daubentonii*, Whiskered bat *Myotis mystacinus*, Natterer's bat *Myotis nattereri*, Common pipistrelle bat *Pipistrellus pipistrellus*, Soprano pipistrelle bat *Pipistrellus pygmaeus*, Brown long-eared bat *Plecotus auritus*, Noctule bat *Nyctalus noctula*, for the purpose of:

Imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, under regulation 55(2)(e) of the 2017 Regulations, being satisfied that as regards the purpose specified in this licence that there is no satisfactory alternative and that the actions authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

to: **HS2 Ltd** (hereafter referred to as the 'Licensee') of Two Snow Hill, Queensway, Birmingham, West Midlands, B4 6GA

To: Carry out the activities detailed in

- Annex WML – OR32(B)

Between the dates of: 30th April 2021 and 31st December 2039

Project Description: Licensed activities associated with enabling and construction works for a high speed rail line between London and Birmingham (Phase 1) and at Greatmoor Railway Sidings.

At: The area covered by the schemes in the Bernwood forest area, extending along the existing Aylesbury Link railway line Station Road overbridge (chainage 71+400), north west of Quainton, to the intersection with the Bicester to Bletchley railway line (chainage 80+120). SP 739 190 - SP 684 254. The boundary of the Licensed Area is marked on the map in Annex WML–OR32(A)

This licence is granted subject to the Licensee, including servants and named agents, adhering to:

- the licence terms and conditions specified below and in the Annexes to this licence, and
- the Bernwood Master Plan, the Bernwood Monitoring Strategy, the Bernwood Work Schedule and the Ecology Technical Standard.

DEFINITIONS used in this licence

Named Ecologist	██████████ ██████████ being a professional ecological consultant who has satisfied Natural England that she has the relevant skills, knowledge and experience of the species concerned (or such other person as approved in writing by Natural England) and who is authorised by the Licensee to act on its behalf for the purposes of this licence.
Accredited Agent(s)	A suitably trained and experienced person who has been appointed by the Named Ecologist (in accordance with Condition 3) and who is able to carry out work under this licence without the personal supervision of the Named Ecologist.
Appointed Person	An employee of the Licensee who is nominated to act as a single point of contact for Natural England with regard to this licence and is responsible for overseeing use of the licence, including record keeping, reporting and compliance.
Assistant(s)	A person assisting a Named Ecologist or Accredited Agent who has been appointed by the Named Ecologist (in accordance with Condition 3) and who is only authorised to act under this licence whilst they are under the direct supervision of the Named Ecologist or an Accredited Agent.

Bernwood Master Plan	The master plan for bats at the Licensed Area dated February 2021 (reference no. 1EW03-FUS-EV-REP-C000-000850, version C12), or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Bernwood Monitoring Strategy	The monitoring strategy for bat surveys and any necessary adjustment works at the Licensed Area dated January 2020 (reference no.1EW03-FUS-EV-REP-C000-000849, version C07), or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Bernwood Work Schedule	The schedule of works at the Licensed Area dated February 2021 (reference no. 1EW03-FUS-EV-REP-C000-000852, version C11), or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Ecology Technical Standard	Chapters 8 to 10 of the HS2 Technical Standard for Ecology dated 12/04/19 (reference no. HS2-HS2-EV-STD-000-000017, version P15), or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Licensed Area	The area covered by this licence, the boundary of which is shown on the map in Annex WML-OR32(A).

References to specific sections, figures or other parts of a document apply to the relevant section, figure or part in the revised and approved version unless otherwise stated.

LICENCE CONDITIONS

1. This licence includes Annex WML-OR32(A) and Annex WML-OR32(B), which contain additional terms and conditions of use.

People authorised to use this licence

2. Licensed activities may only be carried out under this licence by:
 - a) the Named Ecologist;
 - b) Accredited Agents; and
 - c) Assistants.
3. An Accredited Agent or Assistant must carry a signed copy of the authorisation letter from the Named Ecologist, appointing them by name for the purpose of this licence, while carrying out licensed activities in the Licensed Area and must produce this authorisation letter to any police or Natural England officer on request.

Working under this licence

4. The Licensee has primary responsibility for ensuring that all activities carried out in the Licensed Area comply with the terms and conditions of the licence.
5. Before commencing activities under this licence, the Licensee shall nominate an Appointed Person whose details will be provided to Natural England in writing to oversee use of this licence. The Licensee shall promptly update Natural England in writing of a replacement Appointed Person if that person changes.
6. The Named Ecologist is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The Named Ecologist is responsible for checking the suitability

and competence of any Accredited Agents or Assistants employed in the Licensed Area to undertake the required duties.

7. The Licensee and all persons acting under this licence must comply with:
 - a) the terms and conditions of this licence and its Annexes WML – OR32(A) and WML – OR32(B); and
 - b) the Bernwood Master Plan, the Bernwood Monitoring Strategy, the Bernwood Work Schedule and the Ecology Technical Standard.
8. If there are conflicts or inconsistencies between commitments in the documents in condition 7(b) and the terms and conditions of this licence and its annexes, the licence and annexes will prevail. Any other conflicts or inconsistencies between the documents in condition 7(b) will be interpreted on a precautionary basis to ensure the protection of bats.
9. Prior to the commencement of each construction phase (as described in section 1.1.3 of the Bernwood Master Plan), the Licensee shall review and update the Bernwood Master Plan. The Licensee must re-submit the revised Bernwood Master Plan to Natural England for approval at least 30 working days in advance of the programmed commencement of the next phase. No licensed works may commence in the next phase until the updated Bernwood Master Plan has been approved in writing by Natural England.
10. Where there is a material adverse change in the impacts of the licensed activities on bats, the Licensee shall promptly review and update the Bernwood Master Plan. No further licensed works may commence in the relevant area until the updated Bernwood Master Plan has been submitted to and approved in writing by Natural England.
11. While engaged in licensed activities, the Licensee shall make a copy of the licence and its Annexes available for inspection on each site in the Licensed Area where the activities are taking place and shall produce it on demand to any constable or an officer of Natural England.
12. All reasonable precautions must be taken to ensure that unnecessary suffering and harm to the species covered by this licence is avoided.

Where the licence may be used

13. This licence may only be used within the Licensed Area and for the activities specified in Annex WML–OR32(B).

Surveying and Monitoring

14. Surveys must be appropriately resourced and undertaken at suitable times and in accordance with Annex WML-OR32(B).
15. Monitoring and any adjustment work must be undertaken in accordance with the Bernwood Monitoring Strategy.

Recording and reporting requirements

16. The Licensee must maintain a record of all bat related activities carried out under the authority of this licence necessary for reporting to Natural England, including (as a minimum):
 - a) a list of all persons authorised to act under the licence and in what capacity (i.e. Accredited Agent or Assistant);
 - b) any action undertaken under this licence;
 - c) any mitigation or compensation provision;

- d) any surveying and monitoring conducted;
- e) any dead or injured bat found in the Licensed Area; and
- f) any incidents or reports of activities in breach of this licence, including details of steps taken, and any disciplinary, remedial or corrective action.

These records are to be kept until two years after the final licensed action is undertaken and are to be made available for inspection by Natural England at any reasonable time.

- 17. Survey and monitoring records for bats are to be submitted to the Local Biological Record Centre and to the relevant national recording scheme (or National Biodiversity Network (NBN) Atlas if there is no appropriate scheme) every other year.
- 18. An annual report of activities conducted under this licence is to be sent by the Licensee to Natural England (at the address given below) for the first reporting year of 12 April 2019 – 11 April 2020 and submitted by 30 April 2020, and thereafter by 30 April for each subsequent reporting year of 12 April – 11 April, even if the licence is not used.

Licence compliance

- 19. For the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with, the Licensee and each Authorised Person or Accredited Agent shall permit an officer of Natural England reasonable access to land where operations are being undertaken under this licence. Officers of Natural England shall also be permitted to be present during any operations carried out under the authority of this licence. Any such officer of Natural England may be required to produce his/her identification on demand and will be permitted to be accompanied by such persons as he/she considers necessary for the purpose of the visit. Authorised Persons and Accredited Agents shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
- 20. Failure to comply with the terms and conditions of this licence (including the recording and reporting requirements) will, by default, render this licence null and void and it may not be relied upon until such time that Natural England confirms in writing that its use may resume.
- 21. Natural England must be informed of all breaches to this licence within 48 hours of the Licensee becoming aware of a breach occurring. Unless advised otherwise by Natural England, the Licensee must take the necessary steps to address any breaches or poor practice identified as soon as practicable.

Issued by and on behalf of Natural England on: 30th April 2021

INFORMATION and ADVICE

- a. Any requests for information in a licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.
- b. The licence may be modified, extended, terminated or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so.
- c. This licence conveys no authority for actions prohibited by any other legislation. For example, anyone acting under this licence is not exempt from the provisions of Section 28E of the 1981 Act. This means that owners/occupiers are obliged to give notice to Natural England if they propose to carry out an operation likely to damage a Site of Special Scientific Interest (SSSI). To identify SSSIs and the features for which they are designated, refer to www.magic.gov.uk. For further advice or to request consent for an activity please contact the Natural England 'Responsible Officer' for the relevant site(s). Contact details are available from the Natural England Enquiry Service (see below).
- d. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the 1981 Act, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals

Act 1911 (all as amended) may use this licence without the permission of Natural England unless, in respect of that offence, either:

- i. they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
- ii. a court has made an order discharging them absolutely.

Any request to use the licence by a person to whom this note applies will be considered on its merits.

- e. The common name or names of species given in the Licence, Annexes, and associated documents are included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species that will be taken into account.

Training requirements

- f. Training must be relevant to the conditions and the activities permitted by the licence and should be undertaken at regular intervals. This should include: identification of European and other protected species, and non-native species relevant to the activities authorised by this licence and signs indicating they may be present; surveying techniques; best practice guidance and reasonable avoidance measures; mitigation techniques and methods, and a working knowledge of the relevant law.

General Welfare Considerations

- g. Persons acting under this licence may photograph any protected species named in this licence in connection with licensed work provided that this causes no additional disturbance or any other harm.
- h. Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4). This applies to the treatment of animals (including non-target species) held in nets, traps, etc.

The limits of licences

- i. Licences permit action only for the purposes specified on that licence.
- j. Licences do not permit actions prohibited under any other legislation (unless it is clearly stated that the licence does), nor do they confer any right of entry upon land.
- k. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.
- l. No work shall be carried out under this licence on a National Nature Reserve except with the prior written permission of Natural England's 'SSSI Adviser' for the relevant site(s) (contact details available from Enquiry Service – see below).

Compliance and enforcement

- m. The Licensee is expected to monitor compliance with the licence and to take action in the event that poor practice and/or non-compliance are identified. A person may be barred from using this licence by Natural England, for example, if that person breaches the conditions of this licence. In these circumstances Natural England will notify the Licensee.
- n. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.

Contact details for Natural England

For licensing enquiries (& Reporting):

Telephone 020 802 61089

Email HS2wildlifelicensing@naturalengland.org.uk

Postal address

Wildlife Licensing, Natural England, Horizon House,
Deanery Road, Bristol BS1 5AH

For other enquiries use the Enquiry Service:

Telephone 0300 060 3900

Email enquiries@naturalengland.org.uk

Web Natural-England-GOV.UK

Other useful contacts

Local Record Centres: to find out where your nearest Local Record Centre is visit the Association of Local Environmental Record Centres website at: <http://www.alerc.org.uk/find-an-lrc.html>

Legislation: to view the full text of the legislation referred to in this licence visit <http://www.legislation.gov.uk>

Feedback and Complaints: we welcome and value your compliments, complaints, suggestions and comments about our services. Please see our 'Contact us' section for more details. <https://www.gov.uk/government/organisations/natural-england#org-contacts>

Using and Sharing Your Information



Who is collecting my data?

The data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; foi@naturalengland.org.uk.

Any questions about how we are using your personal data and your associated rights should be sent to the above contact. The Data Protection Officer responsible for monitoring that Natural England is meeting the requirements of the legislation is: Defra group Data Protection Officer, Department for Environment, Food and Rural Affairs, SW Quarter, 2nd floor, Seacole Block, 2 Marsham Street, London SW1P 4DF.

DefraGroupDataProtectionOfficer@defra.gsi.gov.uk.

What of my data is being collected and how is it used? What is the legal basis for the processing?

The information on the licence application form and any supporting material will be used by Natural England to undertake our licensing functions. This will include, but is not limited to assessing your application, issuing a licence if applicable, monitoring compliance with licence conditions and collating licence returns and reports. The personal information we will process will include, but is not limited to your name and contact details, customer type and reasons for wanting a licence.

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. That task is to conduct the licensing functions as delegated by Defra to Natural England under Part 8 Agreement under section 78 of the Natural Environment and Rural Communities Act 2006

Who will my data be shared with?

Your personal data may be shared by us with the Department for Food, Environment and Rural Affairs and its executive agencies including the Rural Payments Agency and the Environment Agency. This will be used to monitor and evaluate the effectiveness of our work.

It may also be shared with:

- Police.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

If you are relying on my consent to process my data, can I withdraw my consent?

No, because the processing is not based on consent.

How long will my data be held for?

Your personal data will be kept by us for 7 years after the expiry of your licence or longer if stated in the licence conditions.

What will happen if I don't provide the data?

Failure to provide this information will mean that Natural England will not be able process your licence application.

Will my data be used for automated decision-making or profiling?

The information you provide is not connected with individual decision making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal data to evaluate certain things about an individual).

Will my data be transferred outside of the EEA?

The data you provide will not be transferred outside the European Economic Area.

What are my rights?

A list of your rights under the General Data Protection Regulation, the Data Protection Act 2018, is accessible at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

How do I complain?

You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

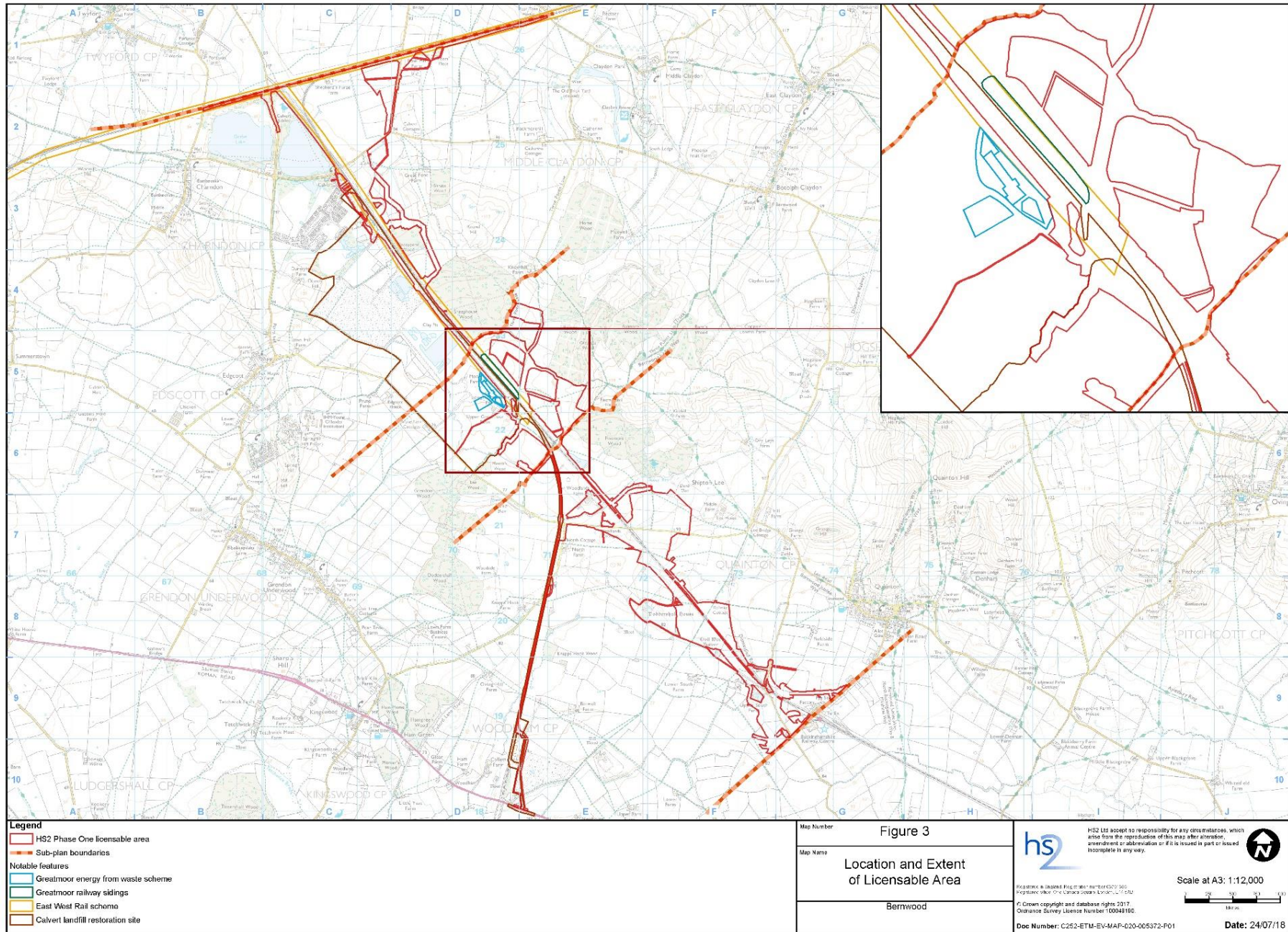
Natural England's Information Charter can be found here:

<https://www.gov.uk/government/organisations/natural-england/about/personal-information-charter>

ANNEX WML – OR32(A)

This Annex defines the boundaries and areas of the Licensed Area –
As shown on Figure 3 - Site Location and extent of Licensable area,
Bernwood Masterplan





ANNEX WML – OR32(B)

Permitted activities and licensed methods for bats within the Licensed Area



OVERVIEW

This Annex specifies the activities and operations affecting bats that are permitted within the Licensed Area and includes relevant conditions.

Surveys and inspections for bats in trees and buildings identified as having bat roost potential must be undertaken to establish whether bats are present prior to undertaking tree works or building works. Damage / destruction of bat roosts must only take place as a last resort where avoidance and mitigation measures are not possible. This licence annex does not permit works to trees where a species of bat or roost types not covered by this licence is present.

Activities permitted

- (i) Capture
- (ii) Possess
- (iii) Transport
- (iv) Disturb
- (v) Damage or destroy the resting places
- (vi) Damage or destroy breeding places of specified bat species (See Table 1 below).

This licence permits activities affecting roosts of the following roost types only: Feeding roosts; Day roosts; Night roosts; Transitional/occasional roosts; Satellite roosts; Maternity roosts and only where licensed activities are completed outside the maternity season (see Definitions).

Purpose(s) for which these activities may be conducted

- Imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

IMPORTANT

These activities are subject to the terms and conditions set out in the main licence in addition to those in this Annex. All terms and conditions in this Annex must be fully adhered to whether or not they are identified in Table 1. Terms and conditions that have a particular relevance to an activity are identified in Table 1 for ease of reference.

Definitions in the main licence also apply to this Annex and further definitions specific to this Annex are set out at Conditions B23 and B24.

This licence is to be used only where licensed activities cannot be reasonably or practicably be avoided.

Interpreting the table of permitted activities and operations

- *Permitted activities and operations*: a brief description of each activity or operation permitted under the licence.
- *Actions made lawful by this licence*: for each activity or operation listed the presence of a corresponding 'X' indicates which acts are made lawful if conducted in accordance with the terms and conditions of this licence.

Table 1: Permitted activities and operations

Permitted activities and operations	Actions made lawful by this licence						Additional condition No. especially relevant to the action	Permitted methods	Species permitted
	Capture	Possess	Transport	Disturb	Damage & destroy resting place	Damage & destroy breeding places			
Habitat enhancement and creation activities				X			B2, B3, B19	Human presence and operation of machinery for purpose of bat habitat creation	Bechstein's bat; Brandt's bat; Brown long-eared bat; Common pipistrelle; Daubenton's bat; Natterer's bat; Soprano pipistrelle; Whiskered bat; Noctule bat
Noise and Vibration caused by construction related activities				X			B2, B3, B7	Disturbance by noise or vibration	Bechstein's bat; Brandt's bat; Brown long-eared bat; Common pipistrelle; Daubenton's bat; Natterer's bat; Soprano pipistrelle; Whiskered bat; Noctule bat
Lighting during construction				X			B2, B3, B7	Disturbance by illumination	Bechstein's bat; Brandt's bat; Brown long-eared bat; Common pipistrelle; Daubenton's bat; Natterer's bat; Soprano pipistrelle; Whiskered bat; Noctule bat
Pre-works inspection of trees and buildings	X		X	X	X		B2, B3	By hand; Endoscope; Torch illumination; Static hand-held net;	Bechstein's bat; Brandt's bat; Brown long-eared bat; Common pipistrelle; Daubenton's bat; Natterer's bat; Soprano pipistrelle; Whiskered bat; Noctule bat
Roost loss through tree felling and building demolition	X	X	X	X	X	X	B1, B2, B5, B6, B7, B9, B10, B11, B12, B13	Exclusion by one way door or valve; Permanent exclusion; Destructive Search by Soft Demolition; Destructive Search by Soft Felling; Mechanical Demolition	Bechstein's bat; Brandt's bat; Brown long-eared bat; Common pipistrelle; Daubenton's bat; Natterer's bat; Soprano pipistrelle; Whiskered bat; Noctule bat
Severance of flight lines through vegetation clearance				X			B2, B4, B14, B15, B16, B17	Removal of vegetation by hand and machinery.	Bechstein's bat; Brandt's bat; Brown long-eared bat; Common pipistrelle; Daubenton's bat; Natterer's bat; Soprano pipistrelle; Whiskered bat

ANNEX B LICENCE CONDITIONS

Working under this licence:

- B1. Bat survey(s) must be sufficiently up-to-date to provide the required level of information prior to undertaking tree works or building demolition in areas that have been identified as having moderate or high bat roost potential, and previously confirmed roosts. All re-survey work must comply with the Bernwood Masterplan Annex 7 – Resurvey protocol.
- B2. The Licensee, the Named Ecologist, Accredited Agents and Assistants must adhere to the activities and timescales agreed in the Bernwood Work Schedule.
- B3. The Named Ecologist or an Accredited Agent must ensure that all those involved with the licensed works understand by way of a ‘tool box talk’ that bats are present; the legislation relating to bats; measures that will be used to protect them; good working practices; licensed activities and what to do should bats be found. This information must be provided before any licensed works commence on site. A written record that this has been undertaken, and that it covers the above points, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.

Methodology:

- B4. All relevant animal welfare legislation must be complied with at all times
- B5. All works must be undertaken using best practice methodology to ensure minimal risk to bats. Persons acting under this licence must abide by the advice on excluding bats, handling bats and working in bat roosts in the most up to date edition of the ‘*Bat Mitigation Guidelines*’ and ‘*Bat Workers Manual*’. In addition to this:
 - a. The use of endoscopes, artificial light from torches, Destructive Search by Soft Demolition (see Definitions), temporary obstruction of roost access, temporary or permanent exclusion methods (including installation) and use of static hand held nets must only be undertaken or directly supervised by the Named Ecologist, or an Accredited Agent.
 - b. Where capture and/or handling of bats are necessary, only the Named Ecologist, Accredited Agent, or an Assistant may do so. Capture/handling/exclusion of bats must only be undertaken in conditions suitable for bats to be active.
 - c. Where bats are discovered and taken under this licence they must either be relocated to a suitable roost for the species, or where bats are held this must be done safely and bats released on site at dusk in, or adjacent to, suitable foraging/ commuting habitat in safe areas within or directly adjacent to the pre-works habitat. Where a bat is unexpectedly discovered in adverse weather conditions, condition B12 must be followed.
 - d. Endoscopes and hand held nets are only to be used to assist with the locating and capture of bats.
 - e. Temporary and permanent exclusion must be carried out using techniques specified in the most up to date edition of the ‘*Bat Workers Manual*’. If one-way exclusion devices are to be used, each device must remain in position for a period of at least 5 consecutive days/ nights throughout a spell of suitable weather conditions, or longer until these conditions prevail.
 - f. Prior to destructive works, an inspection using torches and/or an endoscope must be performed internally to search for the presence of bats. If any bat species covered by this licence is found and is accessible, each will be captured by gloved hand

or hand-held net, given a health check and then each placed carefully inside a draw-string, calico cloth holding bag or similar for transport.

- g. Following inspection and exclusion operations, the removal of any feature with bat roost potential, will be only performed by hand and under direct ecological supervision. Where applicable, materials will be removed carefully away and not rolled or sprung to avoid potential harm to bats. The undersides of materials will be checked by the Named Ecologist or Accredited Agent for bats that may be clung to them before removal.

Impacts:

- B6. Disturbance of bats and damage and/or destruction of bat habitats will be limited to those areas and structures shown in the Bernwood Masterplan.

Undertaking works on roosts under this licence:

- B7. A written record must be kept of capture and exclusion efforts undertaken, including weather conditions (including over-night minimum temperature and rainfall), numbers and species of bats captured/taken and duration of exclusion process.
- B8. Natural England must be notified in accordance with Table 2 below.

Table 2. Notification periods based on species and number encountered

Species	Number of bats encountered per roost	Notification period to NE	Number of bats encountered per roost	Notification period to NE
Bechstein's	1 or more	48 hours	N/A	N/A
Daubenton's	Less than 5	within 5 working days	5 or more	48 hours
Brown long-eared	Less than 5	within 5 working days	5 or more	48 hours
Brandt's	Less than 5	within 5 working days	5 or more	48 hours
Whiskered	Less than 5	within 5 working days	5 or more	48 hours
Natterer's	Less than 5	within 5 working days	5 or more	48 hours
Noctule	Less than 5	within 5 working days	5 or more	48 hours
Common Pipistrelle	More than 10	within 5 working days	5 or more	48 hours
Soprano Pipistrelle	More than 10	within 5 working days	5 or more	48 hours

- B9. Any bats captured by hand must be transferred to a bat box or bat roosting location on site or taken into care and released in the same location at dusk.

- B10. Provision must be made for prompt assistance to deal with any injured bat. Any injured or dead bats must be reported to Natural

England on licence return form WML-LR-BATANN.

- B11. Mechanical Demolition (see Definition in Annex Condition B27) of a structure must only take place after the structure been declared free of bats by the Named Ecologist or Accredited Agent.
- B12. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:
- a. Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.
 - b. Do not expose the bat or cause it to fly out of the roost on its own accord.
 - c. The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
 - d. Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.
 - e. The Named Ecologist or an Accredited Agent must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incident must also be reported on the licence return form.
 - f. Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

Compensation and mitigation:

- B13. Temporary bat flight paths, as detailed in the Bernwood Masterplan, shall be put in place to connect existing/retained flight paths without gaps and will be at least 2m high. They shall comprise either a line of potted shrubs/trees, willow woven fencing, or wooden or close-boarded fencing, or a combination of these (or similar as agreed with Natural England). The features shall be left in-situ and maintained until other mitigation such as the provision of permanent flightpaths has been provided.
- B14. Temporary and permanent flight line connectivity measures must be implemented in accordance with the Ecology Technical Standard.
- B15. Prior to the commencement of each phase, the Bernwood Masterplan must be updated to provide section plans/maps of the underpasses (which detail all dimensions including heights) and overbridges. All the section drawings (including those for the proposed green bridges) should include the planting proposals and show how these tie in with the retained habitats and landform to either side.
- B16. Permanent and temporary bat flight paths shall not be artificially lit or be impacted by light spill of more than 0.5 lux.
- B17. Habitat Creation and Vegetation Management Zones must be undertaken as shown on Annex 5 in the Bernwood Master Plan.
- B18. The Sheephouse Wood bat mitigation structure, as identified in Annex 5 in the Bernwood Masterplan, must be installed prior to operation of the route. The overall target of the bat structure at Sheephouse Wood shall be to prevent the killing and/or injury of bats through operation of the railway. Deterrents shall be used to reduce the risk of bats accessing the structure or crossing the line within 20m of the ends of the structure.

Post-development site maintenance and habitat management requirements:

B19. All woodland and hedgerow planting for bat compensation must be managed in accordance with the targets, management principles and objectives, as specified in the approved Woodland, Scrub and Hedgerow Management Plan (Document no: HS2-HS2-EV-PLN-000-000012).

Post-development monitoring and reporting requirements:

B20. The Bernwood Monitoring Strategy must be implemented, in accordance with the specified Timetable of Works (Bernwood Monitoring Strategy, Section 6).

B21. An annual Bernwood Monitoring report outlining the results of monitoring and an assessment of any significant impacts must be submitted annually to Natural England following the completion of all specified methods in each calendar year for the duration of monitoring works (see Condition 18 of the licence).

B22. It is a condition of this licence that the following reports are completed and returned to Natural England as specified:

- I. Report of action within 14 days (two weeks) after the expiry of the licence;
- II. Interim annual reports.

Definitions used in this annex:

B23. For the purpose of this licence the following roost types are defined as:

- a. **Day roost:** a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.
- b. **Night roost:** a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.
- c. **Feeding roost:** a place where individual bats or a few individuals feed during the night but are rarely present by day.
- d. **Transitional / occasional roost:** used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.
- e. **Maternity roost:** where female bats give birth and raise their young to independence.
- f. **Satellite roost:** an alternative roost found in close proximity to the main nursery colony used by a few individual breeding females or small groups of breeding females throughout the breeding season.

B24. For the purpose of this licence the following licensed methods are defined as:

- a. **Destructive Search by Soft Demolition:** the taking apart of a bat structure in a controlled and careful manner by hand, or in some instances with the assistance of hand-held tools and machinery, under direct ecological supervision. Only the Named Ecologist, Accredited Agent or Assistant may take any bats found.
- b. **Destructive search by soft felling:** the felling of a tree in a controlled and careful manner, with the assistance of hand-held tools and machinery, under direct ecological supervision. Only the Named Ecologist, Accredited Agent or Assistant may take any bats found.
- c. **Mechanical Demolition:** destruction of a structure that previously supported a bat roost using mechanical means after the structure has been declared free of bats by the Named Ecologist or Accredited Agent. Mechanical demolition usually is preceded by Destructive Search by Soft Demolition or other soft demolition exercise or completion of an exclusion process.