

# ORGANISATIONAL LICENCE WML-OR25

Issued to: HS2 Ltd

Great crested newt – HS2, Phase 1 London to West Midlands



## OVERVIEW

This organisational licence is issued to **HS2 Ltd** and permits suitably experienced employees and staff of contractors to undertake certain activities affecting great crested newts (*Triturus cristatus*), a 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).

**HS2 Ltd** ('the Licensee') is responsible for all activities performed under the authority of this licence. Legal limits on the permitted maximum duration of a licence mean that it will be necessary to decide whether to re-issue this licence at two-year intervals for the lifetime of the strategy (Information & Advice note a).

Reference	WML-OR25
Organisational Licence	<p>The following Annexes are an integral part of this licence:</p> <ul style="list-style-type: none"><li>• WML – OR25 Annex A - additional licence conditions</li><li>• WML – OR25 Annex B – List of Authorised Persons and Accredited Agents</li><li>• WML – OR25 Annex C – Report Form</li></ul> <p>The following documents are also integral to this licence:</p> <ul style="list-style-type: none"><li>• GCN Ecology Technical Standard. Part of Ecology Technical Standard (HS2-HS2-EV-STD-000-000017)</li><li>• HS2 Phase One: Great Crested Newt Habitat Management, Maintenance and Population Monitoring Plan (HS2-HS2-EV-PLN-000-000010)</li></ul>
Issued under	<p>Conservation of Habitats and Species Regulations 2017 (as amended) ("the 2017 Regulations")</p> <p>The Wildlife and Countryside Act 1981 (as amended) ("the 1981 Act")</p>

## IMPORTANT

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

Failure to comply with its terms and conditions:

- i. may be an offence against the 2017 Regulations or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for failing to comply with a condition of a licence under the 1981 Act or the 2017 Regulations is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- ii. may result in this licence being revoked and/or the refusal to grant future licences.

Breaching a condition of a licence issued under the 1981 Act is not in itself an offence but doing so may mean that the licence cannot be relied upon and an offence could therefore be committed.

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 you will need to apply to Natural England for an individual licence.

This licence is not a consent or assent for the purposes of Part II of the Act in respect to Sites of Special Scientific Interest. It is your responsibility to get consent or assent if required (see Information & Advice note n, below).

**Natural England** hereby authorises<sup>1</sup> **HS2 Ltd** (hereafter referred to as the ‘Licensee’) and anyone named from time to time on Annex B of this licence

Licensee Address: 2 Snowhill, Queensway, Birmingham B4 6GA

under sections 16(3)(c) and section 16(5) of the 1981 Act and under regulation 55(2) (a), (c) and (e) and regulation 57 of the 2017 Regulations, being satisfied that as regards the purposes 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 Carry out the activities detailed in Annex WML – OR25(A) for all life-stages of **great crested newt** (*Triturus cristatus*) and their habitats.

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.

Between (and inclusive) 13 April 2021 and 28 February 2023

Project Description: Licensed activities associated with enabling and construction works for a high speed rail line between London and Birmingham (Phase 1) (the “**Project**”).

On land Upon which the Licensee has the permission of the owner to operate for the purpose of the Project, within the counties and unitary authorities of: Greater London, Hertfordshire, Buckinghamshire, Oxfordshire, Northamptonshire, Warwickshire, Staffordshire, Solihull and Birmingham. It may also be used on land in the aforementioned counties and unitary authorities where a third party or contractor of a third party owns or has permission to operate, to undertake works which are directly related to the Project.

Subject to The Licence Conditions specified below and the terms and conditions in Annex WML-OR25(A).

Who can use this licence  
(see Definitions) This licence can only be used by employees of the Licensee that it has named as the Appointed Person or Authorised Persons, and by persons they have authorised as Accredited Agents and also by any Assistants working for an Authorised Person or Accredited Agent (see Licence Conditions 1, 2, 8, 9 and 10). It excludes any person with a recent conviction (see Information & Advice note j).

#### Definitions used in this licence

Accredited Agent(s) A suitably trained and experienced person who has been appointed by an Authorised Person (in accordance with Condition 2) and who is able to carry out work under this licence without the personal supervision of an Authorised Person.

Authorised Person An employee of the Licensee who has received appropriate training and has sufficient experience to be competent to undertake activities permitted by the licence, and who is authorised to act under the licence by the Appointed Person.

Appointed Person An employee of the Licensee who is authorised in writing by the Licensee to act as a single point of contact for Natural England with regard to this licence. The Appointed Person shall oversee use of the licence, including authorising contractors to act under the licence, training, record keeping, reporting and

<sup>1</sup> Natural England is authorised to exercise this power in accordance with an agreement made with the Secretary of State under section 78 of the Natural Environment and Rural Communities Act 2006

compliance.

Assistant	A person assisting an Authorised Person or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either an Authorised Person or Accredited Agent.
Contractor's Method Statement	A statement in relation to works proposed to be carried out under this licence. The method statement template (eB reference HS2-HS2-EV-TEM-000-000025) should be used for works covered by this licence not previously approved by the licensee.
HS2 Ecology Technical Standard for GCN	Chapter 16 of the HS2 Technical Standard for Ecology (reference no. HS2-HS2-EV-STD-000-000017), or any subsequent version approved in writing by Natural England.
HS2 Phase One: Great Crested Newt Habitat Management, Maintenance and Population Monitoring Plan (GCN HMMPPMP)	The Phase One: Great Crested Newt Habitat Management, Maintenance and Population Monitoring Plan (reference no. HS2-HS2-EV-PLN-000-000010, version P02), or any subsequent version approved in writing by Natural England.
Licensing Policies	The four licensing policies approved by Defra in February 2016: <a href="https://www.gov.uk/government/consultations/wildlife-licensing-comment-on-new-policies-for-european-protected-species-licences">https://www.gov.uk/government/consultations/wildlife-licensing-comment-on-new-policies-for-european-protected-species-licences</a>
Unexpected	'Unexpected' is taken to mean: Having taken all reasonable steps to conclude that GCN were not likely to be present, either because the site had been trapped or otherwise cleared of GCN or because the habitat was assessed as unsuitable for GCN.

Terms and requirements of this licence that express conditionality are conditions of this licence whether so called or not.

The headings used in this licence and its Annex are for convenience only and shall have no effect upon the interpretation of this licence or its conditions.

## LICENCE CONDITIONS

### Authorising people to use this licence (see Definitions)

1. Prior to the first use of this licence the Licensee shall authorise an Appointed Person whose details will be provided in writing to Natural England to oversee use of this licence.
2. The Licensee (or the Appointed Person on behalf of the Licensee) may authorise the following to use this licence (authorisations must be in writing):
  - a. Employees of the Licensee (including staff seconded to work directly for HS2) to act as Authorised Persons whilst engaged in official business of the Licensee.
  - b. Employees of contractors of the Licensee to act as Accredited Agents whilst engaged in official business of the Licensee.
  - c. Assistants acting under the direct supervision of an Additional Authorised Person.
3. The list at Annex B may be amended by the Licensee from time to time and a person becomes an Additional Authorised Person once named on Annex B.
4. The Annex B list of Additional Authorised Persons shall be held and maintained by the Licensee, and shall be made available to Natural England at reasonable notice during working hours.

## Working under the licence

5. The Licensee is responsible for ensuring that:
  - a. All surveys must be conducted in accordance with Natural England's published advice (see '[Great crested newts: surveys and mitigation for development projects](#)');
  - b. All persons using this licence must act in accordance with the HS2 Ecology Technical Standard for GCN and guidance referred to in this licence, including Annex A, though if there is any conflict between that document and the express terms of this licence, this licence shall prevail.
  - c. Population and habitat monitoring and maintenance is undertaken in accordance with the HS2 Phase One: Great Crested Newt Habitat Management, Maintenance and Population Monitoring Plan (HS2-HS2-EV-PLN-000-000010 P02 February 2017) (hereafter referred to as the 'GCN HMMMP').
6. The Licensee must ensure that any variations or new versions of the above documents, where those changes affect the chapters relevant to great crested newts, are submitted to Natural England for agreement prior to being published for use.
7. While carrying out activities authorised by this licence, all reasonable precautions must be taken to ensure that unnecessary suffering and harm to the species covered by this licence is avoided.
8. The Licensee is responsible for all activities carried out under this licence by its Appointed Person, Authorised Persons, Accredited Agents and their Assistants.
9. It is the responsibility of the Licensee to ensure that:
  - a. persons using this licence possess appropriate knowledge, training and experience to undertake licensed activities in accordance with the terms and conditions of this licence and accepted best practice (see Information & Advice note c).
  - b. works are conducted in accordance with good practice and the necessary steps are taken to limit impacts on the species covered by this licence to those which it is not reasonable or practicable to avoid.
10. The Licensee must comply with and ensure that Authorised Persons, Accredited Agents and their Assistants and all persons acting under this licence comply with:
  - a. the terms and conditions of this licence including the additional licence conditions within Annex A to this licence and the requirements of the Ecology Technical Standard.
11. This licence may only be used on land owned by, or under the control of the Licensee within the counties named above.
12. All licensed works must be undertaken in accordance with the additional licence conditions within Annex A of this licence.
13. It is the responsibility of the Licensee to ensure its Authorised Persons and Accredited Agents use appropriate equipment and that they are competent to use such equipment so as to avoid unnecessary suffering. Any Authorised Person or Accredited Agent must do the same for any Assistant under their supervision.

## Recording and reporting requirements

14. The Licensee shall maintain a record of all 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 (e.g. Authorised Person, Accredited Agent etc.);
  - b. any action undertaken under licence at any site;
  - c. any mitigation or compensation provision;
  - d. any surveying and monitoring conducted;
  - e. any dead or injured great crested newt found on site, 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 must be kept until ten years after the final licensed action is undertaken and must be made available for inspection by Natural England at any reasonable time.

15. Records created by each Accredited Agent must be provided to the Licensee in a timely

fashion to allow it to submit the Annual Report (Annexe C) required by Condition 17 of this licence.

16. Survey and monitoring records must 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) annually.
17. A report (using Annex C provided by Natural England for this purpose) of activities conducted under this Organisational licence between 1 January 2021 and 31 December 2021 (inclusive) must be sent by the Licensee to Natural England (at the address given below) by 31 January 2022 and for work undertaken between 1 January 2022 and 31 December 2022 to be submitted by 31 January 2023, even if the licence is not used. In the event Natural England does not renew the licence then a further report, covering activities conducted under the licence between 1 January 2023 (*day following final date from previous report*) and 28 February 2023 (*expiry date*) (inclusive) must be submitted within four weeks of Natural England notifying the Licensee that the licence will not be reissued. If the licence is re-issued then works for the last period may be included in the new licence.

#### **Licence compliance**

18. 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 must 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 must give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
19. Natural England must be informed of all breaches to this licence as soon as possible after discovery and no more than two working days of the breach becoming apparent. Unless advised otherwise by Natural England, the Licensee must take the necessary steps to address any breaches or poor practice identified as quickly as possible, providing these actions do not require an additional licence.

Issued by and on behalf of Natural England on 8<sup>th</sup> April 2021

## **INFORMATION AND ADVICE specific to this licence**

- a. This licence is only issued for two years. Please note that the licence may be modified 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.
- b. Authorised Persons and Accredited Agents are advised to carry a copy of this licence at all times when acting under this licence.

### **Training and experience requirements**

- c. Training must be relevant to the conditions and the activities permitted by the licence and should be undertaken at regular intervals. It is the responsibility of each Authorised Person and Accredited Agent to maintain their expertise at an appropriate level to act under this licence. It is also the responsibility of each Authorised Person and Accredited Agent to ensure that any Assistants under their direct on-site supervision have appropriate training, experience and instruction to undertake the activity they are being asked to do under this licence.

As a minimum, this must include: identification of European and other Protected Species relevant to the species and activities authorised by this licence and signs indicating they may be present; undertaking records searches; the ability to identify a rare species, non-native species and populations of significant importance; surveying techniques; best practice guidance and reasonable avoidance measures; mitigation techniques and methods, and compensation requirements and measures; a working knowledge of the Regulations and the Act together with an understanding of offences that may be committed.

### **General welfare considerations**

- d. 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.
- e. 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 etc.
- f. It is the responsibility of each person relying on this licence to use appropriate equipment and to ensure that they are competent to use such equipment so as to avoid causing unnecessary suffering.

### **Compliance and enforcement**

- g. 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.
- h. Natural England will consider reporting any non-compliance, or concerns over standards, to the professional body of which anyone acting under this Licence is a member.

## **INFORMATION AND ADVICE for all Licences**

### **General Information**

- i. The common name of the species given in licences and annexes to licences is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of the species only that will be taken into account.
- j. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, 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.

### **The limits of licences**

- k. Licences permit action only for the purposes specified on that licence.
- l. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.
- m. 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.

## Protected sites

- n. With the exception of WML-CL25 (*To permit the diversionary feeding of hen harrier (Circus cyaneus) on grouse moors in northern England*), a licence does not give permission from Natural England to carry out a licensed activity on a Site of Special Scientific Interest (SSSI). The notification documents for each SSSI contain a list of operations that require Natural England's prior consent. Owners and occupiers of land notified as SSSIs are required to give written notice to Natural England before either beginning any of these operations, or allowing someone else to carry out those operations. SSSI consent can only be given to a SSSI owner or occupier. It may be given with or without conditions, or in some cases, consent may not be granted. A similar process applies to public bodies and statutory undertakers (as defined under Section 28G of the Wildlife and Countryside Act 1981 (as amended)) and this obligation applies even where the operations are carried out on land outside of the SSSI.

Please note that as the licensee you will not be able to undertake the licensed activity on a SSSI until the owner or occupier of the SSSI has applied for, and received, Natural England's written SSSI consent. If you do so, you may be at risk of committing an offence. As the licensee, if you wish to exercise this licence on a SSSI you must contact the relevant owners or occupiers of the SSSI and ensure they give written notice to Natural England of their proposal to permit you to carry out licensed activity on their SSSI. You should wait until a SSSI consent decision has been received by the SSSI owner/occupier before you begin to exercise this licence on a SSSI. See [Gov.uk](http://www.gov.uk) for further information on how to get SSSI consent from Natural England.

In considering whether to issue consent or assent for activities likely to affect a SSSI that is a European Site, in other words a Special Protection Area (SPA) or Special Area of Conservation (SAC), Natural England will carry out a Habitats Regulations Assessment, as required by the 2017 Regulations to ensure there will be no adverse effects on the European Site.

To identify the location of SSSIs and European Sites, refer to the [Magic map system](#). You can search for and view details about all SSSIs by using Natural England's [Designated Sites system](#), including the citation and the list of operations requiring Natural England's consent for each site.

### Contact details for Natural England

*For licensing enquiries (& Reporting):*

**Telephone** 020 802 61089

**Email** [HS2wildlifelicencing@naturalengland.org.uk](mailto:HS2wildlifelicencing@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](mailto:enquiries@naturalengland.org.uk)

**Web** [Natural England - GOV.UK](http://www.naturalengland.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](mailto: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](mailto: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 to 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>

# WML – OR25(A) Annex A

## HS2 Ltd

### Great crested newt – HS2, Phase 1 London to West Midlands



## Additional licence conditions for activities and operations affecting great crested newts

### OVERVIEW

This Annex specifies the activities affecting great crested newts (*Triturus cristatus*) (GCN) that are permitted within the Licensed Area and includes relevant conditions.

All activities must be undertaken following the HS2 approved detailed design of mitigation for the site, which in turn follows the procedures laid out within HS2 Ecology Technical Standards (ETS), HS2 Phase One: Great Crested Newt Habitat Management, Maintenance and Population Monitoring Plan (GCN HMMPMP) and where applicable the '[Great Crested Newt Mitigation Guidelines](#)' for activities at that specific location.

This includes methods for capture and exclusion of great crested newts from the site, use of fencing, aquatic and terrestrial habitat provision and creation as well as management and maintenance of created habitats.

### 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. For example, a person authorised to check pitfall traps and move GCN will not commit an offence by capturing or disturbing GCN, but they would potentially commit an offence if they killed or injured any GCN.
- *Please pay special attention to the following Additional Conditions*: the Additional Conditions that have particular relevance to this activity are listed.
- *Additional terms and conditions*: Any additional terms and conditions that are relevant to a specific activity are stated.

### IMPORTANT

This licence is only to be used in connection with the Project Description and only where licensed activities cannot be reasonably or practicably be avoided.

The conduct of the activities and operations listed in the table below are subject to the Additional Licence Conditions (following the table) and to the terms and conditions contained in the main body of the licence.

**Activities & licensable methods permitted:**

Permitted activities and operations	Actions made lawful by this licence								Additional Condition No. especially relevant to the action	Permitted methods	Months permitted
	Capture	Possess	Transport	Take eggs	Disturb	Killing and injuring	Damage & destroy resting place	Damage & destroy breeding places			
Pond enhancement and restoration					X		X	X	A13, A14, A16, A23, A24, A25, A26	Human presence and activity	Note Additional Condition 13
Pond creation and terrestrial vegetation planting and management					X		X		A13, A14, A16, A24, A25, A26	Human presence and activity	January to December inclusive
Capture, exclusion and relocation of GCN in terrestrial and aquatic habitat.	X	X	X	X	X				A13, A14, A15, A16, A17	<ul style="list-style-type: none"> <li>• by hand;</li> <li>• destructive searches, preceded by a hand search;</li> <li>• bottle traps, pitfall traps and refuges</li> <li>• nets</li> <li>• exclusion fencing (including exclusion by permanent, temporary and one-way amphibian fencing</li> <li>• drift fencing</li> <li>• ring fencing water body</li> </ul>	March to October inclusive  Note Additional Condition 15
Relocating GCN found on sites where they were unexpected.	X	X	X	X	X				A8, A14, A16, A27	<ul style="list-style-type: none"> <li>• by hand;</li> <li>• destructive searches, preceded by a hand search</li> </ul>	January to December inclusive

Permitted activities and operations	Actions made lawful by this licence								Additional Condition No. especially relevant to the action	Permitted methods	Months permitted
Site clearance, including removal of terrestrial vegetation, hard-standing, buildings and landscaping.					X	X	X		A10, A11, A12, A18, A19.	Human presence and activity	January to December inclusive
Removal of rubble and log piles and other potential hibernacula					X	X	X		A10, A11, A12, A16, A18, A19	Human presence and activity	January to December inclusive
Drain down ponds, ditches and water bodies, including removal of aquatic vegetation					X	X	X	X	A10, A11, A12, A13, A14, A18, A19	Human presence and activity	January to December inclusive  Note Additional Condition A13
Fill-in ponds, ditches and water-bodies					X	X	X	X	A10, A11, A12, A13, A18, A19	Human presence and activity	January to December inclusive

## Additional Conditions

### When this licence can be used

- A1 Any works undertaken using this licence must comply with the requirements set out in the most up to date iteration of the HS2 Ecology Technical Standards and approved detailed design developed for the site.
- A2 Any surveying must be conducted in accordance with the requirements set out in the most up to date iteration of the HS2 Ecology Technical Standards.
- A3 This licence may only be used when detailed design for the site has been agreed and authorised by the Licensee.
- A4 Work may only be undertaken after a Contractor's Method Statement (see Definitions) for those works has been approved by the Appointed Person or Authorised Person.
- A5 The Method Statement template (eB reference HS2-HS2-EV-TEM-000-000025) must be used for works not previously approved by the Licensee. Changes to the template must be agreed with Natural England.
- A6 Approved Contractor's Method Statements shall be retained by the Licensee and made available on demand to Natural England.

### Permitted activities and operations

- A7 Only activities and operations specified in the table above are permitted under this licence.
- A8 The use of a suitably trained conservation dog to aid detection of GCN is permitted for appropriate activities in conjunction with other methods, details of which are to be set out in the relevant method statement.

### Use of Licensing Policies

- A9 Where mitigation involves the use of the licensing policies, approval must be sought from Natural England prior to works taking place.
- A10 Killing and injuring of GCN is only permitted when the following circumstances apply:
  - (i) When suitable trapping, relocation and exclusion effort has already been completed on site, or
  - (ii) Where the presence of GCN could not reasonably have been expected, or
  - (iii) Where only a small proportion of the local GCN meta-population is expected to be present on the development site **and** where additional provision has been made for habitat enhancement or creation of greater and longer term benefit to GCN.
- A11 Where the circumstances outlined in numbered paragraph three of Annex Licence Condition 9 apply, a map identifying those areas where killing and injury may occur must be produced and included within the method statement approved by HS2. A map identifying where additional provision has been made for habitat enhancement or creation of greater and longer term benefit to GCN must also be included within the method statement approved by HS2.
- A12 In all circumstances outlined in Annex Licence Condition 9, killing and injury is only authorised if works are carried out in accordance with the work schedule which forms part of the method statement approved by HS2. This licence does not provide a defence against criminal proceedings should any works result in mortality of GCN where these works were not carried out in accordance with the work schedule within the method statement.

### Timing of activities

- A13 Damaging or destructive works affecting waterbodies potentially used as breeding sites by GCN must be undertaken outside the breeding season (February – October, inclusive) unless it is impractical to do so. Where such works take place in the breeding season this must be recorded and documented within the detailed design for the site (with justification as to why this was necessary) and documented in the next Annual Report to Natural England. This written justification must also be provided to Natural England at any

reasonable time on demand.

- A14 Activities impacting upon GCN should normally be undertaken within the time periods specified in the table above. However, where prevailing weather conditions are favourable for GCN activity, up to and including the period of work, then these may be conducted in February and November.
- A15 Any planned capture of individuals for the purpose of moving them away from an area of imminent works must only take place in months and with weather conditions suitable for the species to be active, and not torpid.
- A16 Where hibernating or torpid animals are found unexpectedly, best practice methodology must be followed. An Authorised Person, having taken into consideration the advice of the Accredited Agent associated with the site must determine whether works can continue without breaching the conditions of this licence.
- A17 When not in use, pitfall traps in publicly accessible areas must be removed or monitored daily where there is potential for vandalism or misuse. An Authorised Person or Accredited Agent should determine the approach.

### **Awareness and competency**

- A18 Before any works commence on a site all those persons involved with the licensable works must be briefed by way of a 'tool box talk', given by an Authorised Person or Accredited Agent, including guidance upon:
- How to identify GCN
  - What to do should GCN be found, including good working practices and
  - What is and is not permitted under the licence
- A19 Certain activities permitted by this licence, identified in the table above as being subject to this condition, require ecological expertise. Activities subject to this condition must only be carried out by an Authorised Person or Accredited Agent with suitable experience. Assistants may only undertake such tasks when under the direct on-site supervision of such a person.
- A20 Where licence or additional licence conditions refer to publications, licence users are expected to refer to the most up to date iteration available. Natural England can direct users to the relevant iterations.

### **Biosecurity and non-native species**

- A21 The biosecurity guidelines in *Amphibian Disease Precautions: A guide for UK fieldworkers*, ARG-UK Note 4 (available from [www.arguk.org](http://www.arguk.org)) must be observed by all licence users.
- A22 Any animal listed in Schedule 9 Part 1 (but not Part 1A or 1B) of the 1981 Act which is a species which is not ordinarily resident in England in a wild state, that is caught in a trap set under this licence must not be released or allowed to escape back into the wild; it must be humanely despatched, unless a specific licence to release that species has been obtained, or alternate advice been provided in writing by Natural England.

### **Welfare**

- A23 Persons capturing newts under this licence must follow the advice on welfare considerations for capture programmes in the '[Great Crested Newt Mitigation Guidelines](#)' available from Natural England

### **Habitat enhancement and creation**

- A24 The Licensee must ensure habitat enhancement and creation is incorporated at the detailed design stage and prior to any works commencing on site. Habitat management is to specify the ecological objectives of each ecological habitat creation area, the measures to be taken to establish and maintain these habitats.
- A25 All habitat creation must take place in advance of that habitat being required by GCN for the

relevant stage of its life-cycle (e.g. a replacement breeding pond must be created and functional before the onset of the breeding season). To this end, all habitat (terrestrial and aquatic) must be created at least six months in advance of its required use, with only months within a plant growing season counting towards this minimum period (March-September inclusive). Where a population is likely to be dependent solely on a pond being lost, the replacement ponds should be created at least 12 months in advance.

- A26 In exceptional circumstances where the standards set out in Annex Licence Condition 25 cannot be met the Licensee must contact the Natural England HS2 Project Team. Natural England will confirm whether the proposal can be authorised under this licence or whether an alternative will need to be considered.
- A27 GCN must not be translocated to other locations unless the terrestrial and/or aquatic habitats are suitable for GCN. The suitability of the site is to be confirmed by a suitably qualified person (e.g. an ecologist with a CL08 or CL09 GCN survey licence).
- A28 Sufficient, appropriately located compensation must be in place and functional as great crested newt habitat for each section of development works prior to the onset of destructive works on that land. It must be clearly documented which compensation measures have been provided for each section of development works. The level of compensation to be provided will be set out in the approved Detailed Design document for each Assumed Metapopulation (AMP). This information must be provided to Natural England at any reasonable time on demand.
- A29 Conservation enhancement and other habitat management works on any land must not take place within the boundary of sites that are designated as Special Protection Areas (SPA), Special Areas of Conservation (SAC) or Sites of Special Scientific Interest (SSSI) until consent, specifically relating to the activities permitted by this licence, has been obtained from Natural England.

#### **Population and habitat management and maintenance**

- A30 The affected populations remaining at the site of impact **and** those at any receptor site, and habitat restored or created must be monitored in accordance with the agreed HS2 Phase One: Great Crested Newt Habitat Management, Maintenance and Population Monitoring Plan (HS2- HS2-EV-PLN-000-000010). This information **must** be provided annually to Natural England.