



*Updated: August 2021*

This information note explains Natural England's role in assessing and granting wildlife licences for works related to the construction of the High Speed 2 railway.

### 1. Why are wildlife licences granted?

When development takes place there is a possibility that construction work or other land management activities will impact on wildlife species that are protected by law. Through the planning process all developments are required to demonstrate that they have taken steps to reduce or avoid such impacts. However, in cases where impacts are unavoidable developers can apply for a licence which permits actions which would otherwise be illegal. A licence application sets out why the works are needed, how they will be undertaken and how impacts on wildlife species will be mitigated.

Examples of activities required to construct HS2 that need a wildlife license are:

- The felling of trees which are used by bats for roosting or raising young.
- The destruction of badger setts
- The removal of ponds which are inhabited by great crested newts

More information on wildlife licensing is available at: <https://www.gov.uk/guidance/wildlife-licences>

### 2. Natural England's role

As the Government's statutory adviser on wildlife, Natural England is responsible for granting licences for activities which are likely to contravene wildlife protection legislation.

The process for considering and granting licences varies according to the legislation affecting different species (see box). Natural England staff are required to assess applications. We may ask for additional surveys to be conducted to determine the population and distribution of a species and we may require a developer to adopt different working methods to avoid or reduce the impact. A licence application may also set out compensation measures to be put in place as redress for any detrimental impacts. After due consideration, applications may be granted a 'Satisfied' decision, or a 'Satisfied' decision may be granted after modifications to the licence application are received. If insufficient information is supplied or we consider that the relevant legal tests are not met a 'Not Satisfied' Decision is granted.

#### Wildlife legislation

A range of legislation exists to protect wildlife in England, including the Conservation of Habitats and Species Regulations (2017), the Wildlife and Countryside Act (1981) and the Protection of Badgers Act (1992). Legislation varies in how it applies to different species. In general though, it is illegal to deliberately kill, capture, or transport most species of mammals, birds, reptiles and amphibians, as well as to destroy or damage nesting sites, or the habitat on which they rely for food, shelter or breeding.

Natural England is required to provide details of any licences it has granted when asked. We do not disclose details of licences that are under assessment but have not been issued.

### **3. Compliance with wildlife licence conditions**

When a wildlife licence is used the licence holder must adhere to the conditions upon which it is granted. Adherence to licence conditions is supervised on behalf of contractors by appropriately qualified ecologists working to the standards of their accredited professional bodies.

Licence conditions will specify what information should be provided to Natural England detailing how the licence has been used. Natural England monitors compliance with wildlife licences by a combination of site visits, telephone calls, document assessments and meetings. The level of compliance monitoring for each licence is dependent on a number of factors including the complexity of the licence and the potential level of impact on protected species.

Where a person has reason to believe that a developer is not following the conditions of a wildlife licence, they can report the details to Natural England (see contact details below).

In circumstances where it is determined that the conditions of a licence are breached, Natural England can issue an advisory letter to licence holders or apply sanctions. This may include changing the conditions or revoking the licence.

Natural England is not required to adjudicate on situations in which a licence is not needed or to authorise development works that take place without a licence. As explained in the next section, it can be possible to undertake construction work, including the clearance of natural habitats, in ways that does not contravene wildlife legislation and therefore does not require a licence. In circumstances where a person has reason to believe that construction work is taking place in contravention of wildlife legislation the details should be reported to the local police.

### **4. The responsibility of licence holders**

As part of the assessment of the impacts of any construction project, developers are required to determine if a wildlife license is required. This judgement is based on the ecological surveys undertaken for the scheme, the likely impact of the proposed works, and the wildlife legislation that may be relevant. Not all construction work involving the clearance or modification of natural habitat will require a wildlife license. For example, a developer may schedule work at particular times of the year when certain species won't be dependent on the habitat. If impacts to protected species cannot be avoided through project design, a developer must make an application for a wildlife licence to Natural England.

When carrying out works under a wildlife licence, the licence holder must be prepared to demonstrate that such works are in accordance with the conditions of the licence. In some circumstances the licence holder is required to show copies of the licence when asked. (This requirement can vary depending on the legislation upon which the licence is based.)

## 5. Types of licence issued for the construction of HS2

Because of the range of legislation which affects different species, and the differing ways in which those species can be impacted, several different types of wildlife licences can be granted. For HS2 the following types of license have been granted:

- Class licence for Bats - issued for activities that have a low to moderate impact on bats. Under this licence, contractors are required to have specific skills or experience to avoid risk to the conservation or welfare of bats. The licence holder is required to register each site where works are to take place with Natural England.
- Organisational licence – this type of license provides an alternative to conventional wildlife mitigation licences that focus on individual, small-scale sites. Organisational licences issued for HS2 can be applicable across a wide area, in some case for the entire route of Phase 1. Organisational licences are available to applicants and/or ecologists who have consistently met the conditions of other types of wildlife licences in the past.
- Individual licence: these are issued for activities not covered by the above Class or Organisational licences. Examples include: Science and Conservation licence, to permit the capture and release of bats for the purpose of conducting population surveys; Mitigation licences, to permit work associated with the felling of trees used by bats.

Licences required for the construction of HS2 may be granted to HS2 Ltd or to contractors working on their behalf. A full list of licences granted for the HS2 scheme is given in Table 1 below.

## 6. Jones' Hill Wood, Buckinghamshire.

Natural England understands the concerns that many people hold over about the impact from development on bats and other wildlife at sites like Jones Hill Wood in Buckinghamshire. In such situations our role is to ensure that licensed activity affecting protected species is carried out without damaging those populations. In the case of Jones Hill Wood, Natural England staff undertook a careful assessment of the impacts in this area, the working methods being adopted, and the mitigation and compensation measures being implemented. They concluded that the felling of 0.7ha of woodland at Jones Hill Wood will not be detrimental to the favourable conservation of the bat populations in this area, and on that basis, granted a licence for HS2 construction work.

Natural England's decision to grant a bat licence for works at Jones Hill Wood was challenged by campaigners who sought a Judicial Review of the matter. On the 27th April 2021 a High Court hearing refused the application for a Judicial Review of our licensing decision. Natural England welcomed the ruling which recognised that our staff applied their expertise and judgement appropriately and lawfully.

We have published a [blog](#) that provides more detail about the ruling, our role in species licensing, our decision at Jones Hill Wood, and the mitigation and compensation that will be required on site.

## 7. The protection of breeding birds

It is an offence under the Wildlife and Countryside Act (1981) to kill, injure or take wild birds, or to damage their nests when in use. In certain circumstance Natural England can issue licences that permit actions which would contravene this legislation. For example, to maintain public safety where birds may pose a danger at airfields. However, such licences cannot be granted for development and construction works. In order to avoid damage and disturbance to birds during the nesting season, Natural England advises that works affecting hedgerows and trees should be timed to avoid the period between 1<sup>st</sup> March and 31<sup>st</sup> August. Where work needs to be undertaken during the bird breeding season, it should be carried out in a way that does not breach the protections for nesting

birds. Natural England does not provide advice on the effectiveness of specific approaches to deterring birds from construction sites due to the widely varying conditions associated with any individual site and the methods used.

HS2 guidelines require that a “working method statement” is produced when contractors carry out works within the bird breeding season.

## **8. How to report concerns about the use of wildlife licences or potential offences**

Anyone who has concerns about the way a developer, including HS2 or its contractors, are undertaking construction work can contact Natural England or the Police. As a rule, if works are taking place at a site where a wildlife licence is applicable, concerns should be reported to Natural England using the details below. Natural England staff will consider the information provided as part of our compliance procedures and act as appropriate. In other instances, where works are not subject to a licence, concerns should be reported to the local police or the national police reporting line 101. Your information will be referred to a relevant officer responsible for wildlife issues.

## **9. Does Natural England charge HS2 for its advice?**

Yes, in line with the other statutory environmental agencies and local planning authorities, Natural England recovers costs from developers for technical advice on planning and licensing casework. You can find more information about the charging process [here](#). In line with this charging approach, Natural England recovers its costs from HS2 through a service level agreement. We use the funding to pay for staff time on the project, including employing 12 additional staff who deal with the increased level of casework generated by HS2.

## **10. For further information and context**

Please refer to the attached blog from the Natural England Chair Tony Juniper - <https://naturalengland.blog.gov.uk/2020/04/09/hs2-keeping-nature-protection-on-track/>.

### **For all enquiries, please contact Natural England Enquires:**

- Tel: 0300 060 3900
- Email: [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

*Table 1 follows on page 5*

**Table 1: List of wildlife licences granted and currently valid for the construction of HS2**

**Note:** some licences extend to 10 years or more as they cover activities associated with monitoring the long-term impacts of HS2. Table 1 will be updated monthly and covers licences issued up to current month.

Licence reference	Species	Number of species	Type	Scope/ Location	County	Licence holder	Valid from	Valid until
2021-52182-EPS-NSIP1	Bats	3	Individual Licence	Mulberry Park Hill	Buckinghamshire	Fusion Joint Venture	30/03/2021	31/12/2029
2021-52870-EPS-NSIP1	Bats	3	Individual Licence	Calvert North	Buckinghamshire	Fusion Joint Venture	26/05/2021	31/12/2030
2014-1673-EPS-MIT-5	Great Crested Newt	1	Individual Licence	Calvert Landfill Site - In-Vessel Composting Facility	Buckinghamshire	FCC Environment Limited	29/06/2021	31/07/2025
WML-OR91	Bats	10	Organisational Licence	Lower Boddington Copse	West Northamptonshire	Fusion Joint Venture	30/06/2021	31/12/2031
2021-53194-SCI-SCI	Bats	all	Science, Education & Conservation	Staffordshire	Staffordshire	Davidson-Watts Ecology Ltd	04/06/2021	01/10/2021
2021-52551-EPS-NSIP1	Bats	5	Individual Licence	Mossey Corner Spinney	Northamptonshire	Fusion Joint Venture	04/05/2021	14/05/2026
2020-48080-SPM-WLM	Badger	1	Individual Licence	North Portal, Warwickshire	Warwickshire	Balfour Beatty Vinci	22/06/2020	30/11/2020
2021-52297-EPS-NSIP1	Bats	5	Individual Licence	Aylesbury Park Golf Course	Buckinghamshire	Fusion Joint Venture	20/05/2021	31/12/2030
HS2 Phase 1 (WML-OR24)	Badger	1	Organisational Licence	Phase 1	Route Wide	HS2 Ltd	13/04/2021	28/02/2023
2017-30911-EPS-MIT	Bats	1	Individual Licence	St James' Gardens,	Greater London	Costain Limited	11/09/2017	04/09/2022

Licence reference	Species	Number of species	Type	Scope/ Location	County	Licence holder	Valid from	Valid until
				Greater London				
2018-38426-EPS-MIT-1	Bats	10	Individual Licence	Mid Colne Valley SSSI (Korda Lake)	Buckinghamshire	Align JV	20/02/2019	30/12/2023
WML-OR32	Bats	9	Organisational Licence	Vicinity of Bernwood Forest	West Midlands	HS2 Ltd	12/04/2019	31/12/2039
2019-40508-SCI-SCI-4	Bats	all	Science, Education & Conservation	Area North SciCon	Route Wide	Davidson-Watts Ecology Ltd	13/08/2019	01/10/2019
2019-41526-SCI-SCI-1	Bats	all	Science, Education & Conservation	Colne Valley SciCon	Route Wide	Davidson-Watts Ecology Ltd	05/09/2019	25/10/2019
2019-40810-SCI-SCI-2	Bats	all	Science, Education & Conservation	Phase 2b Sci-con	Route Wide	AECOM Infrastructure & Env UK Ltd	20/09/2019	31/10/2019
2019-43098-EPS-NSIP1 (WML-OR53)	Bats	10	Organisational Licence	Vicinity of Kenilworth	Warwickshire	Laing O'Rourke and Murphy Joint Venture	31/03/2020	31/12/2030
2019-43096-EPS-NSIP1 (WML-OR54)	Bats	9	Organisational Licence	Fulfen Wood	Staffordshire	Laing O'Rourke and Murphy Joint Venture	06/04/2020	31/12/2030
2019-43355-EPS-NSIP1 (WML-OR56)	Bats	10	Organisational Licence	Marlowes wood	West Midlands	Laing O'Rourke and Murphy Joint Venture	06/04/2020	31/12/2030

Licence reference	Species	Number of species	Type	Scope/ Location	County	Licence holder	Valid from	Valid until
2020-45270-EPS-NSIP1-1	Bats	3	Individual Licence	Stoneleigh Park	West Midlands	Laing O'Rourke and Murphy Joint Venture	14/04/2020	30/09/2030
2019-43429-EPS-MIT-2 (WML-OR57)	Bats	11	Organisational Licence	Colne Valley	South Buckinghamshire	Fusion Joint Venture	20/04/2020	31/12/2030
2020-49040-EPS-NSIP2	Bats	5	Individual licence	Bucks Head Farm, Staffordshire	Staffordshire	HS2 Ltd	06/05/2020	30/09/2032
2019-43096-EPS-NSIP1 (OR54)	Bats	12	Organisational Licence	Ashbeds	Warwickshire	Laing O'Rourke and Murphy Joint Venture	26/05/2020	31/12/2030
2019-42780-EPS-NSIP1 (WML-OR52)	Bats	12	Organisational Licence	South Cubbington woods	Warwickshire	Laing O'Rourke and Murphy Joint Venture	16/06/2020	31/12/2030
2020-47230-EPS-NSIP1	Bats	2	Individual Licence	Ballabeg Stables, Turweston, Brackley	Northamptonshire	Fusion Joint Venture	19/06/2020	30/10/2020
2020-47830-SCI-SCI	Bats	all	Science, Education & Conservation	Phase 1 Sci-con	Route Wide	Davidson-Watts Ecology Ltd	19/06/2020	30/10/2020
2020-46680-EPS-NSIP1 (WML - OR74)	Bats	6	Organisational Licence	National Grids Work, Colne Valley	South Buckinghamshire	National Grid Electricity Transmission plc	20/07/2020	31/12/2030

Licence reference	Species	Number of species	Type	Scope/ Location	County	Licence holder	Valid from	Valid until
2020-48718-EPS-NSIP1 (WML-OR75)	Bats	10	Organisational Licence	Litchfield area	Staffordshire	Laing O'Rourke and Murphy Joint Venture	04/09/2020	31/12/2030
2020-49712-EPS-NSIP1	Bats	1	Individual Licence	Roundhill Woodland Hints, Lichfield	Staffordshire	Laing O'Rourke and Murphy Joint Venture	30/09/2020	28/09/2030
2020-49580-EPS-NSIP1	Bats	2	Individual Licence	Dews farm	Greater London	Fusion Joint Venture	06/10/2020	31/12/2030
2020-49711-EPS-NSIP1	Bats	2	Individual Licence	Drayton Lane Copse	Staffordshire	Laing O'Rourke and Murphy Joint Venture	14/10/2020	31/12/2030
2020-49802-EPS-NSIP1	Bats	2	Individual Licence	16 Acre Wood, Solihull	West Midlands	Laing O'Rourke and Murphy Joint Venture	16/10/2020	31/12/2025
2020-49832-EPS-NSIP1	Bats	2	Individual Licence	South of Stoneleigh Wood, off B4113 Stoneleigh Road, Kenilworth, Warwickshire	Warwickshire	Laing O'Rourke and Murphy Joint Venture	21/10/2020	31/12/2025
2020-49736-EPS-NSIP1	Bats	3	Individual Licence	North Woods, Cuttle Mill Lane	Warwickshire	Laing O'Rourke and Murphy Joint Venture	27/10/2020	31/12/2030



Licence reference	Species	Number of species	Type	Scope/ Location	County	Licence holder	Valid from	Valid until
2020-49816-EPS-NSIP1	Bats	3	Individual licence	Trees near Coleshill Manor, Coleshill	West Midlands	Laing O'Rourke and Murphy Joint Venture	30/10/2020	29/12/2026
2020-50027-EPS-NSIP1	Bats	4	Individual Licence	Brickfield Farm (Coleshill Pool Wood), Chester Road, Bickenhill and Marston Green, Solihull, West Midlands	West Midlands	Laing O'Rourke and Murphy Joint Venture	31/10/2020	31/12/2030
WML-CL39	Bats	7	Class licence, Bats in Buildings	Phase 1	Route Wide	HS2 Ltd	01/01/2021	31/12/2021
WML-CL40	Bats	8	Class licence, Bats in Trees	Phase 1	Route Wide	HS2 Ltd	01/01/2021	31/12/2021
2021-50943-EPS-NSIP1 (WML-OR58)	Bats	6	Organisational Licence	Jones' Hill Wood	Buckinghamshire.	Fusion Joint Venture	01/04/2021	31/12/2031
2021-51953-EPS-NSIP1-1 (WML-OR80)	Bats	9	Organisational Licence	Walker's Spinney	Warwickshire	Laing O'Rourke and Murphy Joint Venture	23/04/2021	31/12/2050
2020-50730-EPS-MIT-1	Great Crested Newt	1	Individual Licence	Phase 2a Section 1 Fradley to Stafford	Staffordshire	Balfour Beatty Vinci	05/03/2021	31/12/2021

<b>Licence reference</b>	<b>Species</b>	<b>Number of species</b>	<b>Type</b>	<b>Scope/ Location</b>	<b>County</b>	<b>Licence holder</b>	<b>Valid from</b>	<b>Valid until</b>
HS2 Phase 1 (WML-OR25)	Great Crested Newt	1	Organisational Licence	Phase 1	Route Wide	HS2 Ltd	08/04/2021	28/02/2023
2021-51562-EPS-NSIP1	Hazel or Common Dormouse	1	Individual Licence	Park Lane	West Midlands	Laing O'Rourke and Murphy Joint Venture	11/02/2021	01/11/2039
2020-50046-SCI-SCI-1	Water vole	1	Individual Licence	Colne Valley - River Colne west of South Harefield and North of Denham Green	Buckinghamshire/London Borough of Hillingdon	Fusion Join Venture	13/11/2020	31/12/2038