

Conservation of Habitats and Species Regulations 2017 (as amended)

Wildlife and Countryside Act 1981 (as amended)



Wildlife Licensing Service  
Natural England  
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## LICENCE - Mitigation

This licence authorises actions that would otherwise be offences under the above legislation

Any request for information in this licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.

Natural England Reference:	2020-50730-EPS-MIT-4
Date issued:	22/12/2022
Licence valid from:	22/12/2022
Licence expiry date:	31/10/2025

Under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) Natural England has granted this licence 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) and section 16 (3)(j), relating to:

Licensable activities associated with works comprising trial pits, boreholes, non-intrusive testing, controlled water and ground gas monitoring at circa 1295 locations between Fradley (Staffordshire) to Crewe.

To:

LICENSEE (full name):	[REDACTED]
Company name (if relevant):	Balfour Beatty
Address:	Datum House, Electra Way, Crewe, Cheshire, CW16ZF

This licence is granted subject to the Licensee, including servants and named Agents, adhering to the conditions, notes and licence documents specified below. The following person is authorised to act on behalf of the Licensee:

NAMED ECOLOGIST (full name):	[REDACTED]
Company name (if relevant):	Wardell Armstrong LLP
Address:	[REDACTED]

**At (locations):**

Site name:	Phase 2a Section 1 Fradley to Stafford
Address:	
County:	Staffordshire
Postcode:	DE13 7DN to ST18 0BD
OS Grid Reference:	SJ133138 to SJ957250

**For the following species, maximum numbers and licensable activities:**

PLEASE NOTE		
<p>The maximum number(s) stated in the table below refer to the maximum number of individuals of the stated species that can be captured or transported under the terms of the licence and the maximum number(s) of breeding sites that can be damaged or destroyed under this licence (if applicable). Maximum numbers cannot be specified and do not apply to disturbance activities or to the damage/ destruction of resting places. The activities permitted below must be conducted in accordance with the timescales, numbers and methodology specified under the terms of this licence.</p>		
Species (Scientific name)	Activities	Maximum number
Great crested newt ( <i>Triturus cristatus</i> )	Capture	50
	Destroy resting place	Number not specified
	Disturb	Number not specified
	Transport	50

**Licence documents**

The Licensee, Named Ecologist and all persons authorised in writing by the Licensee to use this licence must adhere to, and comply with, the specific details shown in any dated documents in the Table below (see also Condition 11).

Reference	Document name	Date
Figure B1.1	Master Plan map	-
Figure D	Impact map	Part 1 and Part 2 - 05/03/2021
Figure E2	Receptor site map	Part 1 and Part 2 - 02/06/2021
Figure E3.1	Habitat measures map	Part 1 and Part 2 - 02/06/2021
Figure E3.3	Connectivity map	-
Figure E4a	Capture and exclusion map	Part 1 and Part 2 - 02/06/2021
Figure E4b	Non-standard capture and exclusion measures	-
Figure E5.1	Post-development management and maintenance map	-
Figure E5.2	Post-development monitoring map	-
Figure F1	Final development layout map	Part 1 and Part 2 - 02/06/2021

Work Schedule	Work Schedule	21/12/2022
HMMP	-	-
Master Plan	-	-
Other	- HS2 Phase 2a Early Environmental Works Herpetofauna Habitat Features Typical Features (ARUP - dwg no: 2EE01-BAF-L- DPL-L000-000009 ; Rev - P02) - HS2 Ph2a EEW Scheme Design Sites Location Plan (ARUP - dwg no: 2EE01-BAF- EV-MAP-A000-000001 ; Rev - P01)	-15/01/2020 - 15/02/2021

Anything done otherwise than in accordance with the terms and conditions of the licence may constitute an offence.

**Signed on behalf of Natural England (the relevant licensing body):**

<b>Signature:</b>		<b>Date:</b>	22/12/2022
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## WARNING

- **This licence authorises acts that would otherwise be offences under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Any departure from the conditions relating to this licence may be an offence under that legislation;**
- **This licence conveys no authority for actions prohibited by any other legislation;**
- **This licence can be modified or revoked at any time by Natural England, but this will not be done unless there are good reasons for doing so. The licence is likely to be revoked immediately if it is discovered that false information had been provided which resulted in the issue of the licence.**
- **Bodies corporate and their directors/secretaries are liable for offences under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).**

## LICENCE CONDITIONS

1. The Licensee is responsible for ensuring that all terms and conditions of this licence are complied with.
2. The Licensee and Named Ecologist are responsible for all activities undertaken by Accredited Agents and Assistants (as described under 'Definitions' below) and of other persons they have appointed in relation to activities permitted by this licence.
3. The Licensee shall ensure that at least one copy of this licence is retained on each site until at least the expiry date of this licence. A copy of this licence shall be made available for inspection on each site and shall produce it on demand to any police officer or officer of Natural England.
4. No person shall carry out any activity permitted by this licence unless so authorised in writing by the Licensee. Each person shall produce a copy of their written authorisation from the Licensee on demand to any police officer or officer of Natural England.
5. The Named Ecologist is authorised to appoint such persons in writing to enable them to handle great crested newts for the specific task of relocating animals from pitfall traps and/or artificial refugia (e.g. carpet tiles) either to the opposite side of the exclusion fencing or to the receptor site, as appropriate. Those appointed persons will be classed as Assistants and will only be covered by this licence if they have received appropriate training which includes the handling and welfare of the species. Such persons, who may be site staff or field workers are not required to hold individual great crested newt licences and may work unsupervised. Persons appointed as Assistants by the ecologist named on this licence will be required to produce on demand their written authorisation to a police constable or an officer of Natural England.
6. Prior consent must be obtained from all relevant landowners and/ or occupiers before commencing any activities that are permitted by this licence. The role of the Licensee, Named Ecologist and any other persons so authorised under this licence does not itself confer any right of entry upon private land.
7. The Licensee shall permit or shall ensure that measures are in place to permit until at least the expiry date of this licence, any officer of Natural England (accompanied by such persons as they consider necessary on production of their identification and stating the purpose of their presence, on demand) reasonable access to the site. The Licensee shall give all reasonable assistance to an officer of Natural England and to any accompanying persons.
8. All activities authorised by this licence must be undertaken in accordance with the requirements of any relevant animal welfare legislation, and all equipment used in relation to this licence must avoid cruelty, unnecessary injury or distress to any species covered by the relevant legislation.
9. Persons acting under this licence must abide by the most up to date iterations of the relevant species guidance. In this context the relevant species guidance includes:
  - a. "Great Crested Newt Mitigation Guidelines".

- b. *“Great Crested Newt Conservation Handbook”*,
- c. *“Amphibian Disease Precautions: A Guide for UK Fieldworkers (ARG-UK Advice Note 4)”*

10. Damage and/or destruction of habitats (aquatic and terrestrial) must be limited to that shown in Figure D.
11. The Licensee, Named Ecologist and all persons authorised to use the licence must adhere to the activities and timescales agreed in the licensed Work Schedule.\*

\*It is permissible to carry out some licensable activities, with the exception of breeding site damage/destruction, outside of the periods specified within the licensed Work Schedule provided **all** of the following requirements are met:

- a. Licensable activities are carried out in the same chronological order and calendar year as specified in the licensed Work Schedule; and
- b. Licensable activities involving the capture/transport of great crested newts and damage/destruction of resting places are carried out in the same active season (see Note i) as specified in the licence; and
- c. Receptor site ponds required to receive captured animals are created at least as far in advance of capture/translocation as detailed in the licensed Work Schedule. New aquatic habitat representing the only breeding habitat available to the population at the time of capture must be sufficiently established to support great crested newts prior to any translocation taking place; and
- d. There is no additional impact on any known or potential breeding sites or resting places (particularly hibernation sites) as a result of timing changes.

Should timings change such that one or more of the above requirements will not be met, a modification request form and revised Work Schedule must be submitted to Natural England to allow the favourable conservation status to be reassessed. This must be done as soon as it becomes clear that the licensed Work Schedule is no longer deliverable. Compliance with all other licence requirements must be maintained.

12. This licence permits the following additional numbers of great crested newts to be captured/transported without the requirement to apply for a modification:
  - a. Original licence number between 50 and 150 – an additional **50** individuals.
  - b. Original licence number between 151 and 400 – an additional **100** individuals.
  - c. Original licence number over 400 – an additional **200** individuals.

A modification request must be submitted to Natural England if it is anticipated that higher numbers than those permitted above will be captured.

13. If this licence is part of a phased or multi-plot development, a Master Plan and Habitat Management and Maintenance Plan must be submitted, and updated as necessary, with any modifications to this licence and any future licence applications for this phased or multi-plot development.
14. The licensee is responsible for ensuring that operations comply with all terms and conditions of the licence.
  - a) Licensing Policy 1 has been adopted for this licence.
    - As per the Annex, this licence permits the injury/killing of small numbers of great crested newts as a result of the following licensable activities: laying ground protection matting, driving over ground protection matting and lifting ground protection matting.
    - The injury/killing of great crested newts associated with this licence are only authorised if the Work Schedule is strictly adhered to. If deviations from the Work Schedule occur, and those works cause the injury/killing of a great crested newt, this licence does not provide a defence against criminal proceedings.
    - Natural England must be informed within 24 hours of a great crested newt injury/fatality. Natural England will review the number of reported incidents and possess the right to modify/retract the licence at any time.
  - b) Licensing Policy 2 has been adopted for this licence, which states that ecological compensation in the form of 3 hibernacula are to be constructed in the most appropriate early environmental works (EEW)

ecological mitigation site (as shown in the HS2 Ph2a EEW Scheme Design Sites Location Plan – 15/02/2021) prior to 31<sup>st</sup> October 2023. Natural England must be consulted for comment on the specified EEW ecological mitigation site(s) that the 3 hibernacula will be constructed. Balfour Beatty as the Principal Contractor is responsible for the construction and monitoring of the 3 hibernacula within the EEW in accordance with the Annex and Work Schedule.

- c) The 3 hibernacula constructed in association with this licence are to be maintained and monitored in accordance with the Annex and Work Schedule. Natural England are to receive notice of when both hibernaculas are to be constructed, and details relating to the post-development hibernacula maintenance and monitoring (to include photographs) must be included in the Report of Action upon expiry of the licence.
- d) While engaged in the activities to which this licence applies the licensee shall make a copy of the licence (including any Annex and Work Schedule if applicable) available for inspection on each site where the activities are taking place and shall produce it on demand to any constable or an officer of Natural England.

### **Methodology**

- 15. The Named Ecologist or an Accredited Agent must ensure that all those involved with the licensable works understand by way of a 'tool-box talk' that great crested newts are present; the legislation relating to great crested newts; measures that will be used to protect them; good working practices; licensable activities and what to do should newts be found. This information must be provided before any licensable 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.
- 16. Capture and release of great crested newts must not be undertaken until the Named Ecologist has made a thorough check of the terrestrial and/or aquatic release habitats and ensured their suitability.
- 17. Captured great crested newts must be:
  - a. Placed outside of the exclusion fencing; and/or
  - b. Moved to the receptor site(s) shown on Figure E2

This includes individuals captured during fence installation and removal.

- 18. The following methods are licensed:

- a) At waterbody and surrounding compartment:

- i. Pitfall trapping for a minimum capture period of: **N/A**
- ii. Artificial refuges for a minimum capture period of: **N/A**
- iii. Bottle trapping for a minimum capture period of: **N/A**
- iv. Hand netting prior to/during waterbody drain down: **No**
- v. Hand searches of potential great crested newt refuges prior to development: **No**
- vi. Destructive searches of areas potentially harbouring great crested newts, on completion of all other capture methods, prior to development: **No**
- vii. Night searches in suitable conditions: **No**
- viii. Waterbody drain-down / destruction as specified: -
- ix. Other as specified: -

- b) Away from waterbody:

- i. Pitfall trapping for a minimum capture period of: **N/A**
- ii. Artificial refuges for a minimum capture period of: **N/A**
- iii. Hand searches of potential great crested newt refuges prior to development: **Yes**

- iv. Destructive searches of areas potentially harbouring great crested newts, on completion of all other capture methods, prior to development: **Yes**
- v. Night searches in suitable conditions: **No**
- vi. Other as specified: -

c) Fencing (as shown on Figure E4a): **N/A**

- i. Additional fencing requirements as specified: -

d) Other activity/activities as specified: **Injury/killing of GCN Individuals - As a result of laying, driving over and lifting GPM throughout the duration of works**

- 19. Pitfall trapping and/or artificial refuges may only cease once the minimum capture period has been achieved, in suitable conditions, with 5 zero capture days, which may be the last 5 of the minimum capture period, but not earlier.
- 20. Hand searches (the careful dismantling of discrete refuges by hand/hand-held tools) prior to any construction works must be conducted by the Named Ecologist or Accredited Agent in suitable conditions during the active season.
- 21. Destructive searches (the careful controlled stripping of areas likely to harbour great crested newts by hand or mechanical means) prior to construction works must be conducted by the Named Ecologist or Accredited Agent in suitable conditions during the active season and only on completion of all other capture methods.
- 22. Night searches (using artificial light) prior to construction must be conducted by the Named Ecologist or Accredited Agent in suitable conditions (mild/warm nights during/shortly after rain) during the active season.
- 23. Hand netting prior to/during waterbody drain down must be conducted by the Named Ecologist or Accredited Agent.

**Compensation**

24. The aquatic compensation measures detailed below, and shown on Figure E3.1, must be provided.

<b>N/A</b>
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25. The terrestrial habitat measures below, and shown on Figure E3.1, must be provided:

<b>Habitat compensation</b>	<b>Quantity</b>
<b>Hibernacula creation (minimum size of 2m long x 1m high x 1m wide)</b>	<b>3 (required to implement LP1)</b>

**Post-development maintenance**

26. The habitat management and maintenance operations below, and shown on Figure E5.1, must be undertaken over the period detailed in the licensed Work Schedule:

<b>Aquatic measure(s)</b>	<b>Pond reference (if applicable)</b>

N/A	
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**Terrestrial measure(s):**

N/A
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27. The following site maintenance operations, as shown on Figure E5.1, must be undertaken over the period detailed in the licensed Work Schedule:

N/A
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28. Amphibian tunnels, green bridges, guide fencing and other connectivity measures shown on Figure E3.1 and/or Figure E3.3, must be constructed, with the following design(s), specification(s) and dimension(s): -

***Post-development monitoring and reporting requirements***

29. Waterbodies shown on Figure E5.2 must be monitored in the years specified in the licensed Work Schedule by way of: **N/A** or other as specified: -

An assessment of the terrestrial habitat must also be made at this time. Should survey and habitat assessment indicate that the compensation provided is failing, measures must be taken to address the failings as soon as practically possible. Details of such actions must be included within the licence report(s).

30. Great crested newt use of any connectivity features (tunnels, green bridges etc.) shown on Figure E3.1 and/or Figure E3.3 must be monitored, in the years specified in the licensed Work Schedule, by means of: -
31. The Licensee must submit a written report of actions taken under this licence, even if no action is taken, and send it to Natural England at the address shown at the top of the report form, to arrive no later than 14 days (two weeks) after the expiry of the licence. The following interim licence report/s is/are also required: **1. An interim report will be provided in July 2021; 2. An interim report will be provided on completion of the ground protection matting activities; and 3. Natural England are to receive notice of the dates the 3 hibernacula are to be built**
32. All records are to be made available to Natural England for inspection at any reasonable time.

<b>NOTES</b>
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- a) The following mitigation or compensation is being provided as part of a planning permission or other consent but is not required by Natural England to be provided as part of this licence: -. It is the Licensee's responsibility to ensure that they comply with planning permissions and other consents as necessary.
- b) Under Regulation 60 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to contravene or fail to comply with a licence condition. This includes all persons authorised to act under this licence. Failure to comply with a condition of a licence issued under The Wildlife & Countryside Act 1981 (as amended) could result in offences being committed.
- c) Under Regulation 59 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to make, or to recklessly make a false statement, representation or information for the purposes of

- obtaining a licence.
- d) Please read the details of your licence carefully to ensure that you comply with it paying particular attention to the number licensed as this may differ to what was requested in your application.
  - e) If this licence has been issued as a result of a modification to replace the previous version of this licence, licensed totals will only relate to the period that this re-issued licence is valid.
  - f) You are expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version.
  - g) Report of Action Taken Under Great Crested Newt Annexed Licences can be used for reporting purposes and should be sent to the above address at each report interval.
  - h) Any significant change to a Master Plan should be agreed with Natural England in advance.
  - i) The active season for great crested newts is generally considered to be February to October depending upon suitable weather conditions.
  - j) How we use your personal information is set out in the Wildlife Licensing privacy notice which can be found here <https://www.gov.uk/government/publications/natural-england-privacy-notice>.

## DEFINITIONS

The “**Licensee**” named on the licence is responsible for ensuring that all activities carried out on site in relation to the licence comply with the terms and conditions of the licence. All persons authorised to act under the licence must comply with the licence and its conditions (see ‘Offence of breaching licence condition’ in Regulation 60 of the Conservation of Habitats and Species Regulations 2017). This means that those persons authorised by the Licensee also have a responsibility for ensuring that the licence is understood and complied with.

The “**Named Ecologist**” is a professional ecological consultant who has satisfied Natural England that they have the relevant skills, knowledge and experience of the species concerned and is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The ‘Named Ecologist’ has a responsibility for ensuring that the licence is complied with. They are responsible for advising the Licensee on the suitability and competence of any Accredited Agents or Assistants employed on site to undertake the required duties and may include the direct supervision of Assistants where appropriate.

An “**Accredited Agent**” is a suitably trained and experienced person who is able to carry out work under a licence without the personal supervision of the Named Ecologist. Any Accredited Agent must be appointed by the Licensee and be in possession of a letter signed by the Licensee confirming their appointment. Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request.

An “**Assistant**” is a person assisting a Named Ecologist or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either the Named Ecologist or an Accredited Agent. However, Natural England has placed a standard condition that only applies to great crested newt licences (see licence Condition 5). This authorises the Named Ecologist to appoint persons (such as site staff or field workers) as Assistants, in writing, to specifically undertake the limited unsupervised tasks of inspecting pitfall traps and/or artificial refuges and relocating any captured animals in accordance with the conditions of the licence.