Conservation of Habitats and Species Regulations 2017 (as amended)

LICENCE - Nationally Significant Infrastructure Projects (NSIPs) following Development Consent Order being granted

This licence authorises acts 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 Ref: 2021-54395-EPS-NSIP1-1



Wildlife Licensing Natural England Horizon House Deanery Road Bristol BS1 5AH T: 0208 026 1089

Under the Conservation of Habitats and Species Regulations 2017 (as amended) Natural England has granted this licence for Great crested newts 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 section 55(2)(e)

to:

Name (in full):	<u> </u>	
Company Name:	Balfour Beatty	
Address:	10th Floor (North Wing), Rail House Gresty Road Crewe	
County:	Cheshire	
Postcode:	CW2 6HS	

#### Between the dates of:

- 1				28 2	
	09 December 2021	and	30 September 2023	inclusive	

#### **Project Description:**

The creation of habitats specifically to benefit biodiversity and deliver essential environmental mitigation that is required in order to satisfy commitments made during the HS2 Phase 2a.

#### At (locations):

Site/Location Name	County	OS Grid Reference
HS2 Phase 2a - Early Environmental Works	All English Counties	Not Applicable

#### For the following Species; activities and methods:

Species Common Name (Taxonomic Name)	Activity	Method
Great crested newt (Triturus cristatus)	Capture; Damage resting place; Destroy resting place; Disturb; Transport	By hand; Destructive search; Hand search

#### For the following licensable activities and maximum numbers:

Licensable Activity	Permitted Species Common Name	Maximum Number
Capture	Great crested newt	50
Damage resting place	Great crested newt	See Additional Condition for details
Destroy resting place	Great crested newt	See Additional Condition for details
Disturb	Great crested newt	Not Specified
Transport	Great crested newt	50

# **PLEASE NOTE**

The maximum number(s) stated in the above table refers to the maximum number of individuals of the stated species that can be captured or transported under the terms of this licence and the maximum number/s of resting places or 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. Where applicable, please also refer to the special conditions outlined in your licence Annex for further details on how this/these maximum number(s) applies/apply to the activities permitted under your licence.

This licence is granted subject to the licensee, including servants and named agents, adhering to the conditions and notes specified below and to the activities agreed in the Method Statement, or Annex and Work Schedule, between the licensee and Natural England. The Method Statement, or Annex, for the mitigation scheme is appended to this licence. The following person is authorised to act on behalf of the licensee:

Consultant Name:			
	Triumph House Birmingham Road Allesley Coventry		
County:	West Midlands		
Postcode:	CV5 9AZ		
Signature:		Date:	09 December 2021
_			

## **WARNING**

- This licence authorises acts that would otherwise be offences under the Conservation of Habitats and Species Regulations 2017 (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).

# LICENCE CONDITIONS

- The licensee is responsible for ensuring that operations comply with all terms and conditions of the license.
- 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.
- 3. No agent of the licensee shall carry out any of the activities to which this licence (including any Annex and Work Schedule if applicable) applies unless authorised in writing by the licensee, appointing them the licensee's agent. The agent shall make a copy of the authorisation available for and shall produce it on demand to any constable or officer of Natural England.
- 4. The licensee must submit a written report of actions taken under the licence (including any Annex and Work Schedule if applicable), even if no action is taken, and send it to the Natural England officer at the address shown at the top of the report form, to arrive not later than 14 days (two weeks) after the expiry of the licence. Failure to make reports may result in the licence being revoked and/or the refusal to grant subsequent licences. Please note some licences may have additional reporting requirements specified in an attached Annex.
- 5. It is a condition of the licence (including any Annex and Work Schedule if applicable) that any post development monitoring data (e.g. survey data and habitat assessment) including nil returns are submitted to Natural England to arrive no later than 14 days (two weeks) after the expiry of the licence or as specified in any Annex. Post development survey data (except nil returns) must also be sent to the relevant Local Biological Records centre within this time period.
- 6. A person authorised by the licensee shall provide him/her with such information as is within his/her knowledge and is necessary for the report, which the licensee is required to make to Natural England.

# LICENCE CONDITIONS

- 7. The licensee shall permit an officer of Natural England, accompanied by such persons as he/she considers necessary for the purpose, on production of his/her identification on demand, reasonable access to the site for monitoring purposes and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The licensee shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
- 8. The licensee, including servants and named agents, must adhere to the activities; the licensable methods; the numbers per species (if relevant) and the timescales agreed between the Licensee and Natural England in the Method Statement or, if applicable, in the Annex and Work Schedule attached to the licence.
- 9. All activities authorised by this licence, and all equipment used in connection herewith shall be carried out, constructed and maintained (as the case may be) so as to avoid cruelty, unnecessary injury or distress to any species covered by this licence.
- 10. Methods used in connection with the execution of this licence must comply with the relevant published mitigation guidelines, unless otherwise agreed with Natural England.
- 11. Good practice and reasonable avoidance measures must be followed at all times.
- 12. All records are to be made available for inspection at any reasonable time by Natural England.
- 13. The licensee and named ecologist are responsible for all activities of the persons they have appointed in connection with this licence.
- 14. The ecologist named on the licence 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.
- 15. It is a condition of this licence that you must have obtained prior consent from all landowners and/or occupiers before commencing any activities that are authorised by this licence.

### Additional Condition(s):

AC01 Special conditions apply to this mitigation licence that are in addition to the standard licence conditions listed above. These are detailed within the attached Annex and all persons acting under this licence must ensure that operations comply with all these terms and conditions (including any Annex and work schedule if applicable).

## **NOTES**

- 1. Under Regulation 60(1) 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.
- 2. Any person who provided a false statement or information to obtain this licence is guilty of an offence and may be liable to prosecution.
- 3. Please read the details of your licence carefully to ensure that you comply with it paying particular attention to the number and species licensed as this may differ to what was requested in your application.
- 4. If this licence has been issued as a result of a modification request then the licensed number excludes any animals or plants permitted to be captured/taken/disturbed/transported/etc. under your previous licence and this modified licence replaces your previous licence.

#### Additional Note(s):

AN01 - It is the responsibility of the Licensee and their consultants to ensure that the documents that form part of this licence are not in conflict with any planning conditions that have been imposed by the respective Local Planning Authority (LPA). If there is a conflict, whereby the licensee is likely to breach this licence (or their planning condition), the licensee should notify Natural England in writing as soon as possible and take necessary steps to resolve them, through liaison with their relevant LPA and via a modification to the licence through Natural England.

# **Additional Authorised Individuals**

The additional authorised individuals listed below are also authorised to act under the terms and conditions of this licence:

Nil

# ANNEX: SPECIAL CONDITIONS TO INDIVIDUAL GREAT CRESTED NEWT MITIGATION LICENCE

**IMPORTANT:** These special conditions are in addition to the standard licence conditions of this licence.





Natural England Reference:

2021-54395-EPS-NSIP1-1

## Summary table of permitted damage / destruction of breeding sites and resting places

Licensable activity		Permitted activity	Number (if applicable)
Breeding site	Damage	n/a	n/a
	Destroy	n/a	n/a
Resting place	Damage	Yes	Number not specified
	Destroy	Yes	Number not specified

#### General:

- 1. 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:
  - (i) The advice on capture on the <u>.GOV.UK website</u> and in the "*Great Crested Newt Mitigation Guidelines*" (see 'Licence Note' b), and
  - (ii) "Amphibian Disease Precautions a guide for UK fieldworkers" (see 'Licence Note' c).
- The Licensee, including the Named Ecologist, Accredited Agents and Assistants (see **Definitions** in conditions 20-23), must adhere to the activities and timescales agreed in work schedule WML-A14a-E6a&E6b (dated **03/08/2021**) between the licensee and Natural England\*.

\*Except for damage and destruction of breeding sites, carrying out licensable activities outside the periods specified within the licensed work schedule E6a is permitted provided that **all** of the following requirements are met:

- a. Licensable activities set out in the work schedule are carried out in the same chronological order and same calendar year; and
- b. Licensable activities involving the capture, and/or transport of the species and damage/destruction of resting places are carried out in the same active season of the species as specified in the licence (See Note h); and
- c. Habitat restoration, enhancement, and creation are carried out within the same calendar year as specified in the licence: and
- d. Where receptor site ponds are required to be created to facilitate capture and translocation these must be created within the relevant timeframes set out in guidance (see Note i). Where new aquatic habitat is the only breeding habitat available to the population it must be sufficiently established to support GCN prior to any translocation taking place; and
- e. There is no additional impact on any known or potential breeding sites or resting places (particularly hibernation sites) as a result of timing changes.

Post development works must be carried out in accordance with section E6b of the licensed work schedule. Should timings change such that one or more of requirements (a)-(e) will not be met, a modification request form

must be done as soon as it becomes clear that the work schedule is no longer deliverable. All other requirements in the licence and any annex must be complied with. 3. Figures: ⊠ B1.1 B1.1a HS2 Ph2a EEW Scheme Design Sites Location Plan 27/07/2021 and B1.1b HS2 Ph2a EEW Masterplan map 27/07/2021; ☐ B1.8 -; ☐ D D HS2 Ph2a EEW Impact Assessment map 29/07/2021; development connectivity map 27/07/2021; E4a -; E5.1 -; E5.2 - and F1 F1 HS2 Ph2a EEW Final development map 27/07/2021 plus Other as specified, -, must be complied with (see end of Annex for list of Figures). 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. 5. Damage and/or destruction of habitats (aquatic and terrestrial) will be limited to that shown in Figure D. The number of Great Crested Newts to be captured and/or transported is specified on the licence. Should the number of individuals caught reach the licenced number before the capture period is complete it will be acceptable to capture the following additional number of individuals without applying for a modification to the licence: Original licence number between 50 and 150 – an additional 50 individuals can be caught and transported. Original licence number between 151 and 400 - an additional 100 individuals can be caught and transported. Original licence number over 400 – an additional 200 individuals can be caught and transported. If it is expected that higher numbers than these are likely to be captured a modification request will need to be submitted. If you are close to reaching the additional number and individuals are still being captured a modification request will need to be submitted. Methodology and mitigation: 7. 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. 8. A written record must be kept of capture efforts undertaken, including weather conditions, minimum over-night temperature and rainfall. Captured newts shall be placed on the outside of the exclusion fencing, including when the fencing is installed and removed. And/or Captured newts shall be moved to receptor site/s as shown on Figure E2: 8 figure grid reference:n/a. 10. Methods licensed: Location (also Method Details: including minimum capture period (days), to be see Figure E4a) undertaken in suitable conditions, where appropriate. At waterbody N/A; ☐ 25; ☐ 30; ☐ 60; ☐ 90; ☐ Other: Pitfall trapping (and refuges) Bottle trap N/A; ☐ 25; ☐ 30; ☐ 60; ☐ 90; ☐ Other: Net N/A; ☐ 25; ☐ 30; ☐ 60; ☐ 90; ☐ Other: N/A; ☐ Other: Water body drain down

N/A; ☐ Other:

must be submitted alongside a revised work schedule to enable Natural England to reassess the FCS test. This

Hand search

		Water body destruction	⊠ N/A; □: .
		Other	⊠ N/A; □: .
	Away from	Pitfall trapping (and refuges)	⊠ N/A; ☐ 25; ☐ 30; ☐ 60; ☐ 90; ☐: Other .
	waterbody	Refuges only	⊠ N/A; ☐ 25; ☐ 30; ☐ 60; ☐ 90; ☐: Other .
		Night search	⊠ N/A; ☐ 25; ☐30; ☐ 60; ☐ 90; ☐: Other .
		Hand search	☐ N/A; ☑: 1 day minimum (at varying locations) when temperatures are above above 5°C.
		Destructive search (following completion of other capture efforts)	☐ N/A; ☐ Other: 1 day minimum (at varying locations) when temperatures are above above 5°C.
		Other	⊠ N/A; □: .
	Fencing only	Exclusion by permanent amphibian fencing	Additional fencing requirements:
		Exclusion by temporary amphibian fencing	⊠ N/A; □: .
		Exclusion by temporary oneway amphibian fencing	
		☐ Drift fencing	
		☐ Ring fencing water body (as referenced)	
	Other activity/activities		⊠ N/A; □: .
cor			ne minimum capture period has been achieved, in suitable 5 of the minimum capture period, but not earlier.
-		ation to be provided as above in Figure	o F2 4.
11.	Aquatic compensa	ation to be provided as shown in Figur	e E3.1:
	Water body reference	Water body dimensions – surface area (m²) and depth (m).	To be created, enhanced or restored?

N/A; □created; □ enhanced; □ restored

 $\square$ N/A;  $\square$  created;  $\square$ enhanced;  $\square$  restored

 $\square$ N/A;  $\square$  created;  $\square$  enhanced;  $\square$ restored

 $\boxtimes$  N/A;  $\square$  created;  $\square$ enhanced;  $\square$  restored

	Compensation neasure	Area (ha), length (m), number
	Hedgerow planting	⊠N/A; □
	Grassland seeding	⊠ N/A; □
	Grassland management	⊠ N/A; □
	Scrub planting	⊠N/A; □
	Woodland planting	⊠ N/A; □
	Hibernacula creation	⊠ N/A; □
	Refuge creation	⊠ N/A; □
	Habitat re-instatement	⊠N/A; □
	Other:	
	•	nanagement and maintenance requirements: gement and maintenance features must be undertaken in line with Figure E5.1:
	☐ N/A;	
	□ Aquatic vegetation mana	agement in water bodies referenced: <b>n/a</b> ;
	☐ Clearance of shading tre	ee or scrub cover around water bodies margins referenced: <b>n/a</b> ;
		nimum sward height 150mm) or grazing of grassland;
	☐ De-silting or clearance of	of leaf fall in water bodies referenced: <b>n/a</b> ;
	⊠ Scrub management;	
intende	ement, maintenance and n ed function. In addition, mo	n EEW site will have an Ecology Site Management Plan setting out the nonitoring requirements for the site as a whole to ensure it provides its' easures within HS2's GCN Habitat Management, Maintenance and Population REP-A000-000001) will be adhered to.
14.	Site maintenance operation	s must be undertaken in line with Figure E5.1:
	☐ N/A;	
	☐ Checking of fish present referenced: <b>n/a</b> ;	ce and undertaking remedial action to remove them if found in water bodies

	Checking water body condition and remedial action as necessary in water bodies referenced: <b>n/a</b> ;
	☐ Checking for and removal of dumped rubbish (reference ponds if appropriate): n/a;
	Re-instatement following fire, acute pollution or other major damage (reference ponds if appropriate): n/a;
	⊠ Repair or replace fencing;
	☐ Maintain tunnel/s and/or underpass/es or green bridges, including guide fencing, in good condition;
	Repair or replace interpretation boards;
in	☐ Other as specified: Each EEW site will have an Ecology Site Management Plan setting out the anagement, maintenance and monitoring requirements for the site as a whole to ensure it provides its' tended function. In addition, measures within HS2's GCN Habitat Management, Maintenance and opulation Monitoring Plan (1D204-EDP-EV-REP-A000-000001) will be adhered to.
15	. Is a Habitat Management and Maintenance Plan required for this licence?
	☐ YES: ☑ NO
	If Yes, all habitat management and maintenance must be carried out in accordance with Habitat Management and Maintenance Plan referenced
16	. Are newt tunnels/underpasses/green bridges and guide fencing required as part of this licence?
	☐ YES: ☑ NO
	If Yes, -newt tunnel and guide fencing, design as per Figure E3.3-, location as per Figure E3.1, of dimensions - x - x-m must be created.
Post-	development monitoring and reporting requirements:
17	. Water bodies shown on Figure E5.2 must be monitored in years specified in WML-A14a-E6a&E6b table E6b for:
	⊠ N/A
	☐ 2 (two) years; ☐ 4 (four) years; ☐ 6 (six) years; ☐ 10 (ten) years; ☐ Other time period as specified -
	By way of: $\square$ a presence absence survey; $\square$ population size class assessment survey.
	An assessment of the terrestrial habitat must also be made at this time. Should survey and habitat assessment indicate compensation provided is failing measures must be taken to remedy this as soon as practically possible Details of such actions must be included within the <u>licence report</u> .
18	. Newt tunnel as shown on Figure E3.1 must be maintained and monitored:
	⊠ N/A
19	. It is a condition of this licence that the following reports are completed and returned to Natural England as specified:
	Report of Action within 14 days (two weeks) after the expiry of the licence (which includes any 'nil' reports).
	☐ The following interim licence report/s is/are required:

20.	. Is this licence part of a phased or multi-plot development?
	☐ YES: ☑ NO
	If Yes, Master Plan reference - must be re-submitted, and updated if necessary, with any modifications to this licence and any future licence applications for this phased or multi-plot development.

#### Definitions used in this annex:

- 21. 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 Regulation 60(1) of the 2017 Regulations). This means that those persons authorised by the Licensee also have a responsibility for ensuring that the licence is understood and complied with.
- 22. 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.
- 23. 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.
- 24. 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 14). 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 task of inspecting pitfall traps and/or artificial refuges and relocating any captured animals in accordance with special conditions 7 9.

#### Licence notes

- 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. "<u>Great Crested Newt Mitigation Guidelines</u>". More general advice is given in the "<u>Great Crested Newt Conservation Handbook</u>", available from www.froglife.org.
- c. "Amphibian Disease Precautions a guide for UK fieldworkers" (ARG-UK Advice Note 4) is available from <a href="https://www.arg-uk.org.uk">www.arg-uk.org.uk</a>.
- d. 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.
- e. <u>Report of Action taken under Great Crested Newt Annexed Licences</u> can be used for reporting purposes and sent to the above address at each report interval.
- f. Any significant changes to a master plan should be agreed with Natural England in advance.
- g. This licence does not confer any right of entry upon land.

- Active season for GCN is generally considered to be February to October depending upon suitable weather conditions.
- i. Timeframes for the creation of new ponds are set out on the gov.uk website. Ponds should be created at least 6 months before moving the newts if:
  - all the conditions are favourable;
  - the donor population is a "small population size class".

Create new ponds at least one year before moving the newts for medium population size classes and 2 years for large population size classes.

Issued by and on behalf of Natural England on

Date

08 December 2021

## Figure references:

Those marked with an "\*' are mandatory for each licence, and those marked "\*\*' are applicable to specific licences only). Special Condition 3 of this licence annex details which Figures form part of this licence and its conditions: they must be complied with. Figures are not sent back out to the Licensee or Named Ecologist when the licence is granted as dated and referenced copies are already held by those persons.

- B1.1 or B1.8\*\* Project wide master plan (mandatory for phased and multi-plot licences).
- D\* Impacts: habitat damage and/or destruction.
- E2\* Receptor site location in relation to development site.
- E3.1\* habitat creation, restoration and enhancement measures.
- E3.3\*\* Diagram to show mitigation connectivity measures (e.g. underpasses).
- E4a\* Capture and exclusion measures.
- E4b\*\* Non-standard capture and exclusion measures.
- E5.1\*\* Post development management and maintenance measures.
- E5.2\*\* -Ponds that will be surveyed as part of post development monitoring, with pond references.
- F1\* Final layout of development and mitigation measures.