

# ORGANISATIONAL LICENCE WML-OR56



## Issued to Laing O'Rourke and Murphy Joint Venture

### OVERVIEW

This organisational licence is issued to Laing O'Rourke and Murphy Joint Venture and permits suitably experienced employees and staff of contractors to undertake certain activities affecting Barbastelle bat *Barbastella barbastellus*, Common pipistrelle bat *Pipistrellus pipistrellus*, Soprano pipistrelle bat *Pipistrellus pygmaeus*, Noctule bat *Nyctalus noctula*, Leisler's bat *Nyctalus leisleri*, Brown long-eared bat *Plecotus auritus*, Natterer's bat *Myotis nattereri*, Daubenton's bat *Myotis daubentonii*, Whiskered bat *Myotis mystacinus*, Brandt's bat *Myotis brandii* (all of which are European Protected Species (EPS)) which would otherwise be unlawful. The licence facilitates the enabling and construction works for a high speed rail line between London and Birmingham (Phase 1).

**Laing O'Rourke and Murphy Joint Venture** is responsible for the conduct of all activities performed under the authority of this licence.

Natural England Ref: WML-OR56

Organisational Licence

The following annexes form part of this licence:

- WML – OR56(A) (Map of area covered by this licence)
- WML – OR56(B) (permitted activities and licensed methods for bats)

The following documents are also integral to this licence:

- Marlowes Wood Work Schedule
- Marlowes Wood Method Statement
- Marlowes Wood Bat Impacts Maps
- Bat Mitigation Licence Location Map
- Marlowes Wood Bat Habitat Creation Map
- HS2 Environmental Minimum Requirements
- Ecological Site Management Plans

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

### IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

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

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

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

Under the 2017 Regulations Natural England has granted this licence for Barbastelle bat *Barbastella barbastellus*, Common pipistrelle bat *Pipistrellus pipistrellus*, Soprano pipistrelle bat *Pipistrellus pygmaeus*, Noctule bat *Nyctalus noctula*, Leisler's bat *Nyctalus leisleri*, Brown long-eared bat *Plecotus auritus*, Natterer's bat *Myotis nattereri*, Daubenton's bat *Myotis daubentonii*, Whiskered bat *Myotis mystacinus*, Brandt's bat *Myotis brandii* for the purpose of:

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

to: **Laing O'Rourke and Murphy Joint Venture** (hereafter referred to as the "Licensee") of Sixth Floor, Cornerblock, Two Cornwall Street, Birmingham, West Midlands, B3 2DX

**To:** Carry out the activities detailed in

- Annex WML – OR56(B)

**Between the dates of:** 06 April 2020 and 31st December 2030

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

**At:** The Licensed Area as shown hatched in orange on the map in Annex WML– OR56(A) which includes Marlowes Wood.

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

- the licence terms and conditions specified below and in the Annexes to this licence:  
and
- the Marlowes Wood Method Statement, the Marlowes Wood Work Schedule, the Marlowes Wood Bats Impacts Map, the Marlowes Wood Bat Compensation Maps, and the HS2 Environmental Minimum Requirements.

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

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

#### **DEFINITIONS used in this licence**

|                     |  |
|---------------------|--|
| Accredited Agent(s) | A suitably trained and experienced person who has been appointed by the Named Ecologist (in accordance with Condition 3) and who is able to carry out work under this licence without the personal supervision of the Named Ecologist.   |
| Appointed Person    | An employee of the Licensee who is nominated to act as a single point of contact for Natural England with regard to this licence and is responsible for overseeing use of the licence, including record keeping, reporting and compliance.   |
| Assistant(s)        | A person assisting a Named Ecologist or Accredited Agent who has been appointed by the Named Ecologist (in accordance with Condition 3) and who is only authorised to act under this licence whilst they are under the direct supervision of the Named Ecologist or an Accredited Agent. |

|  |  |
|--|--|
| HS2 Environmental Minimum Requirements   | The environmental minimum requirements set out the government's high level environmental and sustainability commitments that accompany the High Speed Rail (London - West Midlands) Act 2017.  |
| Ecological Site Management Plans (ESMPs) | HS2 Ltd Contractors are required to produce ESMPs for habitat creation areas, designated sites and ancient woodlands, as prescribed by paragraph 4.8.3 of the Environmental Minimum Requirements (EMRs). These plans set out the site-specific control measures for HS2 contractors working within local authorities along the Phase One route.                                |
| Licensed Area                            | The area covered by this licence including Marlowes Wood extending between SP23367929 - SP23357858, as shown hatched in orange on the map in Annex WML-OR56(A).  |
| Named Ecologist                          | Ian Davidson-Watts (NE Customer Number C136201), being a professional ecological consultant who has satisfied Natural England that he has the relevant skills, knowledge and experience of the species concerned (or such other person as approved in writing by Natural England) and who is authorised by the Licensee to act on its behalf for the purposes of this licence. |
| Marlowes Wood Bat Impacts Maps           | The two impact maps, given reference numbers Figure Da and Figure Db, of the Licenced Area submitted to Natural England on 02 April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.  |
| Bat Mitigation Licence Location Map      | The map, given reference number C5a, of the Licenced Area submitted to Natural England on 02 April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.   |
| Marlowes Wood Bat Habitat Creation Map   | The two maps, given reference numbers Figure E3a and Figure E3b, of the Licenced Area submitted to Natural England on 20 March 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.   |
| Marlowes Wood Method Statement           | The method statement for bats at the Licensed Area, submitted to Natural England using template WML-A13.3, on 2 <sup>nd</sup> April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.  |
| Marlowes Wood Work Schedule              | The schedule of works at the Licensed Area, submitted to Natural England using template WML-A13a-E5a&b, 2 <sup>nd</sup> April 2020 or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.   |

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

### **LICENCE CONDITIONS**

1. This licence includes Annex WML-OR56(A) and Annex WML-OR56(B), which contain additional terms and conditions of use.

## **People authorised to use this licence**

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

## **Working under this licence**

4. The Licensee has primary responsibility for ensuring that all activities carried out in the Licensed Area comply with the terms and conditions of the licence.
5. Before commencing activities under this licence, the Licensee shall nominate an Appointed Person whose details will be provided to Natural England in writing to oversee use of this licence. The Licensee shall promptly update Natural England in writing of a replacement Appointed Person if that person changes.
6. The Named Ecologist is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The Named Ecologist is responsible for checking the suitability and competence of any Accredited Agents or Assistants employed in the Licensed Area to undertake the required duties.
7. The Licensee and all persons acting under this licence must comply with:
  - a) the terms and conditions of this licence and its Annexes WML – OR56(A) and WML – OR56(B); and
  - b) the Marlowes Wood Method Statement, Bat Mitigation Licence, Marlowes Wood Location Map, the Marlowes Wood Work Schedule, the Marlowes Wood Bat Impacts Map and the Marlowes Wood Bat Compensation Maps; and
  - c) HS2 Environmental Minimum Requirements.
8. If there are conflicts or inconsistencies between commitments in the documents in condition 7(b) and the terms and conditions of this licence and its annexes, the licence and annexes will prevail. Any other conflicts or inconsistencies between the documents in condition 7(b) will be interpreted on a precautionary basis to ensure the protection of bats.
9. While engaged in licensed activities, the Licensee shall make a copy of the licence and its Annexes available for inspection on each site in the Licensed Area where the activities are taking place and shall produce it on demand to any constable or an officer of Natural England.
10. All reasonable precautions must be taken to ensure that unnecessary suffering and harm to the species covered by this licence is avoided.

## **Where the licence may be used**

11. This licence may only be used within the Licensed Area and for the activities specified in Annex WML–OR56(B).

## **Surveying and Monitoring**

12. Pre felling surveys must be appropriately resourced and undertaken at suitable times and in accordance with Annex WML-OR56(B).
13. Monitoring must be undertaken in accordance with section E4.2b of the Marlowes Wood Method Statement. Any relevant amendments to monitoring will be agreed with Natural England through a licence modification request.

### **Recording and reporting requirements**

14. The Licensee must maintain a record of all bat-related activities carried out under the authority of this licence necessary for reporting to Natural England, including (as a minimum):
  - a) a list of all persons authorised to act under the licence and in what capacity (i.e. Accredited Agent or Assistant);
  - b) any action undertaken under this licence;
  - c) any mitigation or compensation provision;
  - d) any surveying and monitoring conducted;
  - e) any dead or injured bat found in the Licensed Area; and
  - f) any incidents or reports of activities in breach of this licence, including details of steps taken, and any disciplinary, remedial or corrective action.

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

15. Survey and monitoring records for bats 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) every other year.
16. An annual report of activities conducted under this licence must be sent by the Licensee to Natural England (at the address given below) for the first reporting year of 06 April 2020 – 31 December 2020 and submitted by 14 January 2020, and thereafter by 14 January for each subsequent reporting year of 01 January – 31 December, even if the licence is not used.

### **Future management**

17. All ESMPs applicable to the Licensed Area, or any part of it, must be updated by or on behalf of the Licensee in line with the licensing requirements of the Marlowes Wood Method Statement. The Licensee shall ensure compliance with the requirements of all ESMPs applicable to the Licensed Area, or any part of it, for the full period of the licence and will consult with Natural England in relation to any amendment or proposed amendment to any such ESMP.

### **Licence compliance**

18. For the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with, the Licensee, the Named Ecologist and each Accredited Agent, Appointed Person and Assistant shall permit an officer of Natural England reasonable access to land where operations are being undertaken under this licence. Officers of Natural England shall also be permitted to be present during any operations carried out under the authority of this licence. Any such officer of Natural England may be required to produce his/her identification on demand and will be permitted to be accompanied by such persons as he/she considers necessary for the purpose of the visit. The Named Ecologist and each Accredited Agent, Appointed Person and Assistant shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
19. Failure to comply with the terms and conditions of this licence (including the recording and reporting requirements) will, by default, render this licence null and void and it may not be relied

upon until such time that Natural England confirms in writing that its use may resume.

20. Natural England must be informed of all breaches to this licence within 48 hours of the Licensee becoming aware of a breach occurring. Unless advised otherwise by Natural England, the Licensee must take the necessary steps to address any breaches or poor practice identified as soon as practicable.

Issued by and on behalf of Natural England on: 06 April 2020

### **INFORMATION and ADVICE**

- a. Any requests for information in a licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.
- b. The licence may be modified, extended, terminated or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so.
- c. This licence conveys no authority for actions prohibited by any other legislation. For example, anyone acting under this licence is not exempt from the provisions of Section 28E of the 1981 Act. This means that owners/occupiers are obliged to give notice to Natural England if they propose to carry out an operation likely to damage a Site of Special Scientific Interest (SSSI). To identify SSSIs and the features for which they are designated, refer to [www.magic.gov.uk](http://www.magic.gov.uk). For further advice or to request consent for an activity please contact the Natural England 'Responsible Officer' for the relevant site(s). Contact details are available from the Natural England Enquiry Service (see below).
- d. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the 1981 Act, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 (all as amended) may use this licence without the permission of Natural England unless, in respect of that offence, either:
  - i. they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
  - ii. a court has made an order discharging them absolutely.Any request to use the licence by a person to whom this note applies will be considered on its merits.
- e. The common name or names of species given in the Licence, Annexes, and associated documents are included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species that will be taken into account.

### **Training requirements**

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

### **General Welfare Considerations**

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

### **The limits of licences**

- i. Licences permit action only for the purposes specified on that licence.
- j. Licences do not permit actions prohibited under any other legislation (unless it is clearly stated that the licence does), nor do they confer any right of entry upon land.
- k. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

- l. No work shall be carried out under this licence on a National Nature Reserve except with the prior written permission of Natural England's 'SSSI Adviser' for the relevant site(s) (contact details available from Enquiry Service – see below ).

### Compliance and enforcement

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

### Contact details for Natural England

*For licensing enquiries (& Reporting):*

**Telephone** 020 802 61089

**Email** [HS2wildlifelicensing@naturalengland.org.uk](mailto:HS2wildlifelicensing@naturalengland.org.uk)

#### Postal address

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

*For other enquiries use the Enquiry Service:*

**Telephone** 0300 060 3900

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

**Web** [Natural England - GOV.UK](http://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.
- HS2 LTD.

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

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

No, because the processing is not based on consent.

### How long will my data be held for?

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

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

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

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

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

### Will my data be transferred outside of the EEA?

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

### What are my rights?

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

### How do I complain?

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

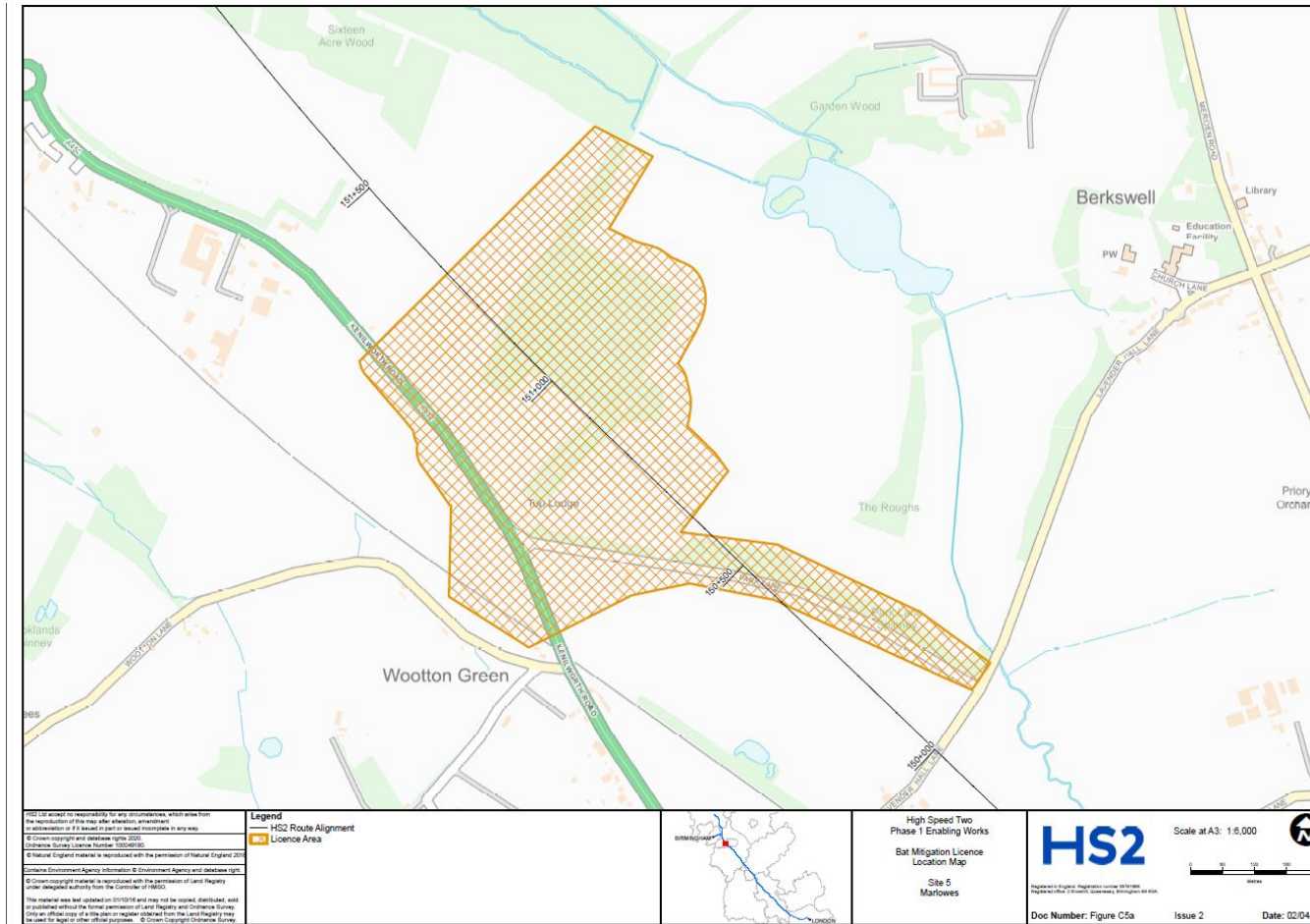
### Natural England's Information Charter can be found here:

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



# ANNEX WML – OR56(A)

This Annex defines the boundaries and areas of the Licensed Area –  
As shown on Figure C5a:



# ANNEX WML – OR56(B)

## Permitted activities and licensed methods for bats within the Licensed Area



### OVERVIEW

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

Surveys and inspections for bats in trees identified as having bat roost potential must be undertaken to establish whether bats are present prior to undertaking tree works. This Annex does not permit works to trees where a species of bat or roost types not covered by this licence is present.

#### Activities permitted

- I. Capture
- II. Transport
- III. Disturb
- IV. Damage or destroy the resting places
- V. Damage or destroy breeding places of specified bat species (See Table 1 and Table 2 below).

This licence permits activities affecting the following roost types only: Feeding roosts; Day roosts; Night roosts; Transitional/occasional roosts; Satellite roosts; Maternity roosts, and Hibernation roosts (see Definitions at Condition B27).

#### Purpose(s) for which these activities may be conducted

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

### IMPORTANT

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

Definitions in the main licence also apply to this Annex and further definitions specific to this Annex are set out at Conditions B27 and B28.

#### Interpreting the table of permitted activities and operations

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

**Table 1: Permitted activities and operations**

| Permitted activities and operations                                     | Actions made lawful by this licence |           |         |                      |                       |                       |                        | Additional condition No. especially relevant to the action                     | Permitted methods   | Species permitted  |
|---|-------------------------------------|-----------|---------|----------------------|-----------------------|-----------------------|------------------------|--|---|--|
|   | Capture                             | Transport | Disturb | Damage resting place | Damage breeding sites | Destroy resting place | Destroy breeding sites |  |   |  |
| Noise, lighting and vibration caused by construction related activities |                                     |           | X       | X                    |                       |                       |                        | B1, B2, B3, B4, B10  | Disturbance by noise, lighting and vibration  | Barbastelle, Brandt's bat, Brown long-eared bat, Common pipistrelle bat, Daubenton's bat, Leisler's bat, Natterer's bat, Noctule bat, Soprano pipistrelle bat, Whiskered bat |
| Pre-works inspection of trees   | X                                   | X         | X       | X                    |                       |                       |                        | B1, B2, B3, B4, B5, B6, B15  | By hand; Endoscope; Torch illumination; Static hand-held net;   |  |
| Roost loss through tree felling   | X                                   | X         | X       | X                    | X                     | X                     | X                      | B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, B11, B12, B13, B14, B15, B16, 17, B18 | Exclusion by one way door or valve; Permanent exclusion; Destructive Search by Soft Demolition; Destructive Search by Soft Felling; Mechanical Demolition |  |

**Table 2: Licensable activities and maximum numbers:**

| Species                 | Licensable activities and maximum numbers: |           |               |                      |                       |                       |                        |
|-------------------------|--|-----------|---------------|----------------------|-----------------------|-----------------------|------------------------|
|                         | Capture                                    | Transport | Disturb       | Damage resting place | Damage breeding sites | Destroy resting place | Destroy breeding sites |
| Barbastelle bat         | 5  | 5         | Not Specified | 59                   | 0                     | 118                   | 0                      |
| Brandt's bat            | 10   | 10        | Not Specified |                      | 0                     |                       | 0                      |
| Brown long-eared bat    | 20   | 20        | Not Specified |                      | 0                     |                       | 0                      |
| Common pipistrelle bat  | 15   | 15        | Not Specified |                      | 0                     |                       | 1                      |
| Daubenton's bat         | 5  | 5         | Not Specified |                      | 0                     |                       | 0                      |
| Leisler's bat           | 15   | 15        | Not Specified |                      | 0                     |                       | 0                      |
| Natterer's bat          | 25   | 25        | Not Specified |                      | 0                     |                       | 7                      |
| Noctule bat             | 5  | 5         | Not Specified |                      | 0                     |                       | 0                      |
| Soprano pipistrelle bat | 20   | 20        | Not Specified |                      | 0                     |                       | 1                      |
| Whiskered bat           | 10   | 10        | Not Specified |                      | 0                     |                       | 0                      |

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 (see definition B27) or breeding sites that can be damaged or destroyed under this licence (if applicable).

## ANNEX B LICENCE CONDITIONS

### Working under this licence:

- B1. This licence is only to be used in connection with the Project Description and only when alternatives recognised by the Named Ecologist or an Accredited Agent are not appropriate to the conservation of bats.
- B2. The Licensee, the Named Ecologist, Accredited Agents, the Appointed Person and Assistants must adhere to the activities and timescales agreed in the Marlowes Wood Work Schedule.
- B3. The Named Ecologist or an Accredited Agent must ensure that all those involved with the licensed works understand by way of a 'tool box talk' that bats are present; the legislation relating to bats; measures that will be used to protect them; good working practices; licensed activities and what to do should bats be found. This information must be provided before any licensed works commence on site. A written record that this has been undertaken, and that it covers the above points, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.

### Methodology:

- B4. All relevant animal welfare legislation must be complied with at all times.
- B5. All works must be undertaken using best practice methodology to ensure minimal risk to bats. Persons acting under this licence must abide by the advice on excluding bats, handling bats and working in bat roosts in the most up to date edition of the ["Bat Mitigation Guidelines"](#) and the ["Bat Workers Manual"](#). "[The Bat Survey - Good Practice Guidelines](#)" are available from the BCT website. 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. In addition to this:
  - a) The use of endoscopes, artificial light from torches, Destructive Search by Soft Demolition (see Definition in Annex Condition B28) temporary obstruction of roost access, temporary or permanent exclusion methods (including installation) and use of static hand held nets must only be undertaken or directly supervised by the Named Ecologist, or an Accredited Agent.
  - b) Where capture and/or handling of bats are necessary, only the Named Ecologist, Accredited Agent, or an Assistant may do so. Capture/handling/exclusion of bats must only be undertaken in conditions suitable for bats to be active.
  - c) Where bats are discovered and taken under this licence they must either be relocated to a suitable roost for the species, or where bats are held this must be done safely and bats released on site at dusk in, or adjacent to, suitable foraging/ commuting habitat in safe areas within or directly adjacent to the pre-works habitat. Where a bat is unexpectedly discovered in adverse weather conditions, condition B14 must be followed.
  - d) Endoscopes and hand held nets are only to be used to assist with the locating and capture of bats.
  - e) Temporary and permanent exclusion must be carried out using techniques specified in the most up to date edition of the '[Bat Workers Manual](#)'. If one-way exclusion devices are to be used, each device must remain in position for a period of at least 5 consecutive days/ nights throughout a spell of suitable weather conditions, or longer until these conditions prevail.
  - f) Prior to destructive works, an inspection using torches and/or an endoscope must be performed internally to search for the presence of bats. If any bat species covered by this licence is found and is accessible, each will be captured by gloved hand or

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

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

- B6. For trees that are safe to climb and that possess Potential Roosts Features (PRFs) that can be accessed, pre-felling climbing inspections will be undertaken no more than three days prior to tree felling. For known roosts and PRFs consisting of cavities (or similar), Destructive Search by Soft Felling (see Definition in Annex Condition B28) will take place on the same day as the pre-felling inspection.
- B7. For PRFs confirmed as containing no bats, the PRF will be immediately felled or made unsuitable for bats. Materials used for soft blocking must be appropriate for intended purpose and not risk entrapping or capturing bats or other wildlife.
- B8. For PRFs that contain bats, bats will be removed in line with the procedures specified in Condition B4 above.
- B9. Should bats be discovered inside a tree and cannot be successfully captured due to the nature of the roost feature, climbers will withdraw. In this circumstance, during the active bat season (April-October), an emergence survey followed by dawn re-entry survey in suitable weather conditions will be undertaken in relation to the confirmed roost (using infrared (IR) cameras) to identify when bats have left the roost and not re-entered. This will be followed by tree climbing and soft blocking of the roost prior to felling. If tree climbing is not possible the tree must undergo a Destructive Search by Soft Felling (see Definition in Annex Condition B28).

**Impacts:**

- B10. Disturbance of bats and damage and/or destruction of bat roosts will be limited to those trees shown on the Marlowes Wood Bat Impacts Maps.

**Undertaking works on roosts under this licence:**

- B11. A written record must be kept of capture and exclusion efforts undertaken, including weather conditions (including over-night minimum temperature and rainfall), numbers and species of bats captured/taken and duration of exclusion process.
- B12. Destructive Searches by soft felling (See Definitions used in this annex) may only be carried out when it is dry and mild and after temperatures have not dropped below 8°C for 4 days.
- B13. Licensable activities impacting satellite, maternity and hibernation roosts (see Definitions at Condition B27) must not be undertaken while the roost is in use for these purposes. Where the roosts are excluded ahead of seasonal use, appropriate compensation (if required) must be in place and available for use prior to exclusions taking place.
- B14. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:
- a. Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.

- b. Do not expose the bat or cause it to fly out of the roost on its own accord.
- c. The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
- d. Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.
- e. The Named Ecologist must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incident must also be reported on the licence return form.
- f. Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

B15. Natural England must be notified in writing, to [HS2wildlifelicensing@naturalengland.org.uk](mailto:HS2wildlifelicensing@naturalengland.org.uk), within the relevant period identified in Table 3 below depending on the species and number of bats encountered.

**Table 3. Notification periods based on species and number encountered**

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

- B16. Provision must be made for prompt assistance to deal with any injured bat. Any injured or dead bats must be reported to Natural England on the licence return form.
- B17. Mechanical Demolition (see Definition in Annex Condition B28) of a structure must only take place after the structure been declared free of bats by the Named Ecologist or Accredited Agent.
- B18. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:
- a. Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.
  - b. Do not expose the bat or cause it to fly out of the roost on its own accord.
  - c. The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
  - d. Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.
  - e. The Named Ecologist or an Accredited Agent must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incident must also be reported on the licence return form.
  - f. Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

**Compensation and mitigation:**

- B19. All roost mitigation features as shown on Figures E3a and E3b must be erected or created in woodlands adjacent to the impacted areas under the direct supervision of the Named Ecologist or Accredited Agent
- B20. Bat roost mitigation features must be provided in accordance with the ratios set out in Table 4 below.

**Table 4. Provision of bat roost mitigation features**

| <b>Roost feature type</b> (Existing confirmed roost or Potential Roost Feature (PRF))  | <b>Minimum replacement ratio</b><br>(roost mitigation feature: roost or tree lost ) |
|--|---|
| Used by Barbastelle bat (any roost type)   | 4:1 (4 roost mitigation features per confirmed roost)                               |
| Maternity roost / hibernation roost (any species)  | 4:1 (4 roost mitigation features per confirmed roost)                               |
| Used by Brandt's bat, Brown long-eared bat, Common pipistrelle bat, Daubenton's bat, Leisler's bat, Natterer's bat, Noctule bat, | 2:1 (2 roost mitigation features per confirmed roost)                               |



|  |  |
|--|--|
| Soprano pipistrelle bat, Whiskered bat (any roost other than maternity roost or hibernation roost) |  |
| Trees classified as having 'High' or 'Moderate' PRFs   | 1:1 (1 roost mitigation feature per tree with high PRFs) |

B21. A roost mitigation feature may comprise either a suitable bat box, an existing PRF on a felled tree which has been relocated to an adjacent enhancement area (i.e. a 'monolith' if laid on the ground or a 'totem' if stood upright within a pit) or a new 'veteranised' feature created within either a retained tree or on a felled and relocated monolith or totem.

**Post-development site maintenance and habitat management requirements:**

B22. Maintenance of bat boxes must comply with the HS2 Technical Standard - Ecological Monitoring Strategy (ECMS) (ref: HS2-HS2-EV-STR-000-000029 C01 da2ted October 2018).

B23. In accordance with the Environmental Minimum Requirements (see Definitions) for HS2 Phase One, the licensee must submit to Natural England the Ecology Site Management Plan (ESMP) for Marlowes Wood ( ref: 1EW04-LMJ-EV-PLN-NS01-054012), for review and approval, at draft stage and any future versions.

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

B24. Post-impact bat population monitoring must be implemented, in accordance with section E4.2b of the Marlowes Wood Method Statement and E5b of the Marlowes Wood Work Schedule.

B25. An annual monitoring report outlining the results of monitoring and an assessment of any significant impacts must be submitted annually to Natural England following the completion of all specified methods in each calendar year for the duration of monitoring works (see Condition 16 of the licence).

B26. It is a condition of this licence that the following reports are completed and returned to Natural England as specified:

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

**Definitions used in this annex:**

B27. For the purpose of this licence the following roost types are defined as:

- a. **Day roost:** a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.
- b. **Night roost:** a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.
- c. **Feeding roost:** a place where individual bats or a few individuals feed during the night but are rarely present by day.

- d. **Transitional / occasional roost:** used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.
- e. **Maternity roost:** where female bats give birth and raise their young to independence.
- f. **Satellite roost:** an alternative roost found in close proximity to the main nursery colony used by a few individual breeding females or small groups of breeding females throughout the breeding season.
- g. **Hibernation roost:** where bats may be found individually or together during winter. They have a constant cool temperature and high humidity.
- h. **Potential Roost Feature (PRF):** features that bats could use for roosting. PRFs that may be used by bats are listed in [The BCT Bat Surveys for Professional Ecologists: Good Practice Guidelines \(3rd edition\)](#)
- i. **Resting Place:** A tree in which bats rest is defined as a resting place.

B28. For the purpose of this licence the following licensed methods are defined as:

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