

Conservation of Habitats and Species Regulations
2017 (as amended)



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

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

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: **2021-51562-EPS-NSIP1-2**

Under the Conservation of Habitats and Species Regulations 2017 (as amended) Natural England has
granted this licence for Dormice 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):	[REDACTED]
Company Name:	LM - Joint Venture
Address:	LM - Joint Venture, Laing O'RourkeMurphy 6th Floor, Cornerblock Two Cornwall Street Birmingham
County:	West Midlands
Postcode:	B3 2DX

Between the dates of:

02 November 2021	and	01 November 2039	inclusive
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Project Description:

Licensable activities associated with development under S20 of the High Speed Rail Act 2013
(London – West Midlands), subject to Schedule 17.

At (locations):

Site/Location Name	County	OS Grid Reference
Park Lane and surrounding habitats	West Midlands	SP219807
Park Lane and surrounding habitats	West Midlands	SP240782

For the following Species; activities and methods:

Species Common Name (Taxonomic Name)	Activity	Method
Hazel or common dormouse (<i>Muscardinus avellanarius</i>)	Capture; Damage breeding site; Damage resting place; Destroy breeding site; Destroy resting place; Disturb; Transport	By hand; Hand search; Single stage habitat removal - active season; Single stage habitat removal – hibernation season; Two stage habitat removal

For the following licensable activities and maximum numbers:

Licensable Activity	Permitted Species Common Name	Maximum Number
Capture	Hazel or common dormouse	20
Damage breeding site	Hazel or common dormouse	See Additional Condition for details
Damage resting place	Hazel or common dormouse	See Additional Condition for details
Destroy breeding site	Hazel or common dormouse	See Additional Condition for details
Destroy resting place	Hazel or common dormouse	See Additional Condition for details
Disturb	Hazel or common dormouse	Not Specified
Transport	Hazel or common dormouse	20

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:

The Forum
Barnfield Road
Exeter

County:

Devon

Postcode:

EX1 1QR

Signature:

Date:

02 November 2021

(for and on behalf of Natural England)

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

1. The licensee is responsible for ensuring that operations comply with all terms and conditions of the licence.
2. 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.

LICENCE CONDITIONS

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.
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. 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.

LICENCE CONDITIONS

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):

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 HAZEL DORMOUSE INDIVIDUAL MITIGATION LICENCE



IMPORTANT: These special conditions are in addition to the standard licence conditions

Where there are several options you are required to do those that are indicated by ☒.

Natural England Reference:

2021-51562-EPS-NSIP1-2

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

Licensable activity		Permitted activity	Maximum number (if applicable to activity)
Breeding site	Damage	Yes	Number not specified
	Destroy	Yes	Number not specified
Resting place	Damage	Yes	Number not specified
	Destroy	Yes	Number not specified

General:

- 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:
 - The advice in the "Dormouse Conservation Handbook" (see 'Licence Note' b).
- The Licensee, including the Named Ecologist, Accredited Agents and Assistants (see [Definitions](#) in conditions 25-28), must adhere to the activities and timescales agreed in Work Schedule WML-A35a-E5a&b (dated and referenced **Park Lane and surrounding habitats A452, Berkswell Solihull B92 OLN 29th October 2021**) between the licensee and Natural England.*

*Carrying out licensable activities outside the periods specified within the licensed work schedule E5a is permitted provided that **all** of the following requirements are met:

- Licensable activities set out in the work schedule are carried out in the same chronological order and, except as permitted in (c) below, in the same season; and
- The same clearance methodology as specified in the licence must be used; and
- Habitat restoration, enhancement, and creation must be carried out within the same season or same calendar year as specified in the licence and work schedule; and
- There is no additional impact on any known or potential breeding sites or resting places (including hibernation sites) as a result of timing changes.

Post development works must be carried out in accordance with section E5b of the licensed work schedule. Should timings change such that one or more of the requirements will not be met, a modification request form must be submitted alongside a revised work schedule to enable Natural England to reassess the FCS test. This 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: B2.1 -; D (pages 1-3) 29/10/2021; E2 (pages 1-3) 29/10/2021; E3 (pages 1-3) 19/01/2021; E4 (pages 1-3) 21/01/2021; Other as specified, -, must be complied with (see end of Annex for list of Figures).
4. The Named Ecologist or Accredited Agent must ensure that all those involved with the licensable works understand by way of a 'tool box talk' that dormouse are present; the legislation relating to dormice; measures that will be used to protect them; good working practices; licensable activities and what to do should dormice be found. This information must be provided before any licensable works commence on site. A written record that this has been undertaken, and the detail it covered, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.
5. Disturbance of dormice and damage and / or destruction of their habitats will be limited to that shown in Figure D.

Methodology and mitigation:

6. All works must be undertaken using best practice methodology to ensure minimal risk to dormice and all relevant animal welfare must be complied with at all times.
7. Methods licensed:

Location	Licensed method	Required? Additional details
As indicated on Figure E2	Single stage habitat removal – active season (with finger tip search)	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Single-stage clearance will only be carried out in April and May and/or September and October 2021, plus November as agreed with NE and where weather conditions remain favourable, if it is not possible to carry out stage one of the two-stage clearance methods.
	Single stage habitat removal – hibernation season (with finger tip search)	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/>
	Two-stage habitat removal: <ul style="list-style-type: none"> • Stage 1 – habitat removal (above ground vegetation 15-30cm) • Stage 2 – habitat removal (removal of root balls) 	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> Significant habtiat clearance has already been undertaken before the modification request was submitted: 900m of hedgerow and 3.345ha of woodland and associated understorey. There is still some clearance to be carried out during favourable weather in November 2021 in 16 acre wood (due to constraints associated with other protected species). Remaining clearance works of above ground vegetation is required in small areas of woodland in the northern part of the area and at 16 Acre Wood, additionally some discreet hedgerow blocks are outstanding These areas are shown on Figure D. in addition, large logs within Park Lane woodland will be lifted and removed during November. Approximately 520m of hedgerow and 0.45 ha of woodland is still to be cleared under this licence. <input type="checkbox"/> N/A; <input checked="" type="checkbox"/> To apply to one hedgerow to the south of Park Lane, and where applicable to 16 acre wood in conjunction with single stage of trees once GCN trapping is complete. The early schedule was not completed, therefore additional works will be required in spring 2022. This will apply to areas within 16 Acre Wood, Park Lane, three small woodland blocks to the north and any outstanding hedgerows.
	Hand searches including capture by hand	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -

Capture by nest box / nest tube	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Release within licensed site (If captured during searches)	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Other: -	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -

8. Vegetation clearance of above ground dormouse habitat must be carried out using hand held tools only.
9. Single stage active season clearance must be carried out in a staged manner with up to 50m² (0.25ha) strips cleared each day towards retained habitat.
10. Where capture and / or handling of dormice (including release) are necessary, only the Named Ecologist, Accredited Agent or an Assistant directly supervised by the Named Ecologist or an Accredited Agent by may do so.
11. Provision must be made for prompt assistance to deal with any injured dormouse. Any injured or dead dormice must be reported to Natural England on licence return form WML-LR-DORMANN.
12. Where active dormice are discovered during works and it is possible to allow them to move independently to safe habitats, outside high risk work areas, this should be the first course of action.
13. Where it is not possible to follow Condition 12 and dormice are discovered and taken under this licence they must be:
 - In the active season - relocated in the existing nest to a specifically erected dormice nest box (if applicable) within 100m of the 'capture' location.
 - And / or**
 - During hibernation - relocated in the existing hibernation nest, with surrounding damp material, to a location within 100m of this site similar in condition and aspect to the existing hibernation nest location. It must then be covered by suitable material for protection.
14. During the hibernation period for works involving standard two-stage methodology, finger-tip searches of haul routes or other areas of high risk to dormice must be carried out and dormice relocated to safety as outlined in Condition 13. Dormice found outside high risk areas during these searches must remain in situ. In the unlikely event of the animal rousing from hibernation it must be taken into captivity until it can be released within 100m of its capture site when weather conditions become suitable.
15. Where a breeding nest is discovered works must stop and provision made for the nest to remain in situ, undisturbed and connected to contiguous habitat, until the young have been weaned and allowed to disperse. Only following dispersal of all young from the nest shall licensable works in this location re-commence.

Compensation:

16. Habitat enhancement and compensation measures as below and as shown on **Figure E3** are to be provided:

Compensation measure	Area (ha), length (m), number
New hedgerow planting	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> 3920.5m New hedgerow planting will be located alongside the new line and linking into new and existing woodland blocks. This is shown in Figure E3. The new hedgerow planting will be composed of native species found within the local area.

Hedgerow gap planting	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Hedgerow translocation	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Coppice stool translocation	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Scrub planting	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
New woodland planting	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> 14.54ha New woodland planting will be located alongside the new line, and adjacent to retained woodland planting. The locations of the woodland are shown in Figure E3. The new woodland planting will be composed of native species rich species that are found in the local area.
Woodland thinning / coppicing	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Woodland infill planting to increase species diversity	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Nest box erection	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> 150 In three areas across the licenable area: 16 acre wood SP226796, Marlowes wood SP233789 and Park Lane SP238784. 50 boxes have already been installed within the retained woodland at Marlowes Wood.
Habitat re-instatement / restoration	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -
Connectivity / linking structures (e.g. bridge) also see Conditions 20 and 22	<input type="checkbox"/> N/A; <input checked="" type="checkbox"/> A green bridge will be located at grid reference SP 2301 7921 A hedgerow will be planted underneath the viaduct at the northern end at grid reference SP 222 801 as shown in Figure E3. Further hedgerows will be planted up to the over and under bridges to assist dormice in finding ways across the railway at locations SP 234 786 and SP 240 782.
Other: -	<input checked="" type="checkbox"/> N/A; <input type="checkbox"/> -

Post-development habitat management and maintenance requirements:

17. The following habitat management measures must be undertaken in line with Figure E4 and Work Schedule WML-A35a-E5a&b Table b:

N/A;

Hedge management: **Six years in 2026, 2027, 2028, 2029, 2030 and 2033;**

Woodland management: **Six years in 2026, 2027, 2028, 2029, 2030 and 2033;**

Scrub management: -;

Other as specified: -.

18. Site maintenance operations must be undertaken in line with Figure E4 and Work Schedule WML-A35a-E5a&b Table b:

N/A;

Check success of establishment of new planting and take remedial action if required: **Ten years in 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and as required;**

Maintain dormouse bridges in good condition: **Five years in 2031, 2032, 2033, 2034, 2035 and as required.;**

Clear material in nest boxes annually to maintain condition: **Ten years in 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and as required;**

Other as specified: -.

19. 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 -.

20. Are dormouse bridges or other linking structures required as part of this licence?

YES: NO

If Yes, **A green bridge will be located at grid reference SP 2301 7921, a hedgerow will be planted underneath the viaduct at the northern end at grid reference SP 222 801 as shown in Figure E3. Further hedgerows will be planted up to the over and under bridges to assist dormice in finding ways across the railway at locations SP 234 786 and SP 240 782.** (structure) must be created as per design shown in Figure E3(pages 1-3) 19/01/2021, location as per Figure E4.

Post-development monitoring and reporting requirements:

21. Monitoring must be undertaken as specified in the years outlined in Work Schedule WML-A35a-E5a&b, Table E5b:

N/A

monitoring required in year(s) **Population monitoring for nineteen years annually in years 2021 to 2039 inclusive.**

By way of: nut search survey; nest tube survey; nest box survey; hair tubes; camera traps.

An assessment of dormouse habitat and /or mitigation structures must also be made at this time. Should survey and habitat assessment indicate mitigation / 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 [licence report](#).

22. Dormouse bridge or other linking structures as shown on Figure E4 must be maintained and monitored:

N/A

Monitoring of connectivity or linking structures for five years annually in years 2031 to 2035 inclusive

23. 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:

Interim reports to be provided 31/10/2032 and 31/10/3034

24. Is this licence part of a phased or multi-plot development?

YES: NO

If Yes, Master Plan reference (**N/A**) 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.

Dormouse EPS Licence Reference Numbers associated with the above Master Plan (**N/A**).

Definitions used in this annex:

25. 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.
26. 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.
27. 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.
28. 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.

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: (**N/A**). It is the licensee's responsibility to ensure that they comply with planning permissions and / or other consents as necessary.
- b) The "[Dormouse Conservation Handbook](#)" is available [here](#).

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.

- c) Post development monitoring [report form](#) can be used for reporting purposes and sent to the above address at the each report interval.
- d) Any significant changes to a master plan should be agreed with Natural England in advance.
- e) This licence does not confer any right of entry upon land.
- f) Persons acting under this licence should abide by the advice described in “*COVID-19 and interacting with wildlife for the purposes of surveying and mitigation works*” issued by Defra to Natural England, as a minimum precaution to reduce the risk of accidental transmission of the virus that causes COVID-19 from humans to wild mammals. “*COVID-19 and interacting with wildlife for the purposes of surveying and mitigation works*” is available from the [Bat Conservation Trust](#) and [CIEEM](#) websites or on request from Natural England (eps.mitigation@naturalengland.org.uk). You should check whether this advice has been updated and if so, should ensure that you act in accordance with the most up to date version. Any products used to clean and disinfect equipment should be safe for use where there could be contact with animals, and used at an effective and safe dilution rate. ‘Safe4’ is considered to be an appropriate disinfectant for this purpose, and is considered effective against the virus at a dilution of 1:50.

Issued by and on behalf of
Natural England

Date

2 November 2021

Figure references:

Those marked with an ‘*’ are mandatory for each licence, and those marked ‘’ are applicable to specific licences only).** Condition 3 of this licence annex details which Figures form part of this licence and its conditions and 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 them.

- B2.1** Project wide master plan (mandatory for phased and multi-plot developments).
- D* – Impacts: disturbance to dormice and habitat damage and / or destruction of habitats.
- E2* – Locations and habitats where all capture and exclusion activities will be undertaken; details release areas for licence involving capture and release.
- E3** – habitat creation, restoration and enhancement measures. Additional figure required for mitigation connectivity measures (e.g. dormouse bridges, underpasses etc).
- E4** – Management, maintenance and monitoring map, showing habitats and structures covered by the licence.