

The West Midlands Rail Freight Interchange Order 201X
Technical Appendix 10.5 - Natural England Letter of no Impediment
Regulation 5(2)(a)
Natural England - November 2017

Date: 06 November 2017
Our ref: 2017-31591-EPS-AD1
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)

Mr Peter Frost
Four Ashes Ltd
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Sent by e-mail only



Worcestershire
County Hall,
Spetchley Road,
Worcester,
WR5 2NP

Tel: 0300 060 3900

Dear Mr Frost

DRAFT MITIGATION LICENCE APPLICATION STATUS: Initial draft application
LEGISLATION: The Conservation of Habitats and Species Regulations 2010 (as amended)
NSIP: West Midlands Interchange, Four Ashes, Wolverhampton, Staffordshire, WV10 7BU
SPECIES: Common pipistrelle, Soprano pipistrelle, Natterer's, Brown long-eared and Daubenton's bats

Thank you for your subsequent draft bat mitigation licence application in association with the above NSIP site, received in this office on 15th September 2017. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. Our Wildlife Adviser Karen Watson has the following points to raise:

General comments

Overall the level of baseline survey data is considered to be comprehensive and has given a thorough assessment of current bat activity across the site. Given the vast quantity of survey information, the presentation of the data and completion of the Method Statement has been executed in an easy to understand way

Based on the current level of bat activity on site, the proposals are considered to maintain the Favourable Conservation Status (FCS) of the bat assemblage and populations present on site.

Points of clarification required

The following points relate to the more detailed specifics when it comes to formally submitting a licence application

1. Masterplan

The current format of the Method Statement, to include all works under all phases has been a useful way to present the information for the purpose of this assessment. However, when it comes to submitting the formal licence application, this should be on a phase by phase basis (i.e. separate licences for each phase) with each licence application being accompanied by a 'Masterplan' document which provides the detail of the scheme in its entirety. Masterplan documents should summarise habitat losses/gains for each phase and will take into account 'up front' mitigation for future impacts. Hence, the Masterplan document is updated prior to the onset of the next phase of works. Details can be found [here](#) (note: this document was written for Great Crested Newts but the general principles are the same)

2. Updating survey information

With the construction period operating over 15 years then, as you have also identified, the bat survey work will need to be updated prior to each phase/licence application

3. Gravelly Way buildings to be improved

It is not clear if these buildings will be occupied as residential properties (in private ownership) in the future or will be owned/managed as part of the green infrastructure. This information should be made clear to ensure that the necessary protection, management and monitoring can be undertaken.

4. Creation of Community parks

Natural England welcomes the creation of the Country Parks which will occur in the early stages of the development. It is essential that this is carried out early enough to enable sufficient time for the vegetation to mature, becoming functional as foraging and commuting habitat, and to eventually provide natural roosting features.

5. Bat boxes

We note the provision of 120 bat boxes which may be disproportionately high compared to the number of bats confirmed roosting within the site. Over use of bat boxes may change the bat species present ([English Nature Report Number 658 Woodland management advice for Bechstein's bat and barbastelle bat](#)). This may not be directly applicable to the application site, due to the species assemblage representing the more common species, than those referenced in the paper. However, the provision/quantity of bat boxes should be reconsidered, with resources concentrating on planting schemes and habitat establishment which will provide longer term mitigation/compensation.

6. Work Schedule

When it comes to submitting a formal licence application this will need to be amended to reflect the phase the licence application is for - please refer to the text above regarding a Masterplan.

The Work Schedule also needs to include site maintenance and habitat management (Section E5b).

7. Monitoring

Consideration should be given to undertaking some general bat activity surveys, given the scale of the project, so that comparisons can be made to pre and post development bat

activity/species assemblage using the site. This would be in addition to the monitoring of the roosts created at Gravelly Way and the bat boxes.

8. Future Long Term Management

When submitting the formal application details of the long term and site-wide habitat management, including bat mitigation features should be included. It is assumed this will be via a Section 106 agreement or similar mechanism.

9. Adjacent Bericote Site

It is noted that the two Daubenton's tree roosts are located off site, within the adjacent development site. Please ensure the data you have obtained has been shared with this development to ensure that the tree roosts are given the necessary protection.

10. Heath Farm – Converted Buildings

I assume that the bat features (boxes and loft) already installed in these properties was a general planning requirement? (Seeing as the search for nearby licences didn't include this site).

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely



Karen Watson, Wildlife Adviser

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Annex - Guidance for providing further information or formally submitting the licence application.

Important note: when submitting your formal application please mark all correspondence 'NSIP: FORMAL LICENCE APPLICATION 2017-31591-EPS-AD1 – WEST MIDLANDS INTERCHANGE BATS for the attention of Karen Watson'.

Submitting Documents.

Documents must be sent to the Customer Services Wildlife Licensing (postal and email address at the top of this letter).

Changes to Documents –Reasoned Statement/Method Statement.

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

Method Statement

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.

Customer Feedback – EPS Mitigation Licensing

To help us improve our service please complete the following questionnaire and return to:

Customer Services, Natural England, First Floor, Temple Quay House, 2 The Square, Bristol, BS1 6EB.

Fax: 0845 6013438 or email to wildlife@naturalengland.org.uk

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>



Natural England Reference Number (optional):	Please tick to indicate your role:	Consultant	<input type="checkbox"/>
		Developer (Applicant/Licensee)	<input type="checkbox"/>

1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

Difficult (1)

 OK (2)

 Easy (3)

 Very Easy (4)

If 1 please specify who you initially contacted in relation to your issue/enquiry?

2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?

Unaware (1)

 Very Limited Awareness (2)

 Partially Aware (3)

 Fully Aware (4)

3. How would you rate the service provided by Natural England?

	<i>Poor</i>	<i>Fair</i>	<i>Good</i>	<i>Excellent</i>	<i>Not applicable</i>
	1	2	3	4	
Ease of completion of application	<input type="checkbox"/>				
Advice provided by telephone (if applicable)	<input type="checkbox"/>				
Our web site (if applicable)	<input type="checkbox"/>				
Clarity and usefulness of published guidance	<input type="checkbox"/>				
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>				
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>				
Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If 1 or 2 to any of the above please specify why:

4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?

Fully

 Partially

 Unresolved

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

5. Was there a public reaction to any action taken under the licence or as a result of our advice?

Positive support

 No reaction

 Negative reaction

6. Would you use a fully online licensing service if it could be made available in the future?

Definitely

 Possibly

 Unlikely

 No

7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). If you are happy to be contacted at a later date to explore possible improvement options, please tick this box and ensure your Natural England reference number is at the top of this page.