

BAT MITIGATION CLASS LICENCE WML-CL39



HS2 Phase 1 (London to West Midlands) – Bats in building roosts

OVERVIEW

This licence permits the disturbance and capture of certain common and widespread bat species which are listed in Annex A of this licence, and/or damage/destruction of no more than seven low-medium conservation significance roost/s and low numbers of bats, and where the overall cumulative effect of the unmitigated impacts is low or low-moderate.

Affected roosts must be within built/man-made structures only. Mitigation and/or compensation appropriate for the impacts must be put into place, along with monitoring of the replacement roosts.

This licence may only be used by ecologists who satisfy the criteria for registration and are working for a contractor undertaking works directly related to HS2 Phase 1. It is expected that for each registration the works contractor will be the Licensee.

The use of the licence is subject to:

- A survey (see Conditions 14 to 17 of this licence) being undertaken to enable an accurate assessment of the level of impacts caused by the proposed activities.
- An assessment to ensure that the species, roost type, individual and cumulative level of impact and circumstances fall within the remit of this licence (see Annex A and B of this licence);
- Registration of the site and written confirmation from Natural England that works may proceed, and
- Submission of a report of licensed activities within four weeks of completion of licenced works, and submission of records to the relevant Local Records Centre annually.

Users of this licence will employ suitable mitigation and/or compensation for impacts on bat roosts, and as a minimum replace any roosts lost with roosts of ecological equivalence. Users must also follow the relevant sections of the HS2 Ecology Technical Standard when designing and implementing works affecting bats.

Registration	Any person using this licence must fulfil the criteria and conditions to become a Registered Consultant and to have confirmed registration with Natural England before undertaking any work under this licence. The Primary Registered Consultant for this licence must apply to register individual sites with Natural England prior to each use of this licence
Recording & reporting	There is a data recording and annual reporting requirement.
Reference	WML-CL39

LICENCE TERMS AND CONDITIONS

Legislation	Conservation of Habitats and Species Regulations 2017 The Wildlife and Countryside Act 1981 (as amended)
Relevant section(s)	Natural England hereby authorises under Regulation 55(2) (e) of the 2017 Regulations and section 16(3)(f) of the 1981 Act, being satisfied that as regards the purpose set out below that there is no satisfactory alternative and that the action authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

Valid for the period: 1 March 2019 to 31 December 2019 (inclusive)
WML-CL39 HS2 Bats in building roosts Sept 2019 (V5.0)

Purpose(s) for which this licence is issued	<p>a) Imperative reasons of overriding public interest, or</p> <p>b) Preserving public health and public safety</p>
What this licence permits	<p>Subject to all the terms and conditions of this licence, solely for the purpose(s) stated above, and for works directly related to or necessary for the construction of HS2 Phase 1, this licence permits Registered Ecological Consultants, and their Assistants to:</p> <p>(i) Deliberately disturb;</p> <p>(ii) Deliberately capture/take (ie handle);</p> <p>(iii) Transport;</p> <p><u>Bat species and roost types specified in Annex A of this licence</u>, and to:</p> <p>(iv) Damage or destroy resting or breeding places of the species and roost types specified in Annex A, using only the methods listed below.</p>
By means of	<ul style="list-style-type: none"> • By hand; • Artificial light (e.g. torches); • Endoscopes; • Hand-held static nets; • Temporary exclusion by one-way doors or valves (bat excluders); • Permanent exclusion; • Disturbance by illumination and / or noise; • Temporary obstruction of roost access; • Destructive search by soft demolition; and • Mechanical demolition.
On land	<p>Within the consolidated construction boundary of the proposed rail route and land upon which the Licensee has the permission of the owner to operate, within the counties and unitary authorities of: Greater London, Hertfordshire, Buckinghamshire, Oxfordshire, Northamptonshire, Warwickshire, Staffordshire, Solihull and Birmingham.</p> <p>It may also be used on land in the aforementioned counties and unitary authorities where a third party or contractor of a third party owns or has permission to operate, to undertake works which are directly related to the construction of the rail route, and the Registered Consultant has registered the site with Natural England.</p>
Who can use this licence (see Definitions)	<p>This licence may only be relied upon by Registered Consultants, and their Assistants (see Definitions), except those with a recent conviction (see Important Information, notes 'f' and 'q').</p>

DEFINITIONS USED IN THIS LICENCE

Licensee	<p>The Licensee will be a contractor of HS2 Ltd, or a company which is required to undertake works to facilitate the construction of HS2 Phase 1, who has instructed the Primary Registered Consultant to carry out the licensed activities. Both parties must apply to register sites with Natural England.</p>
Registered Consultant	<p>Is a professional ecological consultant who has been successfully registered with Natural England to use this licence in accordance with standards set by Natural England.</p>
Primary Registered	<p>Is the Registered Consultant who has successfully registered a site or sites</p>

Consultant	where the licence may be used. There can only be one Primary Registered Consultant per registered site
Secondary registered consultant	Is a Registered Consultant who is registered to use WML-CL39 and who the Primary Registered Consultant has authorised, by name in writing, to undertake licensed activities specifically associated with WML-CL39 under a registered site. There can only be one Secondary Registered Consultant per registered site and they may only be appointed at Registered Sites where the Primary Registered Consultant is registered to use WML-CL39 The Secondary Registered Consultant shall carry a copy of the authorisation letter while on the registered site and shall produce it to any police or Natural England officer on request.
Assistant	Is a person assisting a Registered Consultant. There are two levels of Assistants covered under this licence. Their details must be listed in the site registration form 'WML-CL39SiteReg'.
Level 1 Assistant	Is an ecological consultant, who is skilled and experienced in bat mitigation work. A Level 1 Assistant is able to undertake licensed activities, appropriate to their level of experience (as determined by the Registered Consultant) on a registered site whilst the Consultant is not present, and they do not have to be under their direct supervision. Level 1 Assistants may directly supervise "Level 2 Assistants". A maximum of three Level 1 Assistants can be authorised in writing by the Primary Registered Consultant to undertake licensed activities on a site registered under this licence.
Level 2 Assistant	Is a person authorised to act under this licence whilst they are under the direct supervision of a Registered Consultant or a Level 1 Assistant. A maximum of six Level 2 Assistants can be authorised in writing by the Primary Registered Consultant to licensed activities on a site registered under this licence
Registered Site	Is a site that has been registered with Natural England for the purposes of this licence.
Small numbers	For the purposes of this licence, the term 'small numbers of bats' is <u>not</u> defined. Registered consultants are expected to use their experience and professional judgement in deciding what reasonably can be considered to be small numbers of the species of bat involved. These judgements are expected to be in line with established best practice and likely to be determined in the same way by other professional consultants who are experienced in bat ecology and mitigation.
Low to low-moderate impacts	For the purposes of this licence, the terms low and low-moderate impact is that which the unmitigated impact of the proposed actions would likely be judged, by other professional ecologists, to not be likely to cause harm that could be considered to be moderate-high or high. This decision will take into account the numbers of roosts, roost types and numbers of bats involved. Generally these are impacts which can be easily mitigated or compensated by applying standard measures.
Destructive search by soft demolition	Is 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 Registered Consultant or Level 1 Assistant may take any bats found. Under this licence only the Registered Consultant or a Level 1 Assistant must undertake or directly supervise any destructive searching.
Mechanical demolition	Is the destruction of a structure that previously supported a bat roost using mechanical means after the structure, or relevant part of the structure, has been declared free of bats by the Registered Consultant. Mechanical

demolition usually is preceded by a soft demolition exercise or completion of an exclusion process.

'**Lower conservation significance/importance**' roosts' are for the purposes of this licence defined below:

A '**feeding roost**' a place where individual bats or a few individuals rest or feed during the night but are rarely present during the day. They are often distinguishable by evidence of insect remains.

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.

A '**night roost**' a place where bats rest or shelter in the night but are rarely found by day. These roosts vary in their conservation significance and may be used by a single individual on occasion or it could be used regularly by the whole colony. This licence only covers night roosts of low conservation significance.

A '**transitional / occasional roost**' is a place 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.

A '**satellite roost**' is an alternative roost that is in close proximity to a main maternity roost which is used by a small number of breeding females throughout the breeding season.

A '**lower conservation significance maternity roost**' is a place used as breeding site by small numbers of breeding females.

A '**lower importance hibernation roost**' is a location with constant cool temperatures and high humidity, where small numbers of bats are found during the winter months.

Other roosts definitions used in this licence:

A '**roost**' is defined as a single structure or part of a structure, used by a single species for a single purpose. For example where a wall cavity forms a roost for pipistrelle bats and the roof void a roost for brown long eared bats, this, for the purposes of this licence, would be two roosts.

A '**multi-functional roost**' is considered to be a roost that is used by bats of the same, or different species of bats, for different functions. For example, a structure which is used as a maternity roost or a hibernation roost and also by individual bats as a day or a night roost would be considered to be a multi-functional roost. In the context of this licence such a roost would be used by small numbers of a few species of bats.

A '**multi-species roost**' is considered to be a roost that is used by more than three bat species. Different bat species may be using it at the same or different times or for the same or different purposes. In the context of this licence a multi-species roost would be a roost used by few species of bats.

An '**alternative roost**' shall include: a purposely installed bat box or suitably designed and located feature or structure provided for the purposes of providing bat roosts; an existing roost which will not be impacted by the works; or other new/enhanced roosting opportunities. Any alternative roost must be suitable for the species, within or close to the existing roost and free from additional disturbance or development pressure.

ADDITIONAL LICENCE CONDITIONS

Using this licence

1. This licence includes Annexes A, B and C which contain additional terms and conditions of use of this licence.
2. The confirmation of registration to work as Registered Consultant under this licence forms part of this licence and must be kept with this licence and produced along with the licence and confirmation of site registration, when required.

3. To use this licence you must be:
 - a) A primary or secondary Registered Ecological Consultant (see Definitions);
 - b) A Level 1 or Level 2 Assistant (see Definitions) who has been given written permission by the Licensee to act on their behalf on a specific site registered under this licence;
4. The Licensee is required to obtain all necessary permissions and consents and arrange access to the site for the Registered Consultant for the duration of the licenced activities and monitoring period, prior to registering the site. These records must be kept for at least 12 months following completion of the licenced works and monitoring period and must be made available on request to any Natural England officer at any reasonable time, within one working day.
5. Any Assistant must be named on the site registration document and be authorised in writing by the Licensee to act on their behalf under this licence. Any such person must carry this written authorisation with them at all times when conducting activities under this licence
6. It is the responsibility of the Primary Registered Consultant to ensure Assistants are sufficiently trained and experienced to act under this licence and that they use appropriate equipment so as to avoid unnecessary suffering of any animal in the course of licensed operations.
7. The Registered Consultant and their Assistants must have prior experience of using the methods proposed in the site registration document (WML-CL39 Site Reg). This can be evidenced by previous experience with mitigation licences, Science and Conservation licences held or by being registered for the relevant level of [Class Licence](#) for the methods being proposed.
8. This licence may only be used at a site that has been successfully registered with Natural England and where the information in the authorised site registration form 'WML-CL39-SiteReg' and site registration spreadsheet 'WML-CL39-SiteRegSpreadsheet' remains accurate for the duration of the licensed activities.
9. Site registration involves submission of a site registration document 'WML-CL39-SiteReg' and site registration spreadsheet 'WML-CL39-SiteRegSpreadsheet'. The site registration documentation must be submitted to Natural England for assessment at least six weeks in advance of the intended start date.
10. Proposed activities under this licence, as described in the site registration document, may only take place with the agreement of the Licensee who must also have agreed to comply with the terms and conditions of this licence, and any mitigation and / or compensation requirements detailed in 'WML-CL39 SiteReg' and 'WML-CL39-SiteRegSpreadsheet'.
11. Sites must be registered using site registration form 'WML-CL39 SiteReg' and site registration spreadsheet 'WML-CL39-SiteRegSpreadsheet'. This must be submitted at least four weeks in advance of the intended start date, but not more than 12 weeks in advance and:
 - a. All consents necessary for the proposed activity must have been granted (planning or other) before applying to register the site. For all consents that have been granted, all conditions or Reserved Matters relating to wildlife species and habitat issues (which are intended to be and are capable of being discharged) must be discharged and in place.
 - b. A walk over survey/check must have been undertaken within three months prior to submission of the site registration form to ensure that conditions have not changed since the most recent survey was undertaken.
 - c. Works may only take place in agreement with the landowner, who must also have agreed to comply with the terms and conditions of this licence, including any compensation requirements to be provided (Relevant Annex(s)). Confirmation of this agreement must be declared in the site registration form WML-CL39 Site Reg.
12. Works are only permitted to commence following receipt of an email from Natural England confirming that the site is registered and works can proceed as described in the site registration document. Natural England reserves the right to request further information before a site is

registered.

13. If details within an authorised site registration form change, the Licensee and Primary Registered Consultant must apply to Natural England with an amended site registration form and, where relevant, an amended maps to allow reassessment. Responsibility remains with the original person(s) on the authorised site registration form until written confirmation authorising the change has been received from Natural England. Details include:
 - a. Change of Licensee;
 - b. Change of Primary Registered Consultant;
 - c. Change to work schedule: an amended site registration form must be submitted prior to the expiry of the licence period within the authorised site registration form. An explanation for this request must be provided. Licensed activities must stop if they go beyond the licence period in the authorised site registration form except where written confirmation authorising the change has been received from Natural England; and
 - d. Significant changes to licensed activities: should circumstances change so that activities and/or impacts falling outside the scope of this licence are required then works may no longer proceed. Natural England must be notified in writing within two working days, the site may then be de-registered and an individual licence might be required to proceed.

Survey and Assessment Requirements

14. Before registering a site, it must have been subject to a suitable level of survey to identify buildings or structures with bat potential and the species of bats and type of roosts likely to be present.
15. All surveys (pre and post site registration) must be undertaken in accordance with the Bat Conservation Trust (BCT) Bat Surveys for Professional Ecologists – Good Practice Guidelines and the Bat Mitigation Guidelines (see Information and Advice note f). Surveys must be up-to-date and tailored to each site, taking into account complexity of the structures involved and potential usage by bats throughout the year.
16. All reasonable effort to identify the bats present to species level and the roost type(s) must be undertaken.
17. The survey records must be kept for at least 12 months following completion of the monitoring period and must be made available on request to any Natural England officer or any police officer at any reasonable time, within one working day.

Working under the licence

18. This licence is only to be used for species and numbers of bats and roost types included on Annex A and where the cumulative impacts resulting from the use of this licence are in the range of low to low-moderate.
19. The Licensee and Registered Consultant are responsible for all activities carried out under this licence, including activities carried out by any Assistants.
20. It is the duty of any person authorised to use this licence to ensure that they can adhere to the activities permitted as detailed on the authorised site registration form and conditions of this licence before accepting this responsibility. While engaged in the activities to which this licence applies the Registered Consultant shall make a copy of the licence (including the Annexes) available for inspection on each registered site where the activities are taking place and shall make it available for inspection to Natural England or any police officer on request within five working days.
21. The Registered Consultant must ensure that all those involved in the proposed works at the registered site understand by way of a “tool box talk”:
 - that bats are present;
 - the legislation relating to bats;
 - the measures that will be used to protect bats;

- good working practices;
- licensable activities; and
- what to do should bats be found.

This information must be provided before any works commence in the registered site. A written record that this has been undertaken must be kept by the Licensee and made available to Natural England or any police officer on request within five working days.

22. The Registered Consultant must be on site when any works are being undertaken under this licence. Where works are being undertaken at more than one site at the same time, the Registered Consultant may permit a Level 1 Assistant to supervise works at sites where the Registered Consultant is not present. The Level 1 Assistant must be suitably experienced in the work and methods being employed at that site and also be suitably experienced at supervising works.

Dealing with bats discovered during pre-work assessments or unexpectedly

23. Where bats of a species not included on this licence or in numbers or roost type exceeding what could be considered low to low-medium conservation significance, all works must stop. The Registered Consultant must make an appraisal and re-evaluation of the situation in accordance with Annex C. Work may only restart when written confirmation is received from Natural England.
24. Where a bat is unexpectedly discovered in adverse weather conditions, the guidance in Annex C must be followed
25. 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 licence return form 'WML-CL39LicRtn'.

Use with other Licences

26. This licence may be used in conjunction with the following types of licence:
- Any bat survey Class Licence, and
 - WML-CL39 Bat Mitigation Class Licence – HS2 Phase 1, Bats in Buildings, only where the combined impact of the use of both licences does not exceed the low to low-moderate threshold.

It may **not** be used in conjunction with:

- WML- CL21 Bat Low Impact Class licence, or
- Any individual licence

Mitigation and Compensation (also see relevant Annexes)

27. The Licensees must ensure that any mitigation and compensation measures specified in the authorised site registration form are completed within the appropriate timeframe and in accordance with this licence unless otherwise agreed in advance and in writing with Natural England.
28. Mechanical demolition (see Definitions) must only take place once the Registered Consultant, has confirmed a structure to be free of bats.
29. Where bats are discovered and taken under this licence they must either be relocated to an alternative roost (see definitions) or 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.
30. Where capture and/or handling of bats are necessary, only the Registered Consultant, or an Assistant directly supervised by the Registered Consultant may do so. Any capture, handling or exclusion of bats must only be undertaken in conditions suitable for bats to be active.
31. All works must be undertaken using best practice methodology to ensure minimal risks to bats.
32. 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 'Bat Workers Manual'.

33. All impacts on bats or their roosts must be mitigated or compensated.
34. Impacts to roosts must be mitigated or compensated in accordance with the requirements set out in Annex B.
35. Any mitigation and compensation measures proposed in the site registration document must be implemented as described. Any significant changes must have been agreed in writing by Natural England (see Condition 13(d) above).

Monitoring and reporting requirements

36. Monitoring must be undertaken in accordance with the requirements set out in Annex B.
37. The Primary Registered Consultant must comply with the reporting requirements below:
 - a) A report of licensed activities and the associated monitoring must be submitted annually for each site registered under this licence. This must be submitted using form WLM-CL39 LicRtn.
 - b) The Primary Registered Consultant shall maintain a record of all licensable activities, monitoring and Authorised Persons used. This must be kept for at least 12 months after the completion of licensable works and the monitoring period at each registered site, in accordance with the requirements of Annex B.

Records are to be made available for inspection by Natural England or a police officer at any reasonable time, within five working days.
38. Monitoring must be underpinned by surveys, in accordance with the requirements of Annex B, and reported to Natural England in annual report 'WML-CL39 LicRtn' to evaluate against the baseline information and data provided in the site registration document.
39. Monitoring data will be used to assess any impact of the licensed activities over the course of the monitoring period and to ensure any overall impact of these activities is not detrimental to the Favourable Conservation Status of the bat populations.

Licence compliance

40. The Licensee, and any person authorised by, or working under this licence must comply with the terms and conditions of this licence, including the site registration, recording and reporting requirements. Failure to do so will render registration null and void. For the purposes of Regulation 58, the Licensee, Consultants and Assistants are regarded as 'the holder of a licence'. Natural England will advise a Registered Ecological Consultant of any change in registered status and explain the reasons for this.
41. The Registered Consultant, and 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 monitor work being undertaken 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. All reasonable assistance should be provided to any officer of Natural England in the discharge of their duties and to any persons accompanying him/her.
42. Natural England must be informed of any breach to this licence. The Registered Consultant, Licensee, or Assistant, must report to Natural England in writing any problems with compliance with the licence within three working days and take necessary action, within the terms and conditions of this licence, should they discover poor practice and/or activities beyond the scope of the licence.
43. Registered Consultants must inform Natural England:
 - a. If they are subject to disciplinary action with their professional membership body, within one

working week of being informed, setting out the circumstances. They must also inform Natural England of the outcome of the action within one working week of the conclusion of this action.

- b. If they are subject to any criminal investigation by the police or other statutory body for any wildlife-related offence(s), setting out what these are, when the outcome is likely to be known, and what the outcome is following completion of the investigation.

This will enable Natural England to assess whether their registration for use of this licence needs to be reviewed.

IMPORTANT

This licence authorises acts that would otherwise be offences under the 2017 Regulations and the 1981 Act. Failure to comply with its terms and conditions:

- i. may be an offence under the 2017 Regulations or mean that the licence cannot be relied upon and an offence could therefore be committed. The maximum penalty available for an offence under the 2017 Regulations and the 1981 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- ii. may result in your permission to use this licence being withdrawn. Natural England will inform any person or organisation whose permission to use this licence is withdrawn in writing. 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 you will need to apply to Natural England for an individual licence.

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 you will need to apply to Natural England for an individual licence.

This licence is not a consent or assent for the purposes of Part II of the 1981 Act in respect to Sites of Special Scientific Interest. It is your responsibility to get consent or assent if required (see Information & Advice note e, below).

Issued by and on behalf of Natural England on: 1 March 2019

INFORMATION AND ADVICE

- a. Any site registration is the equivalent of a licence being issued for that site and this licence remains valid for the duration of the registration.
- b. The confirmation of site registration will be made by Natural England in writing via email, and this email will state how long the registration is valid for.
- c. Please note that 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.
- d. 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.
- e. 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 28H of the Act. This means that Section 28G authorities ('Statutory undertakers etc.') 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. For further advice or to request assent 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).
- f. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, 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 a General or Class 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;
 - (ii) or 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..

- g. The common name or names of species given in the licence and any annexes are included by way of guidance only. In the event of any dispute or proceedings, it is the scientific name of a species only that will be taken into account.
- h. Any person authorised by this licence are advised to carry a copy of this licence at all times when acting under this licence.

Training and experience requirements

- i. Training must be relevant to the conditions and the activities permitted by the licence and should be undertaken at regular intervals. It is the responsibility of each person authorised by this licence to maintain their expertise at an appropriate level to act under this licence. It is also the responsibility of each person authorised by this licence to ensure that any Assistants under their direct supervision have appropriate training, experience and instruction to undertake the activity they are being asked to do act under this licence.
- j. As a minimum, this must include: identification of European and other Protected Species relevant to the species and activities authorised by this licence and signs indicating they may be present; undertaking records searches; the ability to identify a rare species, non-native species and populations of significant importance; surveying techniques; best practice guidance and reasonable avoidance measures; mitigation techniques and methods, and compensation requirements and measures; a working knowledge of the Regulations and the Act together with an understanding of offences that may be committed.

Guidance on surveying and best practice

- k. Advice on surveying, mitigation and compensation are provided in the latest edition of the 'Bat Mitigation Guidelines' and [The BCT Bat Surveys for Professional Ecologists: Good Practice Guidelines \(3rd edition\)](#). The Licensee and any Authorised Person are expected to check whether this guidance has been updated and if so, to ensure that they act in accordance with the most up to date version.

General Welfare Considerations

- l. 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.
- m. 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 etc.

The limits of licences

- n. Licences permit action only for the purposes specified on that licence.
- o. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land. All relevant animal welfare legislation must be complied with at all times, including the Animal Welfare Act 2006.
- p. 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

- q. 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.
- r. Any person to whom Information and Advice Note 'f' (above) applies will require the permission of Natural England to use this licence. Any such application will be considered on its merits.
- s. Natural England checks compliance with licences and the attached conditions and where breaches occur will apply its published [Compliance and Enforcement Position](#).

Contact Details for Natural England

For licensing enquiries:

Telephone 0208 026 1089

Email
HS2wildlifelicensing@naturalengland.org.uk

Postal address

Technical Services 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

Web

<https://www.gov.uk/government/organisations/natural-england#org-contacts>

Using and Sharing Your Information



Who is collecting my data?

The data controller is the Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, Y01 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; 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.

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:

- 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 to 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 A - WML-CL39(A): Species and roost types covered by this licence

<p>Deciding if the use of this licence is appropriate</p>	<p>The Registered Consultant is expected to exercise their professional judgment to determine if the use of this licence is suitable. In doing so, the Registered Consultant is expected to use their knowledge and experience of bat species and their ecology along with information on the local abundance and distribution of those species. This will be combined with the assessment of likely impacts of the works to determine what mitigation and/or compensation measures are suitable and required.</p> <p>This includes determining the level of impact upon individual roosts and also the cumulative effects of activities carried out using this licence on multiple roosts. The term ‘small numbers of bats’ has not been defined by Natural England and it is for the Registered Consultant to decide what constitutes small numbers and low to low-moderate levels of impacts on the local population. These judgments should be consistent with published evidence and best practice and broadly consistent with the judgments of other professional ecologists dealing with a similar situation.</p> <p>For multi-functional, multi species, maternity and hibernation roosts, the Registered Consultant must especially consider the potential for cumulative impacts e.g. where a number of low impact effects may combine to increase the overall impact (see Bat Mitigation Guidelines).</p> <p>Where the impact of the work on the bats species – at individual sites or cumulatively in a local area - exceeds that which could reasonably be considered to be low or low-moderate then this licence should not be used and an individual licence sought.</p> <p>Natural England will review site registrations and may, where required, seek further information and clarity for site registrations, and in some cases suggest or require plans to be modified.</p> <p>Where it is intended to cover a multi-functional roost or a tree containing more than one or two roost types, each roost per species constitutes a single roost.</p>
<p>Species covered by this licence</p>	<p>Common pipistrelle (<i>Pipistrellus pipistrellus</i>)</p> <p>Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>)</p> <p>Whiskered bat (<i>Myotis mystacinus</i>)</p> <p>Brandt’s bat (<i>Myotis brandtii</i>)</p> <p>Daubenton’s bat (<i>Myotis daubentonii</i>)</p> <p>Natterer’s bat (<i>Myotis nattereri</i>)</p> <p>Brown long-eared bat (<i>Plecotus auritus</i>)</p>
<p>Assemblage of species covered by this licence</p>	<p>Where the conservation significance of the assemblage of species present within the buildings or structures covered by the registration, is judged not to have local importance or significance.</p> <p>This would normally be small numbers of up to five (5) different species, all of which commonly occur in the local area.</p>

<p>Roost types covered by this licence</p>	<ul style="list-style-type: none"> • Roosts contained within buildings and man-made structures (including those under bridges and tunnels) only; • Feeding roosts; • Day roosts; • Night roosts; • Transitional/occasional roosts; • Satellite roosts; • Lower conservation significance maternity roosts where licensable activities are completed outside the maternity season and the modified or replacement roost is available to bats in advance of the next maternity season; • Lower importance hibernation roosts where licensable activities are completed outside the hibernation period, and the modified or replacement roost is available to bats in advance of the next hibernation period, and • Low - medium conservation status multi species and multi-purpose roosts. <p>NOTE: Roosts within underground excavations, such as mines are NOT covered by this licence.</p>
<p>Numbers of bats covered by this licence</p>	<ul style="list-style-type: none"> • Individuals or small total numbers of any species listed. If more than one species will be affected, it is the total number of all bat species which must be considered.
<p>Numbers of roosts covered by this licence</p>	<ul style="list-style-type: none"> • No more than seven roosts within buildings or structures can be covered by the site registration • Out of the seven roosts covered by the site registration, up to two buildings can have up to 3 roosts or 3 species present within them. The remaining building(s) must be single species or roost types. • Out of the seven roosts, no more than: <ul style="list-style-type: none"> - 2 lower conservation significance maternity, or; - 2 lower conservation significance hibernation, or; - 1 lower conservation significance maternity and 1 lower conservation significance hibernation roosts may be included in any site registration. <p>Note: It is for the Registered Consultant to decide what constitutes small numbers and low to low-moderate levels of impacts on the local population</p>
<p>Unexpected finds</p>	<p>See Annex C.</p>

ANNEX B - WML-CL39(B) - Expected mitigation, compensation, monitoring and management/maintenance requirements

<p>Deciding the level of mitigation or compensation required</p>	<p>The Registered Consultant is expected to exercise their professional judgment to determine the level of mitigation or compensation required to maintain the favourable conservation status of bats affected by works taken under this licence. In doing so, the Registered Consultant is expected to use their knowledge and experience of bat species and their ecology along with information on the local abundance and distribution of those species. This will be combined with the assessment of likely impacts of the works to determine what mitigation and/or compensation measures are suitable and required.</p> <p>In each case replacement or compensation roosts must be at the location of impact or loss, or as nearby as possible. Under this licence, replacement roosts must not be located outside the core sustenance zone for the species' affected. The location of replacement roosts outwith the original structure(s) should also consider the continuing ecological functionality of the roosts within the local habitat and will, as a minimum standard, maintain this. As well as roost replacement, other habitat improvements, such as improving foraging and commuting opportunities should be implemented.</p> <p>Replacement roosts provided as mitigation or compensation must also be monitored under this licence.</p> <p>Natural England will review site registrations and may, where required, seek further information and clarity for site registrations, and in some case suggest or require plans to be modified.</p> <p>Where it is intended to cover a multi-functional roost or a building containing several different roost types, each roost per species constitutes a single roost. For example a building containing 8 different roost types within it would not be covered by this licence.</p>
<p>Expected ways of working under this licence</p>	<p>Before this licence is relied upon, all reasonable ways of avoiding or limiting roost loss must have been considered.</p> <p>Any person working under this licence is expected to comply with standards set out in the following documents:</p> <ul style="list-style-type: none"> • HS2 Ltd Ecology Technical Standard (HS2-HS2-EV-STD-000-000017) (version that is in place at that time) and where directed, to the source and reference documents stated within that Standard. <p>Where no specific guidance is offered by the HS2 Ecology Technical Standard the user should follow the best practice set out within the following documents when working with bats:</p> <ul style="list-style-type: none"> • Bat Workers Manual (JNCC) • Bat Mitigation Guidelines (Natural England) • Bat Surveys for Professional Ecologists – Good Practice Guidelines (Bat Conservation Trust)

Table 1: Expected mitigation, compensation, monitoring and management/maintenance requirements for works conducted under the licence annex

	Species covered by this table: <ul style="list-style-type: none"> • Common pipistrelle (<i>Pipistrellus pipistrellus</i>); • Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>); • Whiskered bat (<i>Myotis mystacinus</i>); • Brandt's bat (<i>Myotis brandtii</i>); • Daubenton's bat (<i>Myotis daubentonii</i>); and, • Natterer's bat (<i>Myotis nattereri</i>) 		
Roost type	Minimum mitigation/compensation requirement	Minimum post impact monitoring requirement	Minimum management and maintenance requirements
Day, night, feeding, transitional, occasional	<p>Aim to retain access to the roost but if not possible:</p> <p>Where more than four roost types are lost, and/or; the roost is used by the same or more than one species then provision of one feature, suitable for the species concerned (e.g. a bat box/tile/brick/crevice) per roost to be impacted must be undertaken</p> <p>If less than three roosts, of small numbers, of a single species are lost and there is suitable alternative roosting opportunity nearby then there is no expected mitigation requirement.</p> <p>Where bat boxes are used as mitigation they must remain in place for at least 5 years.</p>	<p>Where four or more roosts are to be impacted of the same or different species then a single presence / absence survey at an appropriate time of year. This should not take place in the first year following completion of development, and must be within 5 years.</p>	<p>A check must be made within the licence period to ensure that the retained or compensation roosts remain in place and are suitable to serve the intended purpose.</p> <p>Any defects or issues that would lead to new roosts being unsuitable must be rectified.</p>
Satellite	<p>Aim to retain access to the roost but if not possible provision of one feature, suitable for the species concerned (e.g. a bat box/tile/brick/crevice) per roost to be impacted must be undertaken</p> <p>Measures should be located close to the main maternity roost (similar distance, on existing flight lines, etc).</p>	<p>A single presence / absence survey, at an appropriate time of year. This should not take place in the first year following completion of development, and must be within 5 years. development completion</p>	<p>A check must be made within the licence period to ensure that the retained or compensation roosts remain in place and are suitable to serve the intended purpose.</p> <p>Any defects or issues that would lead to the new roosts being unsuitable must be rectified.</p>
Lower significance maternity or	<p>Work to the principle of 'like for like' compensation.</p> <p>See below, which are listed in</p>	<p>A minimum of two years of post-development monitoring is required.</p>	<p>A minimum of two years post development management and maintenance checks are</p>

hibernation	<p>order of preference:</p> <ul style="list-style-type: none"> • Ideally, aim to mitigate and maintain access to the roost within the structure and maintain suitable conditions within the roost. • If this is not possible provide new maternity or hibernation roost measures by re-creating within the new structure or re-creating within a suitable adjacent building. • If this is not possible provide at least two maternity or hibernation boxes, suitable for the species, and in a suitable location and ensuring options for orientation and aspect. <p>Any replacement roost must be available to bats well in advance of the next breeding or hibernation season. Where bat boxes are used as mitigation they must remain in place for at least 10 years.</p>	<p>Stagger monitoring between years, and do not start the first years monitoring until after the development works end.</p> <p>Aim to secure evidence that the retained or compensation measures are being used for breeding or for hibernating and conditions are suitable for hibernation bats</p> <p>A minimum of one emergence survey during the latter part of the breeding season and an annual check post maternity peak period are required as part of each year's monitoring.</p>	<p>required, with the last check taking place the season the registration expires.</p> <p>Ensure the retained roost or compensation provided is suitable to serve the intended purpose (including airflow, temperature, light, humidity).</p> <p>Remedial action must be undertaken should monitoring and / or management / maintenance indicate that this is necessary to secure its use for breeding.</p>
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Table 2: Expected minimum mitigation and/or compensation requirements for Brown long eared bat (<i>Plecotus auritus</i>)			
Species covered by this table: <ul style="list-style-type: none"> • Brown long-eared (<i>Plecotus auritus</i>) 			
Roost type	Minimum mitigation/compensation requirement	Minimum post impact monitoring requirement	Minimum management and maintenance requirements
Day, night, feeding, transitional, occasional	<p>Aim to retain access to the roost but if not possible:</p> <p>Where more than 3 roost types will be impacted the provision of one feature, suitable for the species (e.g. a crevice/tile/brick/bat box) per roost to be impacted will be</p>	<p>No monitoring is required for proposals affecting up to 3 roost types</p> <p>However, where four or more roosts are to be impacted then a</p> <p>A single presence /</p>	<p>A check must be made within the licence period to ensure that the retained or compensation roosts remain in place and are suitable to serve the intended purpose.</p>

	<p>considered necessary.</p> <p>If less than three roosts, of small numbers, of a single species are lost and there is suitable alternative roosting opportunity nearby then there is no expected mitigation requirement</p> <p>Note – boxes for this species will only be acceptable in certain circumstances (where this is justified on an ecological basis).</p>	<p>absence survey at an appropriate time of year is to be undertaken. This should not take place in the first year following completion of development, and must be within 5 years.</p>	<p>Any defects or issues that would lead to the new roosts being unsuitable must be rectified</p>
Satellite	<p>Ideally retain access to the original roost (maintaining the same conditions) however it may be acceptable to replace this type of roost *qualitatively rather than quantitatively should it be demonstrated there is no suitable alternative to the proposal.</p> <p>*(can be of a different size as long as it provides the same quality in terms of access, temperature, humidity, etc). Any compensatory roosts must be located close to the main maternity roost (similar distance, on existing flight lines etc) and of similar size and orientation/aspect</p>	<p>A single presence or absence survey is to be undertaken at an appropriate time of year in year 2 post development plus a check of the condition and suitability of the roost.</p>	<p>A check must be made within the licence period to ensure that the retained or compensation roosts remain in place and are suitable to serve the intended purpose. The check should not be undertaken in the first year post development.</p> <p>Any defects or issues that would lead to the new roosts being unsuitable must be rectified</p>
Lower significance maternity or hibernation	<p>Work to the principle of 'like for like' compensation. See below, which are listed in order of preference:</p> <p>Ideally, aim to mitigate and maintain access to the roost within the structure and maintain suitable conditions within the roost. If this is not possible provide new maternity or hibernation roost measures. Either:</p> <ul style="list-style-type: none"> • Re-create within the new structure, or • Re-create within a suitable adjacent structure on site. • Replicate the roost to be lost and provide a stand-alone bat feature as close as possible to the original roost. 	<p>A minimum of two years of post-development monitoring is required.</p> <p>Aim to secure evidence the retained roost or compensation measures are being used for breeding or hibernation and that conditions in the roost are suitable.</p> <p>Stagger monitoring between years and do not start the first year's monitoring until after the development works end.</p> <p>For maternity roosts a minimum of one emergence survey during the latter part of the breeding season and an annual check post maternity peak period are</p>	<p>A minimum of two years post development management and maintenance checks are required, with the last check taking place the season the registration expires.</p> <p>Ensure the retained roost or compensation provided is suitable to serve the intended purpose (including airflow, temperature, light, humidity).</p> <p>Remedial action must be undertaken should monitoring and / or management / maintenance indicate that this is necessary to secure its use for</p>

	<p>Note: it may be possible to compensate for this type of roost *qualitatively rather than quantitatively should it be demonstrated there is no suitable alternative to the proposal.</p> <p>Any replacement roost must be available to bats in advance of the breeding or hibernation season. *(can be of a different size as long as it provides the same quality in terms of access, temperature, humidity, etc). Any compensatory roosts must be located close to the main maternity or hibernation roost (similar distance, on existing flight lines etc) and of similar size and orientation/aspect.</p>	<p>required as part of each year's monitoring.</p>	<p>breeding.</p>
<p>Timings of works</p>	<p>Activities involving the exclusion, capture and/or handling of bats must only be undertaken in conditions suitable for bats to be active and must follow best practice methodology in line with licence condition 19. Should individual/s bats be found unexpectedly in cold or adverse weather conditions the guidance in Annex C must be followed.</p> <p>Licensable activities impacting satellite and maternity roosts must not be undertaken between 1 May and 30 September inclusive.</p> <p>Licensable activities impacting hibernation roosts must not be undertaken between 1 November and 28 February.</p>		

Annex C WML-CL39: Acting under licences WML-CL39 and WML-CL40 when bats are found unexpectedly or during in cold and/or in adverse weather conditions (see main Licence, Conditions 23 and 24)

Important:

To minimise the risks of disturbing bats:

- Surveys at a site must take into consideration the potential of any buildings or structures to be used throughout the year. Neither of the Class Licences to which this licence applies, permit the damage or destruction of maternity or hibernation roosts (or other important roosts) when they are in use by bats for this purpose.
- Should unexpected species or numbers of bats or roosts be found whilst working under the authority of this licence, the Registered Consultant should assess if works can continue under either Class Licence to which this Annex applies, whether the authorised site registration form needs to be updated and sent to Natural England, or whether an individual licence will need to be applied for (see licence condition 23 and Annex B).
- Should any bats of a species or roost type not covered by either Class Licence to which this Annex applies be found, works must stop and Natural England informed immediately. An individual licence may be required.
- Activities affecting buildings or structures which are likely to support hibernating or torpid bats must be timed to take place when bats are active and when there is a decreased risk of direct or indirect harm to bats because:
 - Torpid and hibernating bats are unable to rouse quickly and can easily be injured or killed through careless working practices, and
 - Causing bats to wake and use energy at a time of year when they cannot replace their energy reserves may reduce their chances of surviving, particularly in the winter.

It is however recognised that, despite thorough assessment, there are occasions where individual torpid or hibernating bats might be discovered unexpectedly.

If individual bats are discovered unexpectedly, or during periods of cold or adverse weather then the following steps must be taken:

A - Dealing with the bat or bats found

1. Stop works to that building/structure.
2. If the Registered Consultant is not in attendance at that site, he/she must be contacted immediately to attend the site.
3. Do not expose the bat to the elements or cause it to fly out of the roost on its own accord.
4. The bat must only be handled by a person authorised by the registration and where that person has sufficient experience in handling bats, unless it is in immediate danger. Special care must be taken if the bat is torpid.
5. The bat should 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.
6. Where the bat is torpid, care should be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost, providing a

safe, quiet environment with stable, cool temperature and relatively high humidity, safe from further disturbance.

7. 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.

B – Reviewing the work impact, mitigation and/or compensation required

8. The Registered Consultant should re-assess the situation and consider whether works can proceed under the existing site registration.
9. In doing so they should consider the implications of the unexpected find of the bat or bats, and if the current planned way of working, mitigation and/or compensation is appropriate. Where it is felt that changes are required a revised Site Registration form should be sent to Natural England prior to works continuing.
10. Where bats of a species not covered by the licence are discovered, or larger numbers, or different roost types are found, then the Registered Consultant should contact the Natural England licensing team as soon as is practicable. After an initial discussion, the Registered Consultant should confirm the find (species, circumstances, revised plans for mitigation/compensation etc) to the licensing adviser via email. This email should confirm the species found, the number of bats found, details of previous surveys and or additional pre-works inspections and what is proposed as additional or revised mitigation/compensation.
11. Natural England will respond and confirm in writing whether the unexpected find can be authorised under this licence, or whether an individual licence is required.