

Date: 27th November 2019
Our ref: 2019-43392-EPS-AD1 (PSS)
(NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT)

Ms Susan Evans
AECOM
Principal EIA Consultant



CC

Ms Vince,
Mr Oakley,
Ms Spawforth

Sent by e-mail only

Dear Ms Evans,

RE: Letter of No Impediment for NSIP Project

DRAFT MITIGATION LICENCE APPLICATION STATUS: Initial Draft Application

LEGISLATION: The Conservation of Habitats and Species Regulations 2017

NSIP: West Burton C (Gas Fired Generating) Power Station

SPECIES: Great Crested Newts (*Triturus cristatus*)

Thank you for your draft great crested newt mitigation licence application submitted in association with the above NSIP site, and received in this office on the 18th September 2019. 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 the information assessed to date in respect of these proposals.

Assessment

Following our assessment of the draft application documents, I can 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 and a formal licence application be submitted.

However, as part of that formal application, the supporting documents to be submitted must address the points raised in Natural England's Pre-Submission Screening Service Response, provided by myself via email on 11th November 2019. The further details required to address these points are summarised below:

- A copy of Figure B1.2 to show the location of other nearby GCN mitigation sites should be submitted within the formal application to provide information regarding the licences previously granted on the site.
- Updated photographs of all relevant waterbodies and terrestrial habitats should be submitted as part of the formal application, as required for Figure C3.4.
- If the application is to be submitted ahead of and in anticipation of a March 2021 start date, then it is highly recommended that updated surveys are carried out in Spring 2020 to inform any formal licence application.
- As stated in greater detail in Natural England's Pre-Submission Screening Response provided on 11th November, consideration should be given to the need to provide more

mitigation and compensation if future surveys reveal a large population of GCN using the habitats likely to be impacted by the proposed works.

- A walkover survey of the development site must be undertaken within 3 months prior to the submission of the formal licence application, and details of any changes to the onsite habitats provided as necessary.
- Details of further management and maintenance measures to preserve the suitability of the created and enhanced habitat areas for use by great crested newts; in particular details of further activities to prevent the spread of fish into the waterbodies currently used by GCN and measures to manage aquatic vegetation and to check and maintain pond condition in the longer term.
- Details of additional monitoring on waterbodies 9, 10, 11, 12, 13, 15, and 18 to determine the presence or absence of newts following development works should be included in the formal application.
- Details of the relevant site safeguard mechanism to evidence that there is a legally binding commitment to undertake all required post-development habitat management and maintenance activities and post-development monitoring commitments.

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.

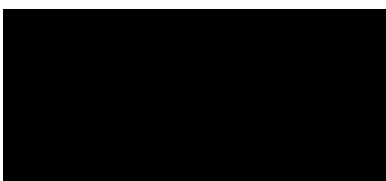
Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

https://webarchive.nationalarchives.gov.uk/20140605140649/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 information has been helpful; however, should you have any queries then please do not hesitate to contact me.

Yours sincerely,



Matt Gill
Lead Adviser
Wildlife Licensing
Natural England Wildlife Licensing Service (DT1)

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Town Centre, Telford, TF3 4LR
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Mob: [REDACTED]

Matthew.Gill@naturalengland.org.uk

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

Important note: when submitting your formal application please mark all correspondence 'For the Attention of Matt Gill, Natural England Wildlife Licensing Service (DT1)'

Submitting Documents

Documents must be sent to the Customer Services Wildlife Licensing (postal and email address at detailed below):

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

EPS.Mitigation@naturalengland.org.uk

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.