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Bramford to Twinstead Reinforcement

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1. Introduction

1.1 Overview

- 1.1.1 National Grid Electricity Transmission plc (here on referred to as National Grid) is making an application for development consent to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex. The Bramford to Twinstead Reinforcement ('the project') would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km (18 miles), the majority of which would follow the general alignment of the existing overhead line network.
- 1.1.2 This Protected and Controlled Species Legislation Compliance report has been produced to support the application for development consent and the accompanying Environmental Statement (ES) under the Planning Act 2008.

1.2 Purpose of the Report

- 1.2.1 In the absence of avoidance or good practice measures, there is potential for activities associated with the construction phase of the project to result in offences with respect to legally protected or controlled species.
- 1.2.2 This report provides a summary of the protected and controlled species present within the Order Limits and gives an overview of the relevant legislation to be complied with. It also sets out the proposed approach that would be taken during construction so that no offence would be committed. It is not considered likely that the operational project would contravene relevant legislation with respect to protected or controlled species.

2. Methodology

- 2.1.1 The presence or potential presence of protected or controlled species within the Order Limits has been established through desk and field surveys as described in ES Chapter 7: Biodiversity (**application document 6.2.7**). Full details of the protected and controlled species baseline are provided in the following reports and appendices of the ES:
- Appendix 7.1: Habitat Baseline Report (**application document 6.3.7.1**);
 - Appendix 7.2: Species Baseline Report (**application document 6.3.7.2**);
 - Appendix 7.3: Aquatic Ecology Baseline Report (**application document 6.3.7.3**);
 - Appendix 7.7: Bat Survey Report (**application document 6.3.7.7**);
 - Appendix 7.8: Dormouse Survey report (**application document 6.3.7.8**); and
 - Appendix 7.9: Badger Factual Report (**application document 6.3.7.9**).
- 2.1.2 All potential significant impact pathways were identified, as described in ES Chapter 7: Biodiversity (**application document 6.2.7**).
- 2.1.3 Environmental appraisal has been an integral part of the project design process since conception and the design is the result of this iterative process. National Grid has embedded measures into the design of the project to avoid or reduce significant effects that may otherwise be experienced during construction and operation of the project. Embedded measures are those that are intrinsic to and built into the design of the project. These can be found in the Register of Environmental Commitments (REAC) (**application document 7.5.2**) in Appendix B of the Construction Environmental Management Plan (CEMP) (**application document 7.5**). Individually, these measures are referenced as EM, followed by the project section and commitment number.
- 2.1.4 The project has committed to various good practice measures to avoid or reduce ecological impacts and to meet relevant regulatory requirements. Good practice measures are set out within the Code of Construction Practice (CoCP). These are noted by a reference number, for example GG for general good practice measures and B where it is a specific biodiversity commitment. The full list of good practice measures can be found in the CoCP (**application document 7.5.1**) in Appendix A of the CEMP (**application document 7.5**).
- 2.1.5 The legislation under which species are protected or controlled has been reviewed, to identify the potential for the project to result in an offence, taking into account embedded and good practice measures. The review took the form of identifying whether or not a protected or controlled species was present within an area and if there was potential for the legislation to be contravened based on the project activities likely to occur.

3. Legal Context

3.1 Relevant Legislation and Offences

3.1.1 Offences considered in this report are only those that could occur as a result of the project. Offences relating to cruelty, possession, transport, sale and certain methods for capturing/taking and killing have not been considered, as such activities would not arise as a result of the project.

3.1.2 Legislation of relevance to this document comprises:

- Conservation of Habitats and Species Regulations 2017 (as amended);
- Wildlife and Countryside Act 1981 (as amended);
- Protection of Badgers Act 1992;
- The Eel (England and Wales) Regulations 2009;
- Salmon and Freshwater Fisheries Act 1975; and
- Environmental Protection Act 1990.

3.1.3 The Hedgerows Regulations 1997 do not directly apply as the Development Consent Order (DCO) would provide the relevant permission to remove hedgerows captured by the Regulations where removal is required for the purposes specified in Article 48. This would mean that any hedgerow removal would be considered to be permitted work under Regulation 6(1)(h) of the Hedgerows Regulations. Baseline information describing those hedgerows captured by the Hedgerows Regulations 1997 is provided in ES Appendix 7.5: Important Hedgerows Assessment (**application document 6.3.7.5**).

3.1.4 All wild plants are protected from unauthorised removal under Section 13(1) of the Wildlife and Countryside Act 1981 (as amended). As vegetation clearance for the project would be a lawful operation authorised by the DCO, these offences would not apply.

3.1.5 The Environmental Protection Act 1990 applies as it provides restrictions relating to the disposal of waste containing controlled species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) such as Japanese knotweed (*Fallopia japonica*). Disposal of Japanese knotweed must be undertaken in accordance with the Waste (England and Wales) Regulations 2011/988.

3.1.6 The sections below set out the relevant legislation and the potential for offences that could occur as a result of the project's construction activities.

3.2 Licences

3.2.1 Some activities undertaken for the project, could give rise to offences to European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017 (as amended). If an offence relating to an EPS is considered likely, then the activity may be permitted by obtaining an EPS mitigation licence from Natural England. Such licences would only be issued under Regulation 55 if the following three tests can be met:

- The Purpose test: the purpose of the work meets one of those listed in Regulation 55(2);

- The No Satisfactory Alternative test: the legislation requires Natural England to be satisfied that there is '*no satisfactory alternative*' to the activity proposed (Regulation 55(9)(a)); and
- The Favourable Conservation Status (FCS) test: that the action authorised would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (Regulation 55(9)(b)).

3.2.2 With respect to the Purpose test, the purpose of the project activities requiring a licence relate to other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

3.2.3 With respect to the No Satisfactory Alternative test, the options appraisal process and various iterations of the project's design, including changes as a result of responses received as part of the non-statutory and Statutory Consultation process, are discussed in ES Chapter 3: Alternatives Considered (**application document 6.2.3**).

3.2.4 Information with respect to the FCS test is provided in the relevant species sections of this report and/or the respective draft licence applications provided in ES Appendix 7.7: Bat Survey Report (**application document 6.3.7.7**) and its accompanying Annex A: Bat Draft Licence (**application document 6.3.7.7.1**), and ES Appendix 7.8: Dormouse Survey Report (**application document 6.3.7.8**) and its accompanying Annex A: Dormouse Draft Licence (**application document 6.3.7.8.1**).

3.2.5 For species protected under the Wildlife and Countryside Act 1981 (as amended), recent legislation changes have allowed for provisions for mitigation licences for the purposes of development, e.g. for water vole (*Arvicola amphibius*).

3.2.6 Otherwise, offences under the Wildlife and Countryside Act 1981 (as amended) are permissible using the legal defences set out in the Act.

3.2.7 Offences under the Protection of Badgers Act 1992 may also be permitted through the granting of a licence from Natural England. The relevant details can be found in ES Appendix 7.9: Badger Survey Report (**application document 6.3.7.9**) and its accompanying Annex A: Badger Draft Licence (**application document 6.3.7.9.1**).

4. Relevant Species

4.1.1 The baseline data collection has recorded evidence of the following species for which legislation applies:

- Protected species:
 - Badger (*Meles meles*);
 - Bats;
 - Breeding birds;
 - Hazel dormouse (*Muscardinus avellanarius*);
 - Fish;
 - Great crested newt (GCN) (*Triturus cristatus*);
 - Common reptiles;
 - Otter (*Lutra lutra*); and
 - Water vole.
- Controlled plant species.

4.1.2 Table 4.1 summarises the embedded measures and good practice measures of particular relevance to this report. A full list of embedded measures and good practice measures can be found in the REAC (**application document 7.5.2**) and the CoCP (**application document 7.5.1**) respectively. Species-specific embedded and good practice measures have been summarised in Chapters 5-14 of this report.

Table 4.1 – Embedded and Good Practice Measures

Reference	Commitment
Embedded Measures in the REAC (application document 7.5.2)	
EM-E05	A trenchless crossing is proposed at the River Box. The drive pits will be located outside of Flood Zone 3 where practicable or will be managed in accordance with the flood risk action plan (W08 in the CoCP). On receipt of a severe flood warning, the Contractor would deploy suitable flood protection measures to safeguard work site personal and equipment.
EM-G04	A trenchless crossing is proposed at the River Stour and beneath the Sudbury Branch Railway Line. The drive pits will be located outside of Flood Zone 3 where practicable or would be managed in accordance with the flood risk action plan (W08 in the CoCP). On receipt of a severe flood warning, the Contractor would deploy suitable flood protection measures to safeguard work site personal and equipment.
EM-G09	Where installation of underground cabling is required across the lowland mixed deciduous woodland (Habitat ID H_A_1029) in Section G: Stour Valley, a reduced working width of 60m will be implemented.
EM-H03	The proposed GSP substation has been located away from the southern edge of Butler's Wood. Construction works will not encroach into or beyond the ditch that runs east west along the northern and southern edges of the GSP substation.

Reference	Commitment
EM-P09	<p>The following measures would be undertaken at these Habitats of Principal Importance:</p> <ul style="list-style-type: none"> • Section AB: W1d – Wet woodland (Polygon ID H_A_882) from approximate X,Y 609117, 242911 to 609069, 242902 will be protected and retained; • Section D: G1a6 - Other lowland dry acid grassland (polygon ID HL_26) from approximate X,Y 598853, 239095, 598807, 239079 will be protected and retained; • Section D: W1f - Lowland mixed deciduous woodland (Polygon ID HL_255) from approximate X,Y 599972, 239524 to 599884, 239511 to the south of the 132kV overhead line to be removed will be protected and retained; • Section E: W1f - Lowland mixed deciduous woodland (Polygon ID HL_43a) from approximate X,Y 598887, 239111 to 598856, 239069 will be maintained; • Section F: U1a - Open Mosaic Habitats on Previously Developed Land (HL_137) from approximate X,Y 593804, 237199 to 593679, 237184 will be protected and retained; • Section F: W1f - Lowland mixed deciduous woodland (Polygon ID HL_295) from approximate X,Y 595782, 237791 to 595738, 237814 will be protected and retained (subject to required visibility splays at F-AP4); • Section G: G1a - Lowland dry acid grassland (Polygon ID A_1265) from approximate X,Y 587366 , 236661 to X,Y 587377 , 236629; and • Section H: W1d - Wet woodland (Polygon ID H_A_875) from approximate X,Y 5582150, 236926 to 582114, 236960 will be protected and retained (subject to maintaining operational safety clearance in relation to the existing overhead line).
Good Practice Measures in the CoCP (application document 7.5.1)	
B01	The contractor(s) will comply with relevant protected species legislation. Appropriate licences will be obtained where necessary from Natural England for all works affecting protected species as identified by the ES and through pre-construction surveys. All applicable works will be undertaken in accordance with the relevant requirements and conditions set out in those licences.
B07	Where the works require the crossing or removal of hedgerows, the gap will be reduced to a width required for safe working. Where hedge removals are necessary and the hedgerow is identified as having value for bats, dormouse or other relevant species, then 'dead hedging' would be used where practicable, in the interim periods to retain connectivity during construction. Dead hedging can comprise vegetation arisings or artificial provision, such as hazel hurdles, willow screening panels or Heras fencing covered in camouflage netting.
B09	Where watercourses are to be crossed by a culvert, this will be appropriately sized to maintain natural riverine connectivity throughout the year, at both high and low flows. Culverts will be designed to maintain natural slope/water velocities and have buried inlet/outlets.
GG04	A suitably experienced Environmental Manager will be appointed for the duration of the construction phase. In addition, a qualified and experienced Environmental Clerk of Works (EnvCoW) will be available during the construction phase to advise, supervise and report on the delivery of the mitigation methods and controls outlined in the CEMP. The EnvCoW will monitor that the works proceed in accordance with relevant environmental DCO requirements and adhere to the required good practice and mitigation measures. The EnvCoW will be supported as necessary by appropriate specialists, including ecologists and arboriculturalists.

Reference	Commitment
GG06	A full record of condition will be carried out (photographic and descriptive) of the working areas that may be affected by the construction activities. This record will be available for comparison following reinstatement after the works have been completed to ensure that the standard of reinstatement at least meets that recorded in the pre-condition survey or as agreed in the LEMP or if the DCO provides otherwise, then in accordance with the DCO.
GG20	Construction lighting will be of the lowest luminosity necessary to safely perform each task. It will be designed, positioned and directed to reduce the intrusion into adjacent properties, protected species and sensitive habitats.
LV01	The contractor(s) will retain vegetation where practicable. Where vegetation is lost and hedgerows and trees cannot be replaced in situ due to the restrictions associated with operational requirements of planting near the line and/ or safety requirements, replacement vegetation will be planted as close by as practicable and will complement landscape character and be sympathetic to the local habitat type in order to provide a high biodiversity value.
W02	<p>For opencut watercourse crossings and installation of vehicle crossing points, good practice measures will include but not be limited to:</p> <ul style="list-style-type: none"> • Where practicable, reducing the working width for opencut crossings of a main or ordinary watercourse whilst still providing safe working; • Installation of a pollution boom downstream of opencut works; • The use and maintenance of temporary lagoons, tanks, bunds, silt fences or silt screens as required; • Have spill kits, straw bales or other appropriate measures readily available for downstream emergency use in the event of a pollution incident; • The use of all static plant such as pumps in appropriately sized spill trays; • Prevent refuelling of any plant or vehicle within 15m of a watercourse (except for machinery associated with over-pumping); • Prevent storing of soil stockpiles within 15m of a main river; • Inspect all plant prior to work for leaks of fuel or hydraulic fluids; and • Reinstating the riparian vegetation and natural bed of the watercourse, using the material removed where appropriate, on completion of the works and compacting as necessary. If additional material is required, appropriately sized material of similar composition will be used.
W03	Riverbank, ponds and in-channel vegetation will be retained and protected where not directly affected by installation works. Natural substrate will be provided through temporary watercourse crossings culverts.

5. Badger

5.1 Baseline Information

- 5.1.1 A data search undertaken in 2021 and updated in 2022 returned multiple records of badger setts and badger activity within 1km of the Order Limits. Phase 1 habitat surveys undertaken in 2012 and 2013, also identified badger setts, latrine or other evidence of badger presence, e.g. footprints.
- 5.1.2 The badger survey undertaken in 2022 identified 75 setts within the Order Limits and an additional 84 setts within 30m of the Order Limits, along with other signs including mammal paths, latrines, dung pits, badger footprints, badger hairs, push-throughs and snuff holes created by foraging badgers were identified.
- 5.1.3 Full baseline data is given in ES Appendix 7.9: Badger Survey Report (**application document 6.3.7.9**).

5.2 Relevant Provisions

- 5.2.1 Desk-based and field survey information suggests that active badger setts may be affected by the construction activities in numerous locations within and adjacent to the Order Limits. A review of the potential for the project to result in offences with respect to badgers is given in Table 5.1.

Table 5.1 – Relevant Legislation and Potential for Committing an Offence (Badgers)

Protection of Badgers Act 1992	Potential Offence (In absence of Good Practice Measures)
To wilfully kill, injure or take, or attempt to kill, injure or take a badger (s1(1)).	Yes – Where badgers are present in setts (as listed in ES Appendix 7.9: Badger Survey Report (application document 6.3.7.9)) which are within the vicinity of construction activities.
To disturb a badger when it is occupying a badger sett (s3(e)).	Yes – Where badgers are present in setts (as listed in ES Appendix 7.9: Badger Survey Report (application document 6.3.7.9)) which are within the vicinity of construction activities.
To obstruct access to, or any entrance of, a badger sett (s3(c)).	Yes – Where badgers are present in setts (as listed in ES Appendix 7.9: Badger Survey Report (application document 6.3.7.9)) which are within the vicinity of construction activities.
To damage a badger sett or any part of it or to destroy a badger sett (s3(a) & (b)).	Yes – Where badgers are present in setts (as listed in ES Appendix 7.9: Badger Survey Report (application document 6.3.7.9)) which are within the vicinity of construction activities.

5.3 Proposed Approach

- 5.3.1 A draft badger licence application is provided in Annex A of ES Appendix 7.9: Badger Survey Report (**application document 6.3.7.9.1**). It describes the measures that would be undertaken to avoid or reduce any impact with regards to badgers, as per the baseline conditions at this time. These include:

- Pre-construction surveys;

- Permanent closure of setts;
- Temporary closure of setts;
- Partial closure of setts; and
- Implementation of good practice measures.

5.3.2 Pre-construction surveys would be completed to update existing baseline survey data. The proposed approach would be updated accordingly to reflect the results of these surveys but is expected to remain consistent with the measures described in the Badger Draft Licence (**application document 6.3.7.9.1**) and therefore, be in accordance with relevant good practice guidance.

5.3.3 As the current baseline conditions stand, it is considered unlikely that an impact would arise that could not be avoided or reduced using good practice measures, and therefore Natural England is considered likely to grant a licence.

5.3.4 Table 5.2 outlines the species-specific good practice measures in the CoCP (**application document 7.5.1**) of relevance to badger.

Table 5.2 – Good Practice Measures of Relevance to Badger

Reference	Commitment
B03	Where there will be a risk of animal entrapment, a means of escape will be installed into all excavations left open overnight.
B11	Badger setts within the Order Limits that are confirmed as disused would either be left in-situ with the entrance holes ‘hard stopped’ (e.g. with wooden stakes) or destroyed under the supervision of an ecologist to prevent badgers from taking residence in them during the construction period. Evidence would be recorded of the survey and/or monitoring activity that was undertaken to conclude that there were no signs of use by badger. Hard-stopped entrances would be re-opened on completion of construction works at that location. A licence would not be required for these activities.

5.4 Conclusion

5.4.1 The potential for offences with respect to badger have been identified. These would be avoided by implementing the proposed approach summarised above and as set out in full in the draft badger licence (**application document 6.3.7.9.1**). The measures would ensure that badger and their setts would be avoided and if required, excluded, with sett closures completed under licence granted by Natural England. Therefore, there is no risk of any offence being committed and the legislation would not be contravened.

6. Bats

6.1 Baseline Information

6.1.1 A data search undertaken in 2022 returned records of over 170 bat roosts within 7km of the Order Limits. Roosts for the following species were recorded:

- Barbastelle bat (*Barbastella barbastellus*);
- Brown long-eared bat (*Plecotus auritus*);
- Common pipistrelle (*Pipistrellus pipistrellus*);
- Daubenton's bat (*Myotis daubentonii*);
- Leisler's bat (*Nyctalus leisleri*);
- Nathusius' pipistrelle (*Pipistrellus nathusii*);
- Natterer's bat (*Myotis nattereri*);
- Noctule (*Nyctalus noctula*);
- Serotine (*Eptesicus serotinus*); and
- Soprano pipistrelle (*Pipistrellus pygmaeus*).

6.1.2 Little Blakenham Pit Site of Special Scientific Interest (SSSI), located approximately 2.9km north of the Order Limits, is designated for supporting one of the largest underground roosts for hibernating bats. Two Local Nature Reserves and three County Wildlife Sites (CWS) within 1km of the Order Limits were also identified as having bats mentioned in their citations.

6.1.3 The 2012 and 2013 bat activity surveys confirmed the presence of the following bat species along the preferred route corridor at the time: barbastelle bat, common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, Natterer's, *Myotis* sp., *Nyctalus* sp., *Plecotus* sp., *Eptesicus* sp., and unidentified bat species.

6.1.4 In 2021 and 2022, a programme of bat surveys were undertaken to identify bat roosts in trees and buildings within 50m of the Order Limits. The surveys confirmed the presence of bat roosts at four buildings, three of which are gathered in a single farm complex (Nussteads Farm). Six tree roosts were found, and 202 trees had moderate/high potential to support roosting bats.

6.1.5 In 2022 static bat detector surveys, crossing point surveys and bat trapping was undertaken at Hintlesham Woods. The trapping surveys recorded barbastelle bat, common pipistrelle, brown long-eared, noctule and Daubenton's bat. Three barbastelle bats were captured soon after anticipated roost emergence time (two post-lactation females and one juvenile male), which suggests that trees within Hintlesham Woods are highly likely be used as a maternity roost.

6.1.6 The survey results are presented in ES Appendix 7.7: Bat Survey Report (**application document 6.3.7.7**) and have been used to inform the draft bat licence, in Annex A of the Bat Survey Report (**application document 6.3.7.7.1**). Should the DCO be granted, a

programme of pre-construction bat survey would be necessary to inform the final EPS licence prior to construction.

6.2 Relevant Provisions

6.2.1 Over 100 trees with moderate or high potential to support roosting bats have been identified which could be potentially impacted by the project. A review of the potential for the project to result in offence with respect to bats is detailed in Table 6.1.

Table 6.1 – Relevant Legislation and Potential for Committing an Offence (Bats)

Conservation of Habitats and Species Regulation 2017 (as amended)	Wildlife and Countryside Act 1981 (as amended)	Potential Offence (In absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	Yes -There are seven trees where ground assessment has identified bat roosting potential but subsequent field survey has not been possible.
To deliberately disturb wild animals of an EPS - (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(a)(i) clarifies that disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young.		No – although construction activity could increase noise and vibration this would be over a short duration only and is considered unlikely to be sufficient to generate a significant response at the population level.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(a)(ii) clarifies that disturbance of animals includes in particular any disturbance which is likely to impair their ability, in the case of animals of a hibernating or migratory species, to hibernate or migrate.		
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(b) clarifies that disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.		

Conservation of Habitats and Species Regulation 2017 (as amended)	Wildlife and Countryside Act 1981 (as amended)	Potential Offence (In absence of Good Practice Measures)
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43(1)(d)).	Intentionally or recklessly damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	Yes: There are seven trees where ground assessment has identified bat roosting potential but subsequent field survey has not been possible.
-	To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	No – the obstruction of access points to tree roosts is not likely to arise due to project activities.

6.3 Proposed Approach

6.3.1 Table 6.2 outlines the species-specific embedded measures in the REAC (**application document 7.5.2**) and good practice measures in the CoCP (**application document 7.5.1**) of relevance to bats.

Table 6.2 – Embedded and Good Practice Measures of Relevance to Bats

Reference	Commitment
Embedded Measures	
EM-AB04	The proposed temporary access route to the south of Hintlesham Woods (AB-AP9) will not be used during dusk, dawn and night time hours during the months of May to August, to reduce the impacts to bat roosts, including a Barbastelle maternity roost and bat foraging corridor. Approximately from X, Y 606951, 242382 to 606750, 242945.
Good Practice Measures in the CoCP	
B06	Alternative roost structures (bat boxes) will be provided on retained trees within the Order Limits or areas outside of the Order Limits agreed with landowners. Two artificial bat boxes will be deployed on retained trees to every one tree with high or moderate bat roosting potential felled. Where high potential roosting features are present, the project would seek to soft fell these and attach limbs to retained trees where practicable.

6.3.2 It is possible to reduce the working width within the Order Limits for short distances to avoid constraints, as evidenced by the embedded and good practice measures described in the CoCP (**application document 7.5.1**). Furthermore, there is a degree of flexibility with respect to where the overhead line infrastructure (e.g. pylons) is positioned within

the Limits of Deviation. As such, it may be possible for bat roosts within the Order Limits to be retained and avoided during detailed design and construction.

- 6.3.3 Annex A of ES Appendix 7.7: Bat Draft Licence (**application document 6.3.7.7.1**) contains the draft EPS licence application with respect to bats. It describes the measures that would be undertaken to avoid or reduce any impact with regards to bats, as per the baseline conditions at this time. Below outlines the likely measures that would be implemented in accordance with the provisions of Regulation 55(9)(b) of the Conservation of Habitats and Species Regulations 2017 (as amended), the FCS test.
- 6.3.4 Pre-construction survey would be completed to update and supplement the baseline survey data, where required to support the final licence submitted to Natural England, as set out in the CEMP (**application document 7.5**). Surveys would be undertaken in accordance with relevant good practice survey standards e.g. Collins (2016), or as otherwise agreed with Natural England.
- 6.3.5 If bat roosts are encountered and avoidance measures are not practicable (taking into account the type of roost, species present and engineering constraints at that location), the EPS licence may permit the named ecologist to implement or supervise all works that are detailed in the licence's method statement. The licence method statement would outline how the proposed work would be undertaken to avoid or reduce impacts to bats and their roosts.

6.4 Conclusion

- 6.4.1 Given implementation of the measures outlined within the draft Bat Licence in Annex A of ES Appendix 7.7: Bat Survey Report (**application document 6.3.7.7.1**), it is considered extremely unlikely that an impact would arise that would compromise the FCS of the species concerned. Following the pre-construction surveys, all offences would be avoided by implementing the relevant measures outlined and included in the final bat licence. This would be submitted to Natural England for approval prior to construction. As such, there is considered to be no realistic scenario under which the project's impacts would undermine the FCS of a bat species.
- 6.4.2 Natural England confirmed in a letter dated 15 March 2023 that following their assessment of the submitted draft application documents and on the basis of the information and proposals provided, that Natural England sees no impediment to a licence being issued, should the DCO be granted. The letter included some matters that would need to be addressed before the licence application is formally submitted, including further survey of seven trees that could not be safely climbed. The Natural England letter can be found in Annex A of ES Appendix 7.7: Bat Survey Report (**application document 6.3.7.7.1**).

7. Breeding Birds

7.1 Baseline Information

- 7.1.1 Breeding bird surveys, raptor vantage point surveys and wintering bird surveys were undertaken between 2009 and 2012 along the route corridor, which covered a much wider survey area than the Order Limits. Despite its age, the information gathered remains useful and informs the wider context. Seventy-eight bird species were recorded during the surveys, with 38 being red or amber listed in Birds of Conservation Concern (BoCC) and/or Schedule 1 species. A desk study undertaken in 2022 also returned multiple records of bird species including species listed in the UK Red/Amber list for BoCC and priority species.
- 7.1.2 Hintlesham Woods SSSI is designated for its breeding bird assemblage. National Grid has undertaken bird surveys along three transects in and around the woods during 2022 to identify bird species present. Fifty-nine species were recorded in total, 32 of which were considered priority species in accordance with the Bird Survey Guidelines criteria. Four species were confirmed as breeding. The full results can be found in ES Appendix 7.2: Species Baseline Report (**application document 6.3.7.2**).

7.2 Relevant Provisions

- 7.2.1 There could be an offence in relation to birds during vegetation clearance and highly disturbing activities such as piling at pylon foundations. Table 7.1 shows the relevant legislation and potential for committing an offence with regard to birds.

Table 7.1 - Relevant Legislation and Potential for Committing an Offence (Nesting Birds)

Wildlife and Countryside Act 1981	Potential Offence (In Absence of Good Practice Measures)
To intentionally kill, injure or take any wild bird (s1(1)(a)).	Yes – during vegetation clearance, topsoil stripping or tree felling.
To intentionally or recklessly disturb any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or disturbs dependent young of such a bird (s1(5)(a) & (b)).	Yes – Schedule 1 species have been recorded within/adjacent to the Order Limits typically within woodland habitats (e.g. Hintlesham Woods) which have arable grassland and waterbodies nearby. These species may be disturbed if present and breeding at the time of construction. Barn owl have been recorded nesting throughout the Order Limits, with clusters of records within Section G: Stour Valley and at the most eastern end of Section AB: Bramford Substation/Hintlesham.
To take or destroy an egg of any wild bird (s1(1)(c)).	Yes – during vegetation clearance, topsoil stripping or tree felling.
To intentionally take, damage or destroy the nest of a wild bird included in Schedule ZA1 (s1(1)(aa)).	No – only one species listed on this schedule, osprey (<i>Pandion haliaetus</i>), has been recorded by the desk study. As osprey are coastal bird, this is assumed to be a bird in passage and not in breeding condition. The typical breeding range of osprey do not overlap with the Order Limits.

Wildlife and Countryside Act 1981	Potential Offence (In Absence of Good Practice Measures)
To intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built (s1)(1)(b).	Yes – during vegetation clearance and tree felling and topsoil stripping.

7.3 Proposed Approach

7.3.1 Table 7.2 outlines the species-specific embedded measures in the REAC (**application document 7.5.2**) and good practice measures in the CoCP (**application document 7.5.1**) of relevance to breeding birds.

Table 7.2 – Embedded and Good Practice Measures of Relevance to Breeding Birds

Reference	Commitment
Embedded Measures	
EM-AB09	For the construction works in and around Hintlesham Woods (between pylons 4YL011 and 4YL017A) construction works would be undertaken outside of bird breeding season except for the following activities which need to take place within agreed outages: <ul style="list-style-type: none"> • Install conductors / transposition works; • Construction of pylon 4YL12A and removal of the existing 4YL12; and • Assembly and removal of temporary pylon RB12T.
EM-AB10	No intrusive construction activities will take place within 15m of the north and western edge of Hintlesham Woods SSSI (excluding planting proposals and works to the existing 400kV overhead line). This includes tracking of heavy vehicles or material storage and soil excavation. Demarcation fencing will be used to identify the exclusion zone.
EM-AB12	Vegetation management for works to the existing overhead line within Hintlesham Woods SSSI would comprise coppicing to ground level for a width of 20m along the existing operational maintenance swathe. In addition, the trees would be managed at graduated heights for up to an additional 12.5m on either side of the 20m swathe for construction activities and to allow the conductors to be installed onto the arms of the existing pylons. Vegetation would be permanently managed to achieve operational safety clearances during operation as is currently undertaken with the existing overhead line. No heavy good vehicle access would be undertaken within the woods.
EM-P08	A pre-construction survey will be completed on the owl boxes at the following locations in Section AB (606008, 242971) and (605795, 242182), Section D (601723, 240239) and Section G (587727, 236150) and (587107, 236009). If occupied and nesting, no trenchless crossing launching or piling works are to be undertaken within 40m of the owl box, until the nest box is unoccupied, which will be confirmed on-site by the EnvCoW. The 40m buffer will be marked / fenced off if deemed necessary by an ecologist.

Good Practice Measures in the CoCP

B02 Vegetation with the potential to support breeding birds will be programmed to be removed outside of breeding bird season (March to August inclusive) where practicable. If any vegetation clearance is required during the breeding bird season, vegetation will be checked by an ecologist for nesting birds prior to removal. Appropriate protection measures will be put in place should active nests be found. These will include exclusion zones around active nests until chicks fledge or nests become inactive as determined by monitoring by the ecologist.

7.4 Conclusion

7.4.1 The potential for offences with respect to breeding birds have been identified. The embedded and good practice measures outlined would be sufficient to address the relevant regulatory requirements.

8. Hazel Dormouse

8.1 Baseline Information

- 8.1.1 A desk study undertaken in 2022 returned multiple records of hazel dormouse across the study area, from north of Hintlesham Woods in the east to the Stour Valley in the west. The largest number of records were found in Section D: Polstead. In addition, a number of local wildlife sites have presence of dormouse in their citation and/or descriptions. Full baseline data can be found in ES Appendix 7.8: Dormouse Survey Report (**application document 6.3.7.8**).
- 8.1.2 Dormouse field surveys were undertaken in 2012 at 20 sites across the study area and of these, seven returned positive results for dormice after nest tube surveys, with three others inconclusive but had likely dormouse presence. Further surveys were undertaken in 2022 at 10 survey areas across the Order Limits. Dormice were recorded in five of the survey areas, located in Section AB: Bramford Substation/Hintlesham (one survey area), Section D: Polstead (two survey areas) and Section G: Stour Valley (two survey areas). A UK Habitat Classification (UKHab) Survey of the Order Limits was undertaken in 2021 and 2022.
- 8.1.3 There are extensive areas of woodland, hedgerow and scrub which have potential to support dormice within the Order Limits and are connected to suitable habitat in the wider landscape. Therefore, it can be reasonably assumed that there is likely to be dormouse presence in all suitable habitats where there is a well-established connectivity to the wider landscape.
- 8.1.4 The full survey results can be found in ES Appendix 7.8: Dormouse Survey Report (**application document 6.3.7.8**) and would be used to inform the application for the EPS licence, a draft of which is given in Annex A of the Dormouse Survey Report (**application document 6.3.7.8.1**).

8.2 Relevant Provisions

- 8.2.1 Desk and field data suggests that dormice or their habitat may be affected in numerous locations within the Order Limits. A review of the potential for a project to result in offences with respect to dormice is detailed in Table 8.1.

Table 8.1– Relevant Legislation and Potential for Committing an Offence (Hazel Dormouse)

Conservation of Habitats and Species Regulation 2017 (as amended)	Wildlife and Countryside Act 1981	Potential Offence (In absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	Yes – during removal of habitat with the potential to support dormice including woodland, scrub and hedgerow habitat.

Conservation of Habitats and Species Regulation 2017 (as amended)	Wildlife and Countryside Act 1981	Potential Offence (In absence of Good Practice Measures)
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(a)(i) clarifies that disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young.	-	Yes – during removal of habitat with the potential to support dormice including woodland, scrub and hedgerow habitat.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(a)(ii) clarifies that disturbance of animals includes in particular any disturbance which is likely to impair their ability, in the case of animals of a hibernating or migratory species, to hibernate or migrate.	-	Yes – during removal of habitat with the potential to support dormice including woodland, scrub and hedgerow habitat.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(b) clarifies that disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.	-	Yes – during removal of habitat with the potential to support dormice including woodland, scrub and hedgerow habitat.
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43(1)(d))	Intentionally or recklessly damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	Yes – during removal of habitat with the potential to support dormice including woodland, scrub and hedgerow habitat.
-	To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	Yes – during removal of habitat with the potential to support dormice including woodland, scrub and hedgerow habitat.

Conservation of Habitats and Species Regulation 2017 (as amended)	Wildlife and Countryside Act 1981	Potential Offence (In absence of Good Practice Measures)
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	Yes – during removal of habitat with the potential to support dormice including woodland, scrub and hedgerow habitat.

8.3 Proposed Approach

8.3.1 A draft dormouse EPS licence application is provided in Annex A of ES Appendix 7.8: Dormouse Survey Report (**application document 6.3.7.8.1**). It describes the measures that would be undertaken to meet relevant regulatory requirements with respect to dormice, as per the baseline conditions recorded. All removal of habitat suitable to support dormice would be supervised by a licensed ecologist and would be in accordance with relevant regulatory requirements. No other measures have been identified in relation to dormouse.

8.4 Conclusion

8.4.1 Given implementation of the measures outlined within the draft Dormouse Licence in Annex A of ES Appendix 7.8: Dormouse Survey Report (**application document 6.3.7.8.1**), it is considered extremely unlikely that an impact would arise that would compromise the FCS of the species concerned. These measures would be replicated, and where necessary added to, in the final dormouse licence that would be submitted to Natural England to approval prior to construction. As such, there is considered to be no realistic scenario under which the project's impacts would undermine the FCS of a dormouse species.

9. Fish

9.1 Baseline Information

- 9.1.1 Fisheries data obtained from the Environment Agency (2022) for waterbodies that cross the Order Limits and records obtained from Suffolk Biodiversity Information Service (SBIS), show that the main river crossings support a diverse range of cyprinid fish species. At least one species of conservation interest was recorded from each of the main river crossings including brook lamprey (*Lampetra planeri*), spined loach (*Cobitis taenia*), which is considered threatened across Europe, bullhead (*Cottus gobio*), brown trout (*Salmo trutta*) and European eel (*Anguilla anguilla*), which is Critically Endangered.
- 9.1.2 Records also show the presence of non-native species including Zander (*Sander lucioperca*), rainbow trout (*Oncorhynchus mykiss*) and feral goldfish (*Carassius auratus*).
- 9.1.3 Full baseline data can be found in ES Appendix 7.3: Aquatic Ecology Baseline Report (application document 6.3.7.3)

9.2 Relevant Provisions

- 9.2.1 A review of the potential for the project to result in offences with respect to fish is detailed in Table 9.1.

Table 9.1– Relevant Legislation and Potential for Committing an Offence (Fish)

The Eel (England and Wales) Regulations 2009	Salmon and Freshwater Fisheries Act 1975	Potential Offence (In absence of Good Practice Measures)
To construct, alter or maintain a dam or structure and failing to notify the Environment Agency first (Part 4 Reg 12(1)(2)(4)).	To wilfully alter or injure a fish pass; or do any act whereby salmon or trout are obstructed or liable to be obstructed in using a fish pass or whereby a fish pass is rendered less efficient; or alter a dam or the bed or banks of the river so as to render a fish pass less efficient; or use any contrivance or does any act whereby salmon or trout are in any way liable to be scared, hindered or prevented from passing through a fish pass (Section 12 (1))	Yes – installation of access route crossings and installation of underground cables where open cut methods were used would temporarily obstruct watercourses.
-	To cause or knowingly permit to flow, or put or knowingly permit to be put, into any waters containing fish or into any tributaries of waters containing fish, any liquid or solid matter to such an extent as to cause the waters to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish, shall be guilty of an offence (Section 4(1))	Yes – installation of access route crossings and installation of underground cables would temporarily obstruct watercourses and could potentially result in the release of pollutants or sediment toxic to fish.

9.3 Proposed Approach

- 9.3.1 Table 4.1 outlines embedded measures (e.g trenchless crossings at the River Box and Stour) and good practice measures related to watercourses; these would also help meet relevant regulatory requirements with respect to fish. Table 9.2 outlines additional

species-specific good practice measures in the CoCP (**application document 7.5.1**) of relevance to fish.

Table 9.2 – Good Practice Measure of Relevance to Fish

Reference	Commitments
B09	Where watercourses are to be crossed by a culvert, this will be appropriately sized to maintain natural riverine connectivity throughout the year, at both high and low flows. Culverts will be designed to maintain natural slope/water velocities and have buried inlet/outlets.
B13	Where pre-construction surveys have identified a likely fish presence and opencut crossings are proposed and over pumping will be used. The pump will be appropriately screened to prevent entrainment or impingement of fish or fish friendly pumps will be used to facilitate the downstream passage of fish through the pumps. The use of pumps to move water will require 2-3mm screening to avoid the impingement offish and juvenile eels.
W02	For opencut watercourse crossings and installation of vehicle crossing points, good practice measures will include but not be limited to: <ul style="list-style-type: none"> • Where practicable, reducing the working width for opencut crossings of a main or ordinary watercourse whilst still providing safe working; • Installation of a pollution boom downstream of opencut works; • The use and maintenance of temporary lagoons, tanks, bunds, silt fences or silt screens as required; • Have spill kits, straw bales or other appropriate measures readily available for downstream emergency use in the event of a pollution incident; • The use of all static plant such as pumps in appropriately sized spill trays; • Prevent refuelling of any plant or vehicle within 15m of a watercourse (except for machinery associated with over-pumping); • Prevent storing of soil stockpiles within 15m of a main river; • Inspect all plant prior to work for leaks of fuel or hydraulic fluids; and • Reinstating the riparian vegetation and natural bed of the watercourse, using the material removed where appropriate, on completion of the works and compacting as necessary. If additional material is required, appropriately sized material of similar composition will be used.
W03	Riverbank, ponds and in-channel vegetation will be retained and protected where not directly affected by installation works. Natural substrate will be provided through temporary watercourse crossings culverts.
W11	Where the River Stour and River Box are crossed by a trenchless crossing, the cables will be laid at least 1m below the hard bed level of the river and will remain at or below this level for a distance of not less than 3m from the edge of the riverbank. Marker posts shall also be positioned on each bank of the river to indicate the location of the under-crossing and the nature of the works.

9.4 Conclusion

The potential for offences with respect to fish have been identified. The measures outlined would be sufficient to meet regulatory requirements.

10. Great Crested Newt

10.1 Baseline Information

- 10.1.1 The majority the Order Limits are located within the amber risk zone (Natural England, 2021) for great crested newt (GCN). Desk study data was collected in 2021 and 2022 from the Local Records Centres show that although there was a general spread of records across the project, with records found in every area, the majority were found in Section AB: Bramford Substation/ Hintlesham, with a cluster of results found in Wolves Wood and on the outskirts of Raydon Great Wood. There was also a relatively large number of results found in Section D: Polstead.
- 10.1.2 Field surveys undertaken in 2012 and 2013 identified a number of ponds with positive results for GCN presence. The study area contained areas identified as core terrestrial habitat (50m from a pond) and intermediate terrestrial habitat (250m from a pond). Where GCN were found to be present, they were in population class sizes of either small (1 – 10 peak count) or medium (11 – 99 peak count).

10.2 Relevant Provisions

- 10.2.1 Field survey information suggests that GCN or their habitat may be affected by project activities where the Order Limits are located within 250m of GCN ponds. A review of the potential for the project to result in offences with respect to GCN is detailed in Table 10.1.

Table 10.1 – Relevant Legislation and Potential for Committing an Offence (GCN)

Conservation of Habitats and Species 2017 (as amended)	Wildlife and Countryside Act 1981 (as amended)	Potential Offence (In absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	Yes – during topsoil stripping, vegetation removal and machinery movements within 250m of GCN ponds.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(a)(i) clarifies that disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young.	-	No – GCN are not considered to be vulnerable to disturbance generated by construction activities beyond initial vegetation clearance and ground works.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(a)(ii) clarifies that disturbance of animals includes in particular any disturbance which is likely to impair their ability, in the case of animals of a hibernating or migratory species, to hibernate or migrate.	-	No – GCN are not considered to be vulnerable to disturbance generated by construction activities beyond initial vegetation clearance and ground works.

Conservation of Habitats and Species 2017 (as amended)	Wildlife and Countryside Act 1981 (as amended)	Potential Offence (In absence of Good Practice Measures)
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(b) clarifies that disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.	-	No – GCN are not considered to be vulnerable to disturbance generated by construction activities beyond initial vegetation clearance and ground works.
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43(1)(d)).	To intentionally or recklessly damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	Yes – during topsoil stripping, vegetation removal and machinery movements within 250m of GCN ponds.
-	To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	Yes – during topsoil stripping, vegetation removal and machinery movements within 250m of GCN ponds.
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	Possibly – during construction of the underground cable sections, and temporary access routes which could prevent GCN from accessing ponds, hibernacula or refugia, although the potential for an offence is extremely low given the localised area that would be affected and rolling programme of activities assumed.

10.3 Proposed Approach

- 10.3.1 National Grid has agreed with Natural England to apply the District Level Licence (DLL) approach to GCN on the project. An initial Impact Assessment and Conservation Payment was agreed and the certificate was received on 5 July 2021 (see Annex A). National Grid is continuing to discuss the project with Natural England and the certificate would be updated to cover the Order Limits if development consent is granted. A formal DLL application would then be submitted to Natural England.
- 10.3.2 Terrestrial habitat suitable for GCN would likely support reptile species. All habitats suitable for reptiles within the construction footprint would be subjected to habitat manipulation to avoid killing and/or injuring of reptiles as set out in good practice measure B05 in the CoCP (**application document 7.5.1**). This would add protection to individual GCN within the Order Limits. Good practice measure B12 also states that if a GCN is

located during construction, an ecologist would be consulted to advise as to the way forward. Measures may include a Natural England GCN licensed ecologist handling and relocating GCN to outside the working area.

10.4 Conclusion

10.4.1 The potential for offences with respect to GCN have been identified. These would be avoided by applying the DLL approach to GCN.

11. Common Reptiles

11.1 Baseline Information

- 11.1.1 A desk study undertaken in 2022 provided records of grass snake, slow worm (*Anguis fragilis*) and common lizard (*Zootoca vivipara*) within the study area. Layham Pit Woodland and Meadows CWS and Raydon Great Wood CWS specifically mention reptiles in their citations. Field surveys undertaken in 2013 confirmed low populations of common lizard, grass snake (*Natrix natrix*) and slow worm at five locations. Rare reptiles such as the smooth snake (*Coronella austriaca*) and sand lizard (*Lacerta agilis*) are not considered to be a constraint as the project does not fall within the known distribution of this species. Further baseline information is provided in ES Appendix 7.2: Species Baseline Report (**application number 6.3.7.2**).
- 11.1.2 Habitats identified during the UKHab survey undertaken in 2021 and 2022 were classified as having low, moderate or high suitability for reptiles based on a variety of attributes. The majority of the land within the Order Limits was found to support habitat (arable land) with a low potential suitability for reptiles. Habitats present within the Order Limits assessed as having high suitability for reptiles typically comprised of a mosaic of habitats including areas of wet woodland, rough grassland, scrub and large areas of marginal habitat alongside fields or roadsides which aid in connectivity to other suitable habitats. Habitats assessed as having moderate suitability to support reptiles typically comprised less complex mosaic habitats, which were not as structurally diverse, lacked variation in height, type, age of vegetation and/or connectivity to other suitable habitats compared to habitats assessed as high.
- 11.1.3 Incidental and anecdotal evidence of reptiles was also collected during other field surveys undertaken in 2021 and 2022. This included sightings of common lizard, slow worm and grass snake within the Order Limits. Further baseline information is provided in ES Appendix 7.2: Species Baseline Report (**application document 6.3.7.2**).

11.2 Relevant Provisions

- 11.2.1 There is potential for an offence to arise at locations where reptile presence has been confirmed or where suitable habitats are present. A review of the potential for the project to result in offences with respect to reptiles is detailed in Table 11.1.

Table 11.1 – Relevant Legislation and Potential for Committing an Offence (Reptiles)

Wildlife and Countryside Act 1981 (as Amended)	Potential Offence (In absence of Good Practice Measures)
To intentionally kill, injure or take any wild animal in Schedule 5 (s((1)).	Yes – during vegetation removal, excavation and machinery movements in habitat suitable to support reptiles.

11.3 Proposed Approach

- 11.3.1 Good practice measure B05 in the CoCP (**application document 7.5.1**) states that all habitats suitable for common reptiles would be subject to two-stage habitat manipulation that would take place between mid-March and mid-October (with consideration of other protected and notable species potentially present). Firstly, vegetation would be cut to

approximately 150mm (with the arisings removed) under the supervision of an ecologist and the site left for a minimum of two days to allow reptiles to naturally disperse from the area. Secondly, vegetation would be cleared down to ground level under the supervision of an ecologist. Vegetation would be cleared using appropriate equipment based on the type of vegetation to be removed, the area affected, and the risk of mortality or injuring reptiles. Construction works could commence immediately after completion of the second stage. Reptile hibernacula would be retained and protected during construction where practicable. If unavoidable, the removal of vegetation and groundworks at hibernacula would be timed to avoid the hibernation season (late October to early March). Replacement hibernacula and refugia would be provided.

- 11.3.2 The Order Limits are typically 100m wide, with vegetation clearance to ground occurring predominately in the underground sections (excluding locations where trenchless crossings are proposed) and working areas around pylons. It is therefore considered that relatively localised reptile habitat would be impacted by construction activities. Plentiful suitable habitat is present in the wider area for reptiles and therefore habitat manipulation under the supervision of an EnvCoW, prior to the start of construction works (B05).
- 11.3.3 There are no identified instances where construction activity would remove all reptile habitat from a single location, and so there would always be areas of adjacent retained habitat for reptiles to disperse into.

11.4 Conclusion

- 11.4.1 The potential for offences with respect to common reptiles have been identified. The measures outlined would be sufficient to meet regulatory requirements.

12. Otter

12.1 Baseline Information

- 12.1.1 The desk study in 2022 identified records for otter (*Lutra lutra*) on and near the River Stour, Assington Mill Pond, River Box, River Brett and Belstead Brook. In addition, Sproughton Park CWS has otter specifically described in its citation.
- 12.1.2 The 2012/2013 survey for riparian mammals found sporadic evidence of otters within the study area, with signs recorded in two locations; near where the project crosses the River Brett near Pond Hall, and further east near Belstead Brook, alongside a watercourse at Kate’s Hill Farm. The 2021 and 2022 survey results found signs of otter along the River Stour, River Brett, and Belstead Brook. Further baseline information is provided in ES Appendix 7.2: Species Baseline Report (**application number 6.3.7.2**).
- 12.1.3 It is assumed that there would be occasional presence of otter within the Order Limits during construction on the above watercourses where evidence has been found, in addition to commuting otters within sub-optimal watercourses.

12.2 Relevant Provisions

- 12.2.1 There is potential for otters to occasionally use most watercourses crossed by the Order Limits for commuting or foraging. A review of the potential for the project to result in offences with respect to otter is detailed in Table 12.1.

Table 12.1 – Relevant Legislation and Potential for Committing an Offence (Otters)

Conservation of Habitats and Species 2017 (as amended)	Wildlife and Countryside Act 1981 (as amended)	Potential Offence (In absence of Good Practice Measures)
To deliberately capture, injure or kill any wild animal of an EPS (Reg 43(1)(a)).	To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	No – no active holts and/ or couches within the vicinity of construction activities. However, excavation for drill pits and cable trenches could pose an entrapment risk.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(a)(i) clarifies that disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young.	-	No – no active holts and/or couches found within 200m of the Order Limits.

Conservation of Habitats and Species 2017 (as amended)	Wildlife and Countryside Act 1981 (as amended)	Potential Offence (In absence of Good Practice Measures)
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(a)(ii) clarifies that disturbance of animals includes in particular any disturbance which is likely to impair their ability, in the case of animals of a hibernating or migratory species, to hibernate or migrate.	-	No – otters are not considered to be hibernating or migratory species.
To deliberately disturb wild animals of an EPS (Reg 43(1)(b)). For the purposes of Reg 43(1)(b), Reg 43(2)(b) clarifies that disturbance of animals includes in particular any disturbance which is likely to affect significantly the local distribution or abundance of the species to which they belong.	-	No – although construction activity could increase noise and vibration along access routes, it is considered unlikely to be sufficient to generate a significant response at the population level.
To damage or destroy a breeding site or resting place of a wild animal of an EPS (Reg 43 (1)(d))	To intentionally or recklessly damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	No – no active holts and/ or couches within the Order Limits
-	To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	No – no active holts and/ or couches within the Order Limits
-	To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	No – no active holts and/ or couches within the Order Limits

12.3 Proposed Approach

- 12.3.1 Good practice measure B03 in the CoCP (**application document 7.5.1**) is of relevance to otters and states where there would be a risk of animal entrapment, a means of escape would be installed into all excavations left open overnight.
- 12.3.2 Pre-construction surveys would be undertaken to update and supplement the baseline information where necessary. Although the risk is considered low, if new evidence of otters is found and avoidance of otters or their resting places can no longer be achieved, a detailed written method statement and application for an EPS licence would be necessary.

12.4 Conclusion

- 12.4.1 The potential for offences with respect to otters have been identified. Although signs of otter were identified in the baseline surveys, no confirmed resting places have been found. With the proposed good practice measure detailed above, it is considered unlikely that the legislation protecting otter would be contravened.

13. Water Vole

13.1 Baseline Information

- 13.1.1 Desk study in 2022 showed records for water vole on/near the River Brett, the River Box, River Stour. In addition, Sproughton Park CWS and Assington Meadows CWS have water vole specifically described in their citations.
- 13.1.2 The 2012 and 2013 riparian mammal surveys found sporadic evidence of water vole within the study area. Signs were recorded at the River Brett and the River Box. The 2021 and 2022 riparian mammal survey also found evidence of water vole activity. This was at six watercourses across the Order Limits, namely: the River Stour; a tributary of the River Stour; a watercourse south of Assington Meadows CWS; the River Brett; a tributary of the River Brett; and Belstead Brook. Water vole burrows were recorded within the Order Limits on a tributary of the River Stour in Section G: Stour Valley. Further baseline information is provided in ES Appendix 7.2: Species Baseline Report (**application document 6.3.7.2**).

13.2 Relevant Provisions

- 13.2.1 Water vole are likely to occasionally use the watercourses detailed above for commuting and /or foraging, in addition to the connected sub-optimal watercourses.
- 13.2.2 A review of the potential for the project to result in offences with respect to water vole is detailed in Table 13.1.

Table 13.1 – Relevant Legislation and Potential for Committing an Offence (Water Vole)

Wildlife and Countryside Act 1981	Potential Offence (In Absence of Good Practice Measures)
To intentionally kill, injure or take any wild animal included in Schedule 5 (s9(1)).	No – Although a water vole burrow is located at 587677, 236077 on a tributary of the River Stour within the Order Limits, it is not at risk of disturbance and destruction by construction activities as this watercourse would be crossed via a trenchless crossing.
To intentionally or recklessly damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection (s9(4)(a)).	
To intentionally or recklessly disturb any wild Schedule 5 animal while it is occupying a structure or place which it uses for shelter or protection (s9(4)(b)).	
To intentionally or recklessly obstruct access to any structure or place which any animal listed on Schedule 5 uses for shelter or protection (s9(4)(c)).	

13.3 Proposed Approach

- 13.3.1 Table 13.2 outlines the species-specific embedded measures in the REAC (**application document 7.5.2**) and good practice measures in the CoCP (**application document 7.5.1**) of relevance to water voles.

Table 13.2 – Embedded and Good Practice Measures of Relevance to Water Vole

Reference	Commitment
Embedded Measures	
EM-G08	A trenchless crossing is proposed to avoid habitats to the south of Ansell's Grove including Alphamstone Meadows Local Wildlife Site, Existing routes through the woods will be used where practicable by light good vehicles or tracked vehicles. Otherwise, pedestrian access will be maintained over the top of the trenchless crossing. There would be no temporary access route along the trenchless crossing.
Good Practice Measures in the CoCP	
W03	Riverbank, ponds and in-channel vegetation will be retained and protected where not directly affected by installation works. Natural substrate will be provided through temporary watercourse crossings culverts.
W17	Temporary clear span bridge crossings (e.g. bailey bridge) will be used for the temporary access route crossing at the River Stour, River Box and the River Brett...
13.3.2	Pre-construction surveys would be undertaken to update and supplement the baseline information where necessary. If additional new water vole burrows are confirmed within the Order Limits during the pre-construction survey, the project would seek to avoid and retain these burrows.
13.3.3	There is a degree of flexibility with respect to where temporary access routes are positioned within the Limits of Deviation within the overhead line sections, although limited flexibility within underground sections. As such, there is a degree of confidence that any additional identified water vole burrows within the majority of the Order Limits could be avoided and retained once confirmed as present.
13.3.4	Where avoidance of water vole burrows cannot be achieved the following methodology would be applied under recently devised mitigation licence provision: <ul style="list-style-type: none"> • Where there is a working area with a maximum length of 50m (for watercourses this equates to 50m on each bank); the displacement method (Dean <i>et al.</i>, 2016) would be implemented under a development licence, and is recommended under the following circumstances: <ul style="list-style-type: none"> – Displacement works are conducted between 15 February and 31 March inclusive (for sites in the southeast of England), when animals are predisposed to move as they begin to establish breeding territories; and – Where there is sufficient available habitat for water voles to move into. • Where the working area is a minimum of 50m, the method of relocation by trapping (Dean <i>et al.</i>, 2016) would be implemented under a development licence and is recommended under the following circumstances: <ul style="list-style-type: none"> – Relocation of water voles by trapping is seasonally restricted to between 15 February and 15 April inclusive (for sites in the southeast of England); and – There is a suitable well developed receptor site at the time of trapping for release.

13.4 Conclusion

- 13.4.1 The potential for offences with respect to water vole have been identified. Although signs of water vole and their resting places were identified in the baseline surveys, it is considered unlikely that the legislation protecting water vole would be contravened by following the proposed approach detailed above with the current baseline.

14. Controlled Plant Species

14.1 Baseline Information

14.1.1 The following invasive non- native species listed in Schedule 9 (Part II Plants) of the Wildlife and Countryside Act 1981 (as amended) have been identified from the 2022 desk study within 1km of the Order Limits:

- Giant hogweed (*Heracleum mantegazzianum*);
- Himalayan balsam (*Impatiens glandulifera*);
- Japanese knotweed (*Fallopia japonica*);
- Wall cotoneaster (*Cotoneaster horizontalis*);
- Rhododendron (*Rhododendron ponticum*);
- New Zealand pigmyweed/Australian stonecrop (*Crassula helmsii*);
- Variegated yellow archangel (*Lamium galeobdolon subsp. argentatum*);
- Canadian waterweed (*Elodea canadensis*); and
- Water fern (*Azolla filiculoides*).

14.1.2 Field surveys undertaken in 2021 and 2022 identified the following within the Order Limits:

- Himalayan balsam;
- Variegated yellow archangel;
- Montbretia (*Crocsmia x crocosmiiflora*); and
- Giant hogweed.

14.2 Relevant Provisions

14.2.1 There is potential for an offence to arise in locations where controlled plant species presence has been confirmed. A review of the potential for the project to result in offences with respect to controlled species of plant is detailed in Table 14.1.

Table 14.1 – Relevant Legislation and Potential for Committing an Offence (Controlled Plant Species)

Wildlife and Countryside Act 1981 (as amended)	Environmental Protection Act 1990	Potential Offence (In Absence of Good Practice Measures)
To plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 (s14 (2)).	-	Yes – during any topsoil removal, excavation, soil handling, vegetation removal or tracking of machinery in areas supporting controlled plant species.

Wildlife and Countryside Act 1981 (as amended)	Environmental Protection Act 1990	Potential Offence (In Absence of Good Practice Measures)
-	<p>Section 33 (1)(a) and (1)(b). These create offences are concerned with depositing, treating, keeping or disposing of controlled waste without a permit:</p> <p>a) To deposit controlled waste or extractive waste, or knowingly cause or knowingly permit controlled waste or extractive waste to be deposited in or on any land unless an environmental permit authorising the deposit is in force and the deposit is in accordance with the licence</p> <p>(b) submit controlled waste, or knowingly cause or knowingly permit controlled waste to be submitted, to any listed operation (other than an operation within Subsection (1)(a)) that (i) is carried out in or on any land, or by means of any mobile plant, and (ii) is not carried out under and in accordance with an environmental permit.</p> <p>Section 33 (1)(c) makes it an offence to treat, keep or dispose of controlled waste or extractive waste in a manner likely to cause pollution of the environment or harm to human health.</p>	<p>Yes – during disposal of vegetation or contaminated spoil containing controlled plant species following site clearance activities.</p>

14.3 Proposed Approach

- 14.3.1 Good practice measure B04 in the CoCP (**application document 7.5.1**) is of relevance to controlled plant species. This states that any plant or machinery that has been used in areas with invasive species (both terrestrial and aquatic), such as Japanese knotweed or invasive aquatic fauna, would be thoroughly cleaned. Water used to clean plant or machinery would be controlled to prevent the spread of the plant (through direct transfer or of seeds, rhizomes, fragments, etc.). The area would be cordoned off to prevent any inadvertent spreading.

14.4 Conclusion

- 14.4.1 The potential for offences with respect to controlled plant species have been identified. The measures outlined would be sufficient to meet relevant regulatory requirements.

Annex A. Great Crested Newt – Evidence of District Level Licence

Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate



T. 020 8026 1089
E. gcndl@naturalengland.org.uk

The appropriate authority shall not grant a licence under Regulation 55(9)(b) unless they are satisfied that actions authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

This Certificate is provisional once all information required in sections 1, 2, 3 and 4 has been inserted by Natural England and it has been issued to the Applicant. A provisional Certificate shall be given the date inserted by Natural England in section 4. A Certificate remains provisional until:

- It has been signed and dated by the Applicant in section 6; and
- Natural England's administration fee and (if applicable) the 1st Stage Conservation Payment has/have been paid; and
- It has been signed and dated on behalf of Natural England in section 8.

At which point this Certificate shall be complete and effective and shall be given the date on which it is signed by Natural England in section 8.

A provisional Certificate that determines that a 1st Stage Conservation Payment is required will lapse after 6 weeks from the date given in section 4. Lapse date: 10/07/21

A provisional Certificate that determines that a 1st Stage Conservation Payment is not required will lapse after 3 months from the date given in section 4. Lapse date: N/A

1. Application Details

Name of Applicant: <small>(and company number where relevant)</small> "the Applicant"	National Grid
Site name / address: "the Site"	Bramford to Twinstead Project
Grid reference for site: <small>10 figure reference from the centre of the site</small>	TL870363 to TM099459
District Level Great Crested Newt Licensing Enquiry number:	DLI-ENQ-NOSU-00031
Date District Level Great Crested Newt Licensing Enquiry Form received:	N/A

2. Impact assessment

Has the impact assessment been conducted?

Yes

No

If no, please explain why not

i.e. re-submission due to FIR, scheme has not changed

N/A

Total number of ponds within proposed site boundary

19

Total number of ponds within 250m buffer around the proposed site boundary

162

Expected total number of ponds lost

All ponds within the red line boundary are considered lost. Impacts on ponds outside of the red line boundary, up to 250m from the proposed site, are considered proportionally.

N/A

3. Compensation

Has the required level of compensation been calculated?

Yes

No

If no, please explain why not:

Re-submission due to FIR, scheme has not changed

N.b. Impacts calculated on provisional route

Has the Applicant supplied survey information?

Yes

No

If not, which risk zone does the development lie in:
Green / Amber / Red

N/A

Pond compensation ratio:

Dependent upon the risk zone, the availability of survey information, or whether all impacts are temporary

Presence 4 x Absence 1x No-survey 2x

Number of compensation ponds required:

Expected total number of ponds lost x pond compensation ratio

44.2

Temporary Impacts multiplier 0.25x = 11.05

Time-lag multiplier of 1.1 required?

Time lag multiplier applied for the interval between pond creation and / or restoration and the date on which the Enquiry is made to Natural England

Yes, compensation ponds will be under a year old.

Total number of compensation ponds required with time-lag multiplier:

If yes, please detail the cost summary for each pond

12.155

Is a 1st Stage Conservation Payment required?

A 1st Stage Conservation Payment is required if the total number of compensation ponds required is 3 or more than 3

Yes

No

4. Administration Fee and Conservation Payment

4.1 Natural England charges a non-refundable Administration Fee of £570 + VAT for the production of a provisional Impact Assessment and Conservation Payment Certificate. An invoice for this fee will be issued at the point of production of the provisional Impact Assessment and Conservation Payment Certificate, payable within 28 days of issue.

- 4.2 Applicants must also make a Conservation Payment to Natural England, to allow Natural England to pay for the creation and maintenance of sufficient new great crested newt habitat to compensate for the impacts of the Applicant's proposals for 25 years.
- 4.3 If the total number of compensation ponds required is 3 or more the Conservation Payment shall be split into two staged payments: a 1st Stage Conservation Payment and a 2nd Stage Conservation Payment.
- 4.4 An Applicant who is not required to make staged payments will be issued with a VAT-inclusive invoice for the Conservation Payment once it has applied to Natural England for a GCN District Level Licence. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10, below.
- 4.5 An Applicant who is required to make a 1st Stage Conservation Payment will be issued with a VAT-inclusive invoice for that payment once it has signed the provisional Impact Assessment and Conservation Payment Certificate at section 6, below, and returned it to Natural England. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10 below. When an Applicant is required to make a 1st Stage Payment Natural England will not complete the Impact Assessment and Conservation Payment Certificate by signing and dating it at section 8 until that payment has been made.
- 4.6 An Applicant who has made a 1st Stage Conservation Payment will be issued with a VAT-inclusive invoice for the 2nd Stage Conservation Payment once it has applied to Natural England for a GCN District Level Licence. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10, below.
- 4.7 Except for householder home improvement projects or where planning permission has been received following a householder planning application a further non-refundable fee of £690 will be charged at the point of issue of any subsequent licence under reg. 55 of the Conservation of Habitats and Species Regulations 2017, payable within 28 days of issue.

Has the Conservation Payment for the required amount of compensation been calculated in accordance with standard procedure?

Yes

No

If no, please provide details:

As above, this IACPC is based upon the interim impact assessment on the provisional boundary. Once the project

Basis of calculation of Conservation Payment:

12.155 compensatory ponds required at £ 15165 each = £ 184,330.58 plus VAT = total £ 221,196.69 .

See 4.2 to 4.6, above

If a 1st Stage Conservation Payment is required, the Conservation Payment shall be split as follows:

1 st Stage Conservation Payment:	£51,051	plus VAT = total <u>£ 61,261.20</u>	See 4.5, above
2 nd Stage Conservation Payment:	£133,279.58	plus VAT = total <u>£ 159,935.49</u>	See 4.6, above

Plus:

Administration fee for Impact Assessment and Conservation Payment Certificate £570 plus VAT = total £684 See 4.1, above

Fee payable on the issue of a licence £690 (no VAT) See 4.7, above

Date: 29/06/21 See clause 5.11, below

A breakdown of the Conservation Payment per pond is given at Annex 2.

The Conservation Payment must be made in full before a licence under regulation 55 of the Conservation of Species and Habitats Regulations 2017 may authorise activities that would otherwise breach Regulation 43 of those regulations.

5. Further Important Information

- 5.1 It is the duty of the Applicant to inform Natural England if the extent of the land affected by the proposed development is not exactly as shown on the Plan attached as Annex 3 to this Certificate or if it alters at any time after the date of this Certificate. An offence may be committed if incorrect information is submitted to Natural England in the course of the licensing process.
- 5.2 Natural England shall be entitled to terminate this Certificate if information subsequently received causes it to reasonably conclude that the impacts on great crested newts, or the required level of compensation, of/for the Applicant's proposals on the Site have been under-stated in this Certificate. Before terminating this Certificate Natural England shall give the Applicant reasonable notice of its intentions and the opportunity to make a written representation against withdrawal.
- 5.3 This Certificate relates only to the development described in this form and not to any associated or enabling development.
- 5.4 Natural England's assessment of the total number of ponds to be lost at the Site is informed by the information provided by the Applicant in its Enquiry Form. However, where an Applicant has not provided up to date survey data Natural England determines the number of ponds to be lost at the Site from its own information. In all cases Natural England retains discretion in assessing the number of ponds to be lost as a result of the Applicant's proposals at the Site and its decision shall be conclusive.
- 5.5 This Certificate is not a licence granted under reg. 55 of the Conservation of Habitats and Species Regulations 2017 (henceforth "the 2017 Regulations") and is not a confirmation or warranty that such a licence will subsequently be granted. Natural England excludes all warranties and representations in so far as the law permits.
- 5.6 If Natural England subsequently grants a licence to the Applicant under reg. 55 of the 2017 Regulations any such licence will be subject to the conditions therein set out, which may include (but not be limited to) conditions that activities may not be commenced until the Applicant has paid the Conservation Payment in the amount and manner set out herein and that activities may not be commenced until compensatory works have reached a specified stage of completion.
- 5.7 If Natural England subsequently grants a licence to the Applicant under reg. 55 of the 2017 Regulations Natural England agrees to use and hold Conservation Payment monies payable by and received from the Applicant for the purposes and period of time set out in Annex 2 to this Certificate. Any surpluses properly arising after 25 years from the date of the grant of a licence shall be retained and used by Natural England for the purposes of enhancing the conservation status of great crested newts in England.
- 5.8 If the Applicant's proposals at the Site are refused planning permission or other essential regulatory consent (including a licence to the Applicant under reg. 55 of the 2017 Regulations) any Conservation Payment(s) made by the Applicant to Natural England pursuant to this Certificate will be repaid in full.
- 5.9 If following the receipt of planning permission and/or all other essential regulatory consents but prior to the commencement of any works on the Site that could kill or disturb great crested newts or damage or destroy their habitat the Applicant confirms in writing to Natural England that it no longer wishes to proceed with its proposals on the Site any 1st Stage Conservation Payment already made shall be forfeit and any 2nd Stage Conservation Payment already made will be repaid subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written confirmation. An Applicant who was not required to make staged payments will be repaid any Conservation Payment already made subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written confirmation. The Applicant acknowledges that Natural England will spend the Conservation Payment in accordance with the provisions of Annex 2 and appreciates that for the purposes of conserving great crested newts it will be reasonable to spend a high proportion of the Conservation Payment within a short period of receiving it.
- 5.10 If the Applicant only carries out part of the development on the Site and has less impact than that assessed at part 2 of this Certificate it shall be entitled to request Natural England to recalculate the Conservation Payment. Such request shall be in writing and shall contain all the information necessary to allow Natural England to assess the impact of the modified development. If the recalculated Conservation Payment is lower than the Conservation Payment(s) already paid the Applicant shall be entitled to reimbursement of the difference on the following basis: a 1st Stage Payment shall be forfeit; the balance may be repaid from a 2nd Stage Payment subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of the request to recalculate; an Applicant who was not required to make staged payments will be repaid the difference subject to the deduction of such costs as have reasonably been incurred

by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written request. The Applicant acknowledges that Natural England will spend the Conservation Payment in accordance with the provisions of Annex 2 and appreciates that for the purposes of conserving great crested newts it will be reasonable to spend a high proportion of the Conservation Payment within a short period of receiving it.

- 5.11 Once signed and dated in section 8, this Certificate shall remain effective for the period of 25 years from the commencement of works on the Site that could kill or disturb great crested newts or damage or destroy their habitat; save that if after two years from the date of this Certificate the Conservation Payment set out at part 4 of this Certificate has not been paid in full Natural England shall be entitled to review and revise the amount of that payment to such sum as at the date of such review is sufficient to pay for the creation and maintenance of sufficient great crested newt habitat to compensate for the impacts of the Applicant's proposals for 25 years. Until signed and dated in section 8 this Certificate is provisional only and if it has been determined that a 1st Stage Conservation Payment is required it will lapse and be of no further effect after 8 weeks from the date given in section 4. If it has been determined that a 1st Stage Conservation Payment is not required this Certificate will lapse and be of no further effect after 3 months from the date given in section 4.
- 5.12 This Certificate may not be relied on by any person other than the Applicant and may not be assigned to any other person without the prior written consent of Natural England. Natural England's consent will be conditional upon any assignee signing a Certificate in like form to this Certificate, or as appropriate to the circumstances, subject to which consent shall not unreasonably be withheld.
- 5.13 Natural England's total liability arising under or in connection with this Certificate, whether in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise shall be limited to the amount of the Conservation Payment paid by the Applicant to Natural England and un-spent as at the date of adjudication of the claim.
- 5.14 The Applicant's total liability arising under or in connection with this Certificate, whether in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise shall be limited to the amount of the Conservation Payment properly calculable on the basis of the actual development to which this Certificate relates.
- 5.15 Neither Natural England nor the Applicant shall be liable to the other for any indirect, special or consequential loss or damage or any loss of profits, turnover, business opportunities or damage to goodwill (whether direct or indirect).
- 5.16 No variation of this Certificate shall be valid unless it is in writing and signed by or on behalf of both parties.
- 5.17 Nothing in this Certificate shall prejudice, conflict with or affect the exercise by Natural England of its statutory functions (including as statutory consultee), purpose, powers, rights, duties, responsibilities or obligations arising or imposed under any legislative provision enactment, bye-law or regulation whatsoever, nor shall it fetter the exercise of any discretion Natural England may have.
- 5.18 Natural England may terminate this Certificate immediately on notice in writing where, in Natural England's reasonable opinion, compliance with the obligations in this Certificate is likely to conflict with Natural England's statutory functions (including as statutory consultee), purpose, powers, rights, duties, responsibilities or obligations.
- 5.19 The Applicant acknowledges that Natural England is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (both as amended) and cannot guarantee confidentiality. The Applicant shall assist and co-operate with Natural England as necessary to comply with these requirements. In responding to a request for information, including information in connection with the subject matter of this Certificate Natural England shall where in its absolute discretion it deems necessary use reasonable endeavours to consult with the Applicant. Notwithstanding this the Applicant acknowledges that Natural England may disclose information without consultation, or following consultation with the Applicant having taken its views into account.
- 5.20 The Applicant shall ensure that all information produced in connection with the subject matter of this Certificate or relating to this Certificate is retained for disclosure and shall provide all necessary assistance as reasonably requested to enable Natural England to respond to a request for information within the time for compliance and shall permit Natural England to inspect such records as requested from time to time.
- 5.21 Nothing in this Certificate is intended to, or shall be deemed to, constitute a partnership or joint venture of any kind between Natural England and the Applicant. No party shall have authority to act as agent for, or to bind, the other party in any way.
- 5.22 The parties do not intend any term of this Certificate to be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person that is not a party to it.

5.23 This Certificate and all disputes or claims arising out of or in connection with the activities of the parties in connection with it shall be governed by and construed in accordance with the law of England.

6. Declarations

This Declaration may only be signed by either:

- A director or senior authorised employee of the corporate Applicant identified at 1 (a), above; or
- The person identified at 1 (b), above, as the individual Applicant; or in either case:
- A person authorised in writing by the Applicant to complete this Enquiry Form and to make this Declaration. Any such written authorisation must identify the site and development concerned and be irrevocable.

The Applicant declares as follows:

- All of the information provided by the Applicant to enable Natural England to produce this Certificate is up to date, complete and correct;
- All of the information provided by the Applicant in the District Level Great Crested Newt Licence Enquiry Form dated: *N/A* is up to date, complete and correct;
- The terms and conditions contained within this Certificate are agreed and accepted.

Signed:

Name and position of signatory:

Sally Rotherham National Grid Contract Consents Officer
on behalf of Sebastian Stevens

For electronic applications, please insert an electronic signature above or tick this box to confirm with the declaration:



I confirm that I (the above) am duly authorised by the Applicant to sign and submit this document on its behalf:



Dated:

30/08/21

Invoicing – details of where the invoice(s) should be sent for payment

Email address for invoice:	Sebastian.Stevens@nationalgrid.com
Purchase Order Number(s) for Conservation Payment:	#3400147490
Company Name:	National Grid Electricity Transmission
Address:	National Grid House, Warwick Technology Park, Gallows Hill, Warwick,
Postcode:	CV34 6DA
County:	Warwickshire
Customer contact name	Sebastian Stevens
Telephone number:	07929 828509

Any person who in order to obtain a licence under regulation 55 of the 2017 Regulations knowingly or recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. A person found guilty of such an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

7. Use of this Certificate

In consideration of the Applicant's obligations arising herein Natural England consents to the use of this Certificate by the Applicant in support of an application for planning permission, or development consent under the Planning Act 2008, for development on the Site. Under District Level Great Crested Newt Licensing Natural England carries out its formal determination for the purposes of Regulation 55 of the 2017 Regulations after the grant of planning permission, or development consent under the Planning Act 2008, for the development in question. Accordingly, as at the date of this Certificate that formal determination has not yet been carried out.

However, in signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy Regulation 55 (9) (b) of the 2017 Regulations ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range") and has concluded that payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range.

This Certificate reflects Natural England's views in relation only to great crested newts on and within 250m of the Site.

8. Natural England

Signed for and on behalf of Natural England
Duly authorized:

Maggie Telfer Digitally signed by Maggie Telfer
Date: 2021.07.05 09:23:37 +01'00'

Dated:

5/7/21

¹In order for Natural England to grant a licence to the Applicant under reg. 55 of the 2017 Regulations it must be satisfied, inter alia, that the activities so licensed meet the provisions of reg. 55 (2) and 55 (9) (a) and (b). Compensatory works funded by the Conservation Payment set out in this document allow the provisions of reg. 55 (9) (b) to be satisfied ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"), but do not address the issues raised in reg. 55 (2) ("...imperative reasons of overriding public interest, including those of a social or economic nature ...") or 55 (9) (a) ("that there is no satisfactory alternative"). Accordingly, no representation, assurance, condition or warranty is given by Natural England to the effect that activities associated with the development described in this form will go on to be licensed by Natural England.

Annex 1

Privacy Notice

Who collects your data?

The data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; foi@naturalengland.org.uk

The Defra group Data Protection Officer is responsible for checking that Natural England complies with legislation. You can contact them at: 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 being used? What is the legal basis for the processing?

The data collected by Natural England includes: an Applicant's name and contact details, the name and contact details of any agent appointed by the Applicant, the name and contact details of individual points of contact within the Applicant's organisation and that of the Applicant's agent, customer type, the nature of the Site, the development proposed on the Site, reasons for that development, and bank account information for refunds.

Natural England uses such data to run a great crested newt licensing scheme ("the Scheme") in the area in which the Site is located. Processing is necessary (a) 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 delegated by Defra to Natural England under section 78 of the Natural Environment and Rural Communities Act 2006 and (b) for the performance of the contractual terms set out in this Certificate.

The processing by us of personal data relating to wildlife-related or animal welfare offences or related security measures is carried out only under official authority. This information is used in assessing an application as it is a material fact.

Who will my data be shared with?

Information provided by or on behalf of the Applicant and any supporting material will be used by Natural England to undertake our licensing functions and to operate the Scheme. This will include assessing an Applicant's proposals in line with the Scheme, producing a Scheme certificate, assessing an Applicant's licence application, issuing a licence if applicable, monitoring compliance with licence conditions and collating licence returns and reports. In carrying out these functions Natural England may discuss your Scheme application with third parties such as contractors commissioned to deliver the necessary habitat compensation. Natural England may for particular licence applications and at specific stages of the licensing process discuss your application with third parties. The details of this sharing are set out here <https://www.gov.uk/government/publications/wildlife-licensing-privacy-notice>

Natural England recognises there is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. Therefore, we may make information publicly available. Information released may include, but is not limited to, your name or business name, application and licence details as well as reports and returns. Natural England, however, realises that some licensed activities can be sensitive and we **will not** release information that could harm people, species or habitats. In some cases, for example, this may mean not releasing the names and addresses of individuals or the location of the licensed activity.

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.

How long will my data be held for?

Your personal data will be kept by us for 7 years beyond the period of effectiveness of this Certificate.

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

No, because the processing is not based on consent.

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

Failure to provide this information will mean that we will be unable to assess your application for a Scheme certificate and/or a wildlife licence.

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 Personal Information Charter

Details of our Personal Information Charter can be found at: <https://www.gov.uk/government/organisations/natural-england-personal-information-charter>

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