

Date: 08 August 2024
Our ref: (UDS-A012603)
Your ref: Gatwick Airport Northern Runway (Badgers)



BY EMAIL ONLY

Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH

Dear Jonathen Deegan.

DRAFT MITIGATION LICENCE APPLICATION STATUS: Draft Licence Application

LEGISLATION: The Protection of Badgers Act 1992 (as amended)

NSIP: Gatwick Airport Northern Runway

SPECIES: European badgers (*Meles meles*)

Thank you for your draft Badger licence application in association with the above NSIP site, received in this office on the 24 April 2024. This advice is being provided as part of the existing undefined scope DAS contact in place between Natural England and Gatwick Airport, reference UDS-A012603. This response letter is intended to act as a **letter of no impediment** to provide the relevant authorities and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of the proposed works.

RPS Group on behalf of Gatwick Airport have asked Natural England to provide:

- A review of the draft badger licence application, and associated documents, in relation to the proposed works at Gatwick Airport.

This advice is provided in accordance with the UDS Quotation and Agreement agreed between Gatwick Airport Ltd and Natural England. The advice detailed in this response letter is based upon the information within the following documents:

- Badger Mitigation Licence Method Statement, dated 19 April 2024.
- Figure 2.1, Site Location Plan, dated April 2024.
- Figure 2.2.1, Badger Survey Results, dated April 2024.
- Figure 2.2.2, Badger Survey Results, dated April 2024.
- Figure 2.2.3, Badger Survey Results, dated April 2024.
- Figure 2.2.4, Badger Survey Results, dated April 2024.
- Figure 2.3, Badger Bait Marking Survey, dated April 2024.
- Figure 2.4, Badger Sett Closure and Location of Artificial Sett, dated April 2024.
- Figure 2.5, Indicative Artificial Badger Sett Design, dated April 2024.

Assessment

Following assessment and review of the draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted. However, the following points should be addressed fully as part of that formal licence application submission.

- Named Ecologist – A named ecologist with the relevant experience in the exclusion and destruction of badger setts should be listed under the licence.
- Survey information – The proposed update and ongoing surveys on site ahead of the formal submission are welcome. Updated surveys should be included and detailed as part of the formal licence application, and identify additional setts not previously identified during the surveying that may be impacted by the proposed works.
- Figure 2.4 Badger Set Closure and Location of Artificial Set – this figure and the associated sections in the method statement should be updated to state the number of entrance holes identified at the sett to be impacted by the proposed works.
- Artificial Set Location – the range of locations for the construction of the artificial sett as indicated in Figure 2.4, it should be noted that the lower section of the area falls within a flood zone and therefore it would be preferable for the artificial sett to be constructed in the upper right region of the indicated area. However, if it is not possible to build the artificial sett in this area, a construction within the flood zone may be allowed if the artificial is built into an above ground mound or bund.
- Artificial Set Design – The artificial sett should reflect the size and use of the sett it is replacing. The formal application should detail the number of entrances and chambers that are to be built and why this mitigates for the sett undergoing closure. 300mm diameter piping must be maintained throughout the construction including at sett entrances and must remain intact (not cut for bare earth 'floors'). The artificial sett should also include open-ended and unfinished tunnels to allow the badgers to expand the sett beyond the chambers and tunnels initially installed.
- Other retained setts – Any retained natural badger setts that may fall within 30m of disturbing development works should be highlighted. At formal submission a figure of the planned development footprint should also be included, indicating the location of retained setts to any works.

Next Steps

Should the DCO be granted then the licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

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

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

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

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

The advice provided within this response letter is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

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

Yours sincerely,

Zoe MacMullen

Higher Officer
Natural England Wildlife Licencing Service (Species Team)

E-mail: [REDACTED]

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

Important note: when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF (Zoe MacMullen, NEWLS CASC Team).

Submitting Documents.

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

Changes to Documents –Reasoned Statement/Method Statement.

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

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

Method Statement

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

