

Date: 02 November 2012
Our ref: EPSM2012 – 4206 C JG
(NATIONALLY SIGNIFICANT
INFRASTRUCTURE PROJECT)



Mr P Stephenson
Able UK Ltd

Sent by e-mail only

Dear Mr Stephenson

Customer Services
Wildlife Licensing
Natural England
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DRAFT EPS MITIGATION LICENCE APPLICATION STATUS: RESUBMISSION
LEGISLATION: CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)
SITE: ABLE MARINE ENERGY PARK, ROSPER ROAD, KILLINGHAM, LINCOLNSHIRE
EUROPEAN PROTECTED SPECIES: GREAT CRESTED NEWT (*Triturus cristatus*)

Thank you for your draft great crested newt mitigation licence resubmission in association with the above site, which was received in this office on the 21st September 2012 and I apologise for the delay in issuing our response. This application relates to a Nationally Significant Infrastructure Project which Natural England has agreed to review to help ensure the proposals meet protected species licensing requirements. As you will be aware, no final licensing decisions can be made, or a licence issued, unless the development obtains all necessary consents in order to proceed, with any conditions relevant to wildlife discharged. Accordingly we cannot issue a licence unless the Secretary of State grants the Development Consent Order (DCO) in relation to these proposals.

Following our assessment of the resubmitted documents, I can now confirm that, on the basis of the species information and proposals provided, Natural England is satisfied that no outstanding issues remain which would prevent the licence being granted in respect of this application if the following advice is followed.

Natural England considers that the Purpose and No Satisfactory Alternative (NSA) tests would be met should the application be formally submitted using the same information and the development is successful in achieving all necessary consents. However, in relation to the Favourable Conservation Status Test (FCS), please take note of the following:

Method Statement

Favourable Conservation Status Test (FCS)

We agree that the principles of mitigation proposed allow us to grant a letter of comfort for this scheme. In the event the DCO is granted and you wish to obtain a licence for the proposed works, the following issues must be addressed within your formal submission:

- the timetable in E6b only includes 5 yrs of population monitoring at present. However, 6 yrs of monitoring is required and this is what has been proposed in section E5.2. Consequently, the E6b timetable will need to be amended upon formal submission to include a further year of monitoring in 2020.
- In addition, the Management Plan (*'Habitat Creation and Management Proposals'*) proposes a new fence to be erected along the northern boundary of the receptor site to restrict public access. This fence-line must be shown on map E5.1 as it is intended to prevent excessive disturbance and damage to the created habitats.

Natural England would normally request that these issues be addressed before the granting of a 'letter of comfort' in relation to an NSIP proposal. However, on this occasion, to avoid further delays, we are content that they can be resolved at the formal application stage, should the DCO be granted. Please be advised that Natural England will undertake a full reassessment of any formal application received and we will be unable to grant the licence unless these two outstanding issues have been addressed.

General advice and next steps

Should the DCO be granted you are in a position to formally submit your newt application.

Please be mindful that we will only issue a licence within 12 weeks of the first licensable activities. If changes are necessary, other than those already detailed above, 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 issued. Please be aware that if changes are made to proposals or timings which do not enable us to meet any of the three licensing tests, 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 issued.

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

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.

Yours sincerely



John Gordon
Group Coordinator - EPS Mitigation Licensing
Tel: 0300 060 1442
E-mail: John.Gordon@naturalengland.org.uk

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

Important note: when submitting your formal licence application, should the Development Consent Order be granted, please mark all correspondence 'NSIP EPSM 2012-4206 C, Able Marine Energy park for the attention of Kathryn Murray and John Gordon'.

Submitting Documents.

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

Changes to Documents – Reasoned Statement and/or 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.

Reasoned Statement

Imperative Reasons of Overriding Public Interest or Public Health and Safety and/or No Satisfactory Alternative.

When submitting a revised Reasoned Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively one paper copy of the complete, revised document. Please do not send the amended sections in isolation.

Method Statement

Favourable Conservation Status.

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. This document forms part of the licence; please do not send the amended sections in isolation.
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Customer Feedback – EPS Mitigation Licensing

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

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

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

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



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

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

Difficult (1)

OK (2)

Easy (3)

Very Easy (4)

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

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

Unaware (1)

Very Limited Awareness (2)

Partially Aware (3)

Fully Aware (4)

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

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

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

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

Fully

Partially

Unresolved

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

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

Positive support

No reaction

Negative reaction

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

Definitely

Possibly

Unlikely

No

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