



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.21 ExA.FI.D3.V1 – Letters of No Impediment (LONI) in respect of bat and badger licences

Author: Womble Bond Dickinson (UK) LLP

Version: 1

Date: December 2020



Date: 18 September 2019
Our ref: *(insert case ref here)*
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



██████████
North Somerset Council
Sent by e-mail only

Dear ██████████

DRAFT MITIGATION LICENCE APPLICATION STATUS: INITIAL DRAFT APPLICATION
LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017
NSIP: MetroWest Portbury Freight Line
SPECIES: BAT

Thank you for your initial draft mitigation licence application in association with the above NSIP site, received in this office on the *(insert date here)*. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted 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.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

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

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

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.

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

Yours sincerely

[Redacted]
Tel: [Redacted]
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 [Redacted]

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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/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.

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?

<i>Difficult (1)</i>	<i>OK (2)</i>	<i>Easy (3)</i>	<i>Very Easy (4)</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?

<i>Unaware (1)</i>	<i>Very Limited Awareness (2)</i>	<i>Partially Aware (3)</i>	<i>Fully Aware (4)</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?

<i>Fully</i>	<i>Partially</i>	<i>Unresolved</i>
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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?

<i>Positive support</i>	<i>No reaction</i>	<i>Negative reaction</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

<i>Definitely</i>	<i>Possibly</i>	<i>Unlikely</i>	<i>No</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.*

Date: 23 September 2019
Our ref: -
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



[REDACTED]
North Somerset Council (NSC)
MetroWest Phase 1 Project Manager

Sent by e-mail only

Dear [REDACTED]

DRAFT MITIGATION LICENCE APPLICATION STATUS: INITIAL DRAFT APPLICATION

LEGISLATION: THE PROTECTION OF BADGERS ACT 1992

NSIP: MetroWest, Operational Section

SPECIES: Badgers.

Thank you for your subsequent draft badger mitigation licence application in association with the above NSIP site, received in this office on the 22nd August 2019. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted 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 must be addressed prior to submitting the full licence application:

- [REDACTED] has not been a licensed ecologist for a species management licence previously. In order to demonstrate that she holds suitable experience, references must be provided along with examples of recent cases she has acted as a named ecologist that are of a similar nature.
- An updated badger surveys will be required to ensure all setts and their activity levels have been identified.
- A walkover survey of the site will need to be undertaken within 3 months prior to submission to ensure any changes to the setts and their activity levels have been accurately captured.
- Accurate timings for the proposed works will need to be included with accompanying Method Statement. This will need to outline the duration of the disturbance and exclusion activities for the badgers within the Operational Section survey area.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

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

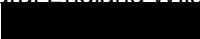
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I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely,


Wildlife Management Lead Adviser
Natural England Wildlife Licensing Service (DT1)
Tel: 
E-mail: 

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 [REDACTED] Natural England Wildlife Licensing Service (DT1)'

Submitting Documents.

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Changes to Documents –Reasoned Statement/Method Statement.

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Method Statement

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Natural England Reference Number (optional):	Please tick to indicate your role:	Consultant	<input type="checkbox"/>
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1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

<i>Difficult (1)</i>	<i>OK (2)</i>	<i>Easy (3)</i>	<i>Very Easy (4)</i>
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If 1 please specify who you initially contacted in relation to your issue/enquiry?

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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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"/>				
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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?

<i>Fully</i>	<i>Partially</i>	<i>Unresolved</i>
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5. Was there a public reaction to any action taken under the licence or as a result of our advice?

<i>Positive support</i>	<i>No reaction</i>	<i>Negative reaction</i>
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Date: 23 September 2019
Our ref: -
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



[REDACTED]
North Somerset Council (NSC)
MetroWest Phase 1 Project Manager

Sent by e-mail only

Dear [REDACTED]

DRAFT MITIGATION LICENCE APPLICATION STATUS: INITIAL DRAFT APPLICATION

LEGISLATION: THE PROTECTION OF BADGERS ACT 1992

NSIP: MetroWest, Disused Section

SPECIES: Badgers.

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Assessment

Following our assessment of the resubmitted 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 must be addressed prior to submitting the full licence application:

- [REDACTED] has not been a licensed ecologist for a species management licence previously. In order to demonstrate that she holds suitable experience, references must be provided along with examples of recent cases she has acted as a named ecologist that are of a similar nature.
- An updated badger surveys will be required to ensure all setts and their activity levels have been identified.
- An updated bait marking survey will also be required to ensure the artificial sett is within the territory of the impacted clan.
- A bait marking survey Figure will also need to be included to clearly demonstrate the area occupied by the clans.
- The Method Statement Table 3 needs to be updated to show which setts are associated with each Clan.

- Where it is possible and where permission is granted, off-site setts should also be included in within the Method Statement and associated Figures. At present, with a number of sett closures, it is not clear how many remaining setts the badgers will have within their known territories to rely upon.
- A walkover survey of the site will need to be undertaken within 3 months prior to submission to ensure any changes to the setts and their activity levels have been accurately captured.
- Accurate timings for the proposed works will need to be included with accompanying Method Statement for the badgers within the Disused Section survey area. This will need to outline the duration of the disturbance and exclusion activities, as well as the timescale that Main Sett 1 will be temporarily closed for.
- The artificial sett must be in place 6 months prior to Main Sett 1 being temporarily closed. Efforts must be made to encourage the badgers to find the artificial sett prior to the temporary closure being undertaken.
- Disused and inactive setts can be closed at any time without a Species Management Licence. Badgers that are being displaced from active setts may try to seek refuge in known setts within their existing territories. This could mean that once exclusion is underway that the presently disused and inactive setts become active again and will require additional one-way gate exclusion.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted. Please note that there will be no charge for the formal licence application determination, should the DCO be granted, or the granting of any licence.

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

Yours sincerely,


Wildlife Management Lead Adviser
Natural England Wildlife Licensing Service (DT1)

Tel: [REDACTED]

E-mail [REDACTED]

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

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Ease of completion of application	<input type="checkbox"/>				
Advice provided by telephone (if applicable)	<input type="checkbox"/>				
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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.*

Date: 21 October 2019
Our ref: *(insert case ref here)*
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



[REDACTED]
Project Manager
North Somerset Council

Sent by e-mail only

Dear [REDACTED]

DRAFT MITIGATION LICENCE APPLICATION STATUS: INITIAL/SUBSEQUENT DRAFT APPLICATION *(delete as appropriate)*
LEGISLATION: THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)/
NSIP: MetroWest Phase 1.
SPECIES: Bats.

Thank you for your subsequent draft **Bat** mitigation licence application in association with the above NSIP site, received in this office on the *(insert date here)*. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted 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, please note the following issues have been identified within the current draft of the application form and method statement that will need to be addressed before the licence application is formally submitted.

- a) The latest versions of the Application form (04/2019) and Method Statement (01/2019) should be used when submitting the formal application, they can be downloaded from our website here: <https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence>
- b) At section 10 Experience of the application form – the previous licence reference should be from within the past three years and cover all the species currently being applied for, please provide a previous licence reference to cover Soprano Pipistrelle, and/or alternatively provide full references.

- c) Section C5 Field Surveys of the Method Statement – updated surveys will be required for the formal application, a minimum of 1x visual inspection and 2x activity surveys (with at least 1x activity survey within the optimal period) should be undertaken in the current or immediately preceding activity season.
- d) The accompanying Figures need to be in accordance with the notes provided at the end of the Method Statement, to be numbered correctly, and with regards to Figure E3 show the locations of the bat boxes to be provided as compensation and have detailed cross section plans of the bat roosts being retained/modified, including dimensions, access points and materials to be used.

Next Steps

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

Yours sincerely

(insert name here)

Tel: *(insert number here)*

E-mail: *(insert email address here)*

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 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> 1	<i>Fair</i> 2	<i>Good</i> 3	<i>Excellent</i> 4	<i>Not applicable</i>
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.*