

Tritax Symmetry (Hinckley) Limited  
**HINCKLEY NATIONAL  
RAIL FREIGHT INTERCHANGE**

---

**The Hinckley National Rail Freight  
Interchange Development Consent Order**  
Project reference TR050007

**Written Statement of Oral Case ISH6 [Appendix D -  
Natural England Letters of No Impediment - Badgers  
and Bats]**

Document reference: 18.15.4

Revision: 01

**9 February 2024**

---

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations  
2009 Regulation 5(2)(q)

Date: 6<sup>th</sup> December 2023  
Our ref: 2023-65832-EPS-AD1  
(NATIONALLY SIGNIFICANT INFRASTRUCTURE  
PROJECT)



Michael Neep  
Environmental Dimension Partnership  
*Sent by e-mail only*

**Wildlife licensing**  
Natural England  
Horizon House  
Deanery Road  
Bristol  
BS1 5AH  
Email:  
[wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)  
Tel: 020 8026 1089

Dear Mr Neep,

**DRAFT MITIGATION LICENCE APPLICATION STATUS:** INITIAL DRAFT APPLICATION  
**LEGISLATION:** THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)  
**NSIP:** Hinckley National Rail Freight Interchange.  
**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 16<sup>th</sup> August 2023. 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 by our Wildlife Adviser (Rachel Cottrill). These will need to be addressed before the licence application is formally submitted. Please ensure that the method statement is revised to include these changes prior to formal submission. These include:

### **Ecologist Experience**

A named ecologist should be provided. The named ecologist must be able to demonstrate that they have suitable experience of the species/roost types present. Ideally, they should provide reference numbers for licences held in the previous three years for the same species and roost type.

### **Designated sites**

Given the site is adjacent to Burbage Wood and Aston Firs SSSI, please consider if the works are likely to impact the site. If considered necessary please consult the Natural England designated site staff

### **Surveys**

NSIP-LICTEMP-LONI Caveats-101023-PV  
NSIP LONI (10/2022)

Update surveys will be required during the active period in 2025. These should include a full assessment of the roosting potential of all existing buildings/structures on site as the condition/status may have changed since the original surveys. Additional dusk or dawn surveys of structures with roost potential will be required, as well as a walkover survey of the site in the 2025 active period. The results of these surveys should be included in the relevant Figures and used to inform any changes to the proposed methodology and compensation.

It is also noted that some trees are considered “at risk” from the scheme. These trees should also be re-surveyed for potential roosts and the results included in the application.

Surveyor names have also not been included- please note that every reasonable effort should be made to obtain these.

It has also been noted that the application says the buildings are “assumed unsuitable for hibernation as no hibernating bats are present”- but no hibernation checks are listed within the surveys. Please include a full justification which relies on the ecological suitability of buildings for bats in this conclusion, or otherwise conduct hibernation checks in line with best practice guidelines.

### **Impacts**

Based on the existing survey results the description of the impacts is adequate. The licence application notes that there will be a loss of hedgerows and potential foraging and commuting routes but transect surveys undertaken during scheme design show no significant peaks in individual areas, and severance will be avoided using a combination of retained hedgerow and replanting. The ecologist has concluded that a licence is therefore not required for these impacts. If additional species, or more significant numbers are recorded in future surveys, further consideration may need to be given to the impacts of habitat loss for foraging and commuting.

### **Methodology**

The Method Statement suggests that artificial lighting may be used in voids as a deterrent. Natural England does not licence the use of lighting for exclusion or deterring bats when alternative methods are more appropriate. This will need to be removed from the application.

### **Mitigation/Compensation**

Based on the existing survey results the proposal to install 68 bat boxes across the site is considered adequate. Only a small number of these would be required for licencing purposes, should bat use of the site remain the same, but the habitat enhancement is welcomed. We would expect like for like replacement where possible therefore if nine crevice roosts are to be lost then nine bat boxes suitable for the species and roost type would be adequate.

Should additional species or higher status roosts be confirmed then additional/alternative compensation is likely to be required. In particular, consideration should be given to the Brown Long Eared roost and the possible need for a suitable roost void.

There are no time restrictions on licences affecting the species/roost types currently identified but should surveys identify different roost types the works schedule may have to be amended.

Based on the existing survey results, nine roosts are being impacted. For this number of roosts we would expect one post completion monitoring survey to be undertaken.

### **Supporting Documents**

Figure D should be amended to include more details of the roosting locations and access points.

Figure E3 was not provided for comment but should be submitted as part of the application to show the compensation proposed. If the compensation remains as currently described then the number, location and type of bat boxes should be shown on this Figure.

Figure E4 was not provided for comment but should be submitted as part of the application to show which roost features will be monitored.

Section E5a and E5b of the work schedule should be amended to include more detailed information and should only include licensable works.

### **Next Steps**

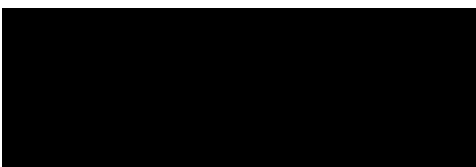
Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence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

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.

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



Rachel Cottrill

Tel: [REDACTED]

E-mail: [REDACTED]@naturalengland.org.uk

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

**Important note:** when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF (*insert name/s here*).

### **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.

# Customer Feedback – Wildlife Licensing

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

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

or email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

<http://www.gov.uk/guidance/wildlife-licences>



<b>Natural England Reference Number (optional):</b>	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> 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speed of process	<input type="checkbox"/>	<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"/>	<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.*

Date: 18 December 2023  
Our ref: 2023-65833-SPM-AD1  
(NATIONALLY SIGNIFICANT INFRASTRUCTURE  
PROJECT)



Mr Michael Neep  
Environmental Dimension Partnership  
*Sent by e-mail only*

**Wildlife licensing**  
Natural England  
Horizon House  
Deanery Road  
Bristol  
BS1 5AH  
Email:  
[wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)  
Tel: 020 8026 1089

Dear Mr Neep

<p><b>DRAFT MITIGATION LICENCE APPLICATION STATUS:</b> INITIAL APPLICATION <b>LEGISLATION:</b> THE PROTECTION OF BADGERS ACT 1992 (as amended) <b>NSIP:</b> Hinckley Rail Freight Interchange <b>SPECIES:</b> Badger</p>
--

Thank you for your subsequent draft Badger mitigation licence application in association with the above NSIP site, received in this office on the 16<sup>th</sup> August 2023. 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:

- Request for Pre-submission Screening service
- Figure 11.20: Illustrative Landscape Strategy 01/11/22
- Environmental Statement Volume 3: Figures, Figure 12.21 – Badger Survey (CONFIDENTIAL) January 2023
- Hinckley National Rail Freight Interchange Badger Sett Closure Method Statement 2023 edp3267\_r063

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 method statement that will need to be addressed before the licence application is formally submitted. Our Wildlife Adviser, Rachel Cottrill, discussed this matter with Michael Neep on the 18<sup>th</sup> December 2023 where it was confirmed that the necessary amendments would be made. Please ensure that the method statement is revised to include these changes prior to formal submission. For clarity these include:

### Ecologist experience

NSIP-LICTEMP-LONI Caveats-101023-PV  
NSIP LONI (10/2022)

A named ecologist should be provided. The named ecologist must be able to demonstrate that they have suitable experience of the methodology proposed. Ideally, they should provide reference numbers for licences held in the previous three years for the same type of work.

### **Disease Risk Assessment**

The site is located in Leicestershire which is in the 'Edge Area' for Bovine TB risk mapping. ibTB shows the two nearest herd breakdowns are approximately 2Km away, separated by motorways and railway lines. Based on this data and the current status of the setts to be closed there are no disease risk concerns. Should updated surveys show a change in the number or use of the setts on site the outcome of the disease risk assessment may be different. This risk assessment will be repeated when the final application is submitted.

### **Designated sites**

Given the site is adjacent to Burbage Wood and Aston Firs SSSI, please consider if the works are likely to impact the site. If considered necessary please consult the local Natural England designated site staff via [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

### **Surveys**

Update surveys should be undertaken in 2025 prior to the final application submission. It is important to resurvey the entire site and, ideally, the immediate area surrounding the red line boundary in order to identify any changes to how the site is used by badgers. There may be a change to the status of existing setts and/or additional setts may have been excavated. The results of these surveys should be used to inform changes to your application. If there is a considerable number of setts appearing over the site you may wish to consider bait marking surveys to clarify the numbers of badger clans there are on site to enable appropriate mitigation.

### **Methodology**

The proposed methodology for closure of one outlier and one subsidiary, is considered suitable for the activities described. Any changes to badger activity on the site may require alternative methods and these should be outlined in the revised application.

### **Compensation**

Based on the existing survey results an artificial sett will not be required. However, if the update surveys identify a main sett on site that cannot be retained an artificial sett will need to be provided and should be installed at least 6 months prior to closure of the main sett. This should be of a similar size to the main sett being closed and must be located in suitable habitat within the existing territory of the badger clan. A bait marking survey can be used to confirm this.

There will be a significant loss of foraging habitat for the badgers on site and it is recommended that the landscape/tree planting plan should include fruiting trees close to the retained sett to enhance the habitat suitability for badgers.

### **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.

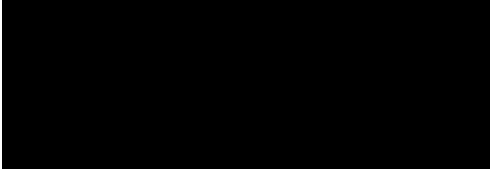
If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can 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.



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



Rachel Cottrill

Tel: [REDACTED]

E-mail: [REDACTED]@naturalengland.org.uk

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

**Important note:** when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF (*insert name/s here*).

### **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.

# Customer Feedback – Wildlife Licensing

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

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

or email to [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)

<http://www.gov.uk/guidance/wildlife-licences>



<b>Natural England Reference Number (optional):</b>	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> 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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.*