



## Advice Note 11, Annex C – Natural England and the Planning Inspectorate Version 2

### Introduction

Part 1 of the Planning Inspectorate Advice Note 11: “Working with Public Bodies” covers many of the generic points of interaction relevant to the Planning Inspectorate and Public Bodies. This Annex C to Advice Note 11 helps applicants understand Natural England’s particular role in infrastructure planning. It explains:

- What is Natural England?
- What does Natural England do?
- Natural England’s role in NSIPs
  - Pre-application
  - Examination
  - Environmental Impact Assessments (EIA)
  - Habitats Regulations Assessments (HRA)
  - Sites of Special Scientific Interest (SSSIs)
  - Licensing
- How to contact Natural England

This Annex will be kept under review and was updated in September 2015. The Planning Inspectorate and Natural England welcome feedback on the content of this Annex.

### What is Natural England?

Natural England is a statutory nature conservation body (SNCB) established by the Natural Environment and Rural Communities (NERC) Act 2006. Natural England’s general purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is financed by the Department for the Environment Food and Rural Affairs (Defra) but is a Non-Departmental Public Body, which forms its own views based on the best scientific evidence available.

### What does Natural England do?

Natural England works for people, places and nature, to enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promoting access, recreation and public well-being, and contributing to the way natural resources are managed so that they can be enjoyed now and by future generations.

Section 2 of the NERC Act provides that Natural England’s general statutory purpose is: ‘... to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.’ This includes:

- promoting nature conservation and protecting biodiversity;
- conserving and enhancing the landscape;
- securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment;
- promoting access to the countryside and open spaces and encouraging open-air recreation; and
- contributing, in other ways, to social and economic well-being through management of the natural environment.

Natural England is required to keep under review all matters relating to its general purpose, and to provide public authorities with advice where they request this.

The geographical extent of Natural England's remit and responsibilities covers

- Impacts on protected sites and landscapes within England and out to 12 nautical miles of the English coastline.
- Protected species licensing in the terrestrial environment in England (this applies to all activities undertaken landward of the mean low water mark). [The Marine Management Organisation \(MMO\)](#) is responsible for licensing seaward of the mean low water mark.
- There may also be cross border situations where, dependent on the nature and location of the proposal, Natural England will have a joint duty with Natural Resources Wales (NRW) or Scottish Natural Heritage (SNH).
- As of the 9<sup>th</sup> of December 2013, the Joint Nature Conservation Committee (JNCC) has delegated its role as the SNCB for **offshore renewable energy projects** (wave, wind and tide) in English offshore waters, outside 12nm, to Natural England. The delegation means that all provision of advice on renewable energy projects in inshore and offshore waters, adjacent to England (0-200nm), is provided by Natural England rather than being split between JNCC and Natural England at the 12nm boundary.
- For NSIPs that are not renewable energy projects beyond 12 nautical miles of the English coastline, Natural England will support JNCC in the exercise of its duties under the Habitats Regulations, particularly when there are impacts on protected sites inside 12 nautical miles.

### **Natural England's role in NSIPs**

In the context of the Planning Act 2008 Act (the PA 2008), Natural England's main responsibilities relate to EIA, the Habitats Regulations, the regulation of SSSIs under the Wildlife and Countryside Act (WCA) 1981 and the licensing body in respect of protected species. Natural England will input into all phases of the 2008 Act process as required including pre-application and examination. The main roles and responsibilities of Natural England fall into the following categories:

- as one of the prescribed consultees under section 42 of the 2008 Act that applicants

are required to consult before submitting a NSIP application<sup>1</sup>

- as one of the consultation bodies that the Planning Inspectorate must consult before a scoping opinion is adopted in relation to any EIA<sup>2</sup> and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
- as a statutory party in the examination of DCO applications<sup>3</sup>
- as a statutory nature conservation body under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) or the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007 (Offshore Regulations) in respect of the HRA.
- as a consenting and licensing body/authority in respect of protected species and operations likely to damage the protected features of SSSIs pursuant to the Wildlife and Countryside Act 1981 (as amended) (WCA 1981)<sup>4</sup> and in relation to European protected species under the Habitats Regulations.
- as a prescribed consultee under the Marine and Coastal Access Act (2009) for proposals within the area of the English territorial sea capable of affecting, other than insignificantly, any of the protected features of a Marine Conservation Zone (MCZ) or any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.

### Pre-application

Natural England is a prescribed consultee under the 2008 Act and secondary legislation. Its input is vital in the pre-application process in cases where there are likely to be impacts on matters of nature conservation importance. Natural England encourages applicants to begin pre-application consultations at the earliest possible time and with as much detail as possible.

Early consultation with Natural England is very important because Natural England's advice (including on appropriate surveys and investigations) will enable applicants to give appropriate consideration to the environmental effects of an NSIP as the application is developing. The applicant has a duty to have regard to any consultation responses it receives<sup>5</sup> under sections 42, 47 and 48 of the 2008 Act. Matters concerning EIA, HRA, SSSIs and licensing should all be addressed during pre-application and are set out in more detail below.

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<sup>1</sup> Under s. 42(a) Planning Act 2008 and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended), at: [http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2009/08/uksi\\_20092263\\_en.pdf](http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2009/08/uksi_20092263_en.pdf).

<sup>2</sup> Under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009(as amended)

<sup>3</sup> Under s. 88(3) (c) and s.102(ca) Planning Act 2008 and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.

<sup>4</sup> Natural England's advice should be sought by developers prior to them carrying out works on or affecting a SSSI and in the case of owners and occupiers there is a requirement to notify and gain consent, prior to carrying out, or allowing to be carried out, works on or affecting a SSSI.

<sup>5</sup> Section 49 of the Planning Act 2008.

There is nothing in the 2008 Act or related secondary legislation that would prevent applicants informally consulting Natural England outside of the section 42 consultation process at the pre-application stage. Natural England's **Discretionary Advice Service** is offered to provide non-statutory advice related to development proposals. In doing so, its aim is to offer improved customer service, support sustainable development and achieve better environmental outcomes through the planning system. If using this service, applicants will be assigned a named adviser for their project and agreed timescales for responding. To use Natural England's Discretionary Advice Service visit its website for more information and a downloadable request form [here](#).

Natural England encourages applicants to discuss and agree reasonable timescales which will allow us to allocate resources efficiently. Natural England considers that carrying out pre-application consultation in this way will mean that an applicant's consultations can be more effective as they will be based on a more comprehensive understanding of the environmental implications of a project.

To assist the applicant during the pre-application stage Natural England will continue to work closely with fellow Defra statutory environmental protection bodies (e.g. the Environment Agency or the MMO) when considering issues which cut across our various statutory responsibilities. Natural England has agreed a [Joint Action Plan](#) with the Environment Agency, which will help to guide how the two bodies work together on NSIP projects. Our [Improvement Plan](#) also sets out recent achievements and future goals in these areas. See also the section on Habitats Regulations below for information relating to agreeing Evidence Plans with Natural England during the pre-application stage.

Natural England also encourage the utilisation of Evidence Plans, more information about this is set out in the section on Habitats Regulations below.

### Examination

If an application is accepted for examination and there are outstanding issues of nature conservation importance, Natural England is likely to notify the Examining authority (ExA) that it wishes to be an interested party<sup>6</sup> and provide representations during the examination.

Following submission of an application and during Pre-examination, Natural England's Discretionary Advice Service can still be used by the applicant in order to get advice on outstanding issues and to seek resolution of those issues. Once examination begins, the Discretionary Advice Service will no longer be available. Natural England will continue to work with Applicants to resolve issues whilst advising the ExA.

### EIA

Natural England has a statutory role as a consultation body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. Where an applicant has requested a scoping opinion from the Planning Inspectorate in relation to a proposed EIA development, Natural England will have the opportunity to make representations to the Planning Inspectorate in relation to the information they consider should be included in the

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<sup>6</sup> Under section 89(2A)(b) of the Planning Act 2008

environmental statement.<sup>7</sup>

Part 1 of Advice Note 11, and Planning Inspectorate Advice Notes 3, 7 and 9, set out detailed advice on the implications of environmental impact assessment under the 2008 Act and emphasise the importance of early consultation with Natural England.

### Habitats Regulations

The Habitats Regulations place a responsibility on competent authorities (including the relevant Secretary of State where they are a 'decision maker') to consult the appropriate nature conservation bodies when carrying out an 'appropriate assessment' of the implications of an application for European sites. For European sites in England this means Natural England must be consulted and provide advice to the relevant competent authority if an NSIP is likely to have a significant effect on them. The ExA will ask Natural England to provide its comments on the evidence that arises during the examination; the comments will be incorporated in or referred to in a Report on the Implications for European Sites (RIES) that will be submitted to the Secretary of State with the ExA's Report and Recommendation.

The Planning Inspectorate strongly encourages the earliest possible liaison between applicants and Natural England, particularly where a European and/or Ramsar site or European Protected Species, or other protected species, may be affected by a proposed development. This will allow any relevant issues to be identified and if possible resolved at the pre-application stage. The Planning Inspectorate has issued their own advice on Habitats Regulations Assessments [here](#).

From September 2012, applicants for NSIPs located in England, or both England and Wales, are able to request the agreement of Evidence Plans with Natural England for projects which may affect a European Site. The aim is to detail the evidence needed and how it will be collected and assessed, ensuring there is sufficient information to enable the relevant Secretary of State to undertake a Habitats Regulations Assessment, including any appropriate assessment, and saving time and reducing uncertainty for the developer. Natural England's experience is that this is a very valuable process, especially when started at an early stage in project design, and will engage with developers in this way via our Discretionary Advice Service. More information can be found [here](#) and applicants should approach Natural England if they are interested in an Evidence Plan.

### SSSIs

In relation to applications where there may be potential impacts on SSSIs both the Secretary of State and Natural England have duties under the WCA 1981.

Under s.28(1), the Secretary of State or minister must notify Natural England before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent and the Secretary of State must take into account any advice received from Natural England, including advice on attaching conditions to the consent.

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<sup>7</sup> Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

Natural England will give specific advice to applicants on the effects of the proposal on the special interest of any affected SSSIs when all the information is provided by applicants. It can also provide generic guidance and help on survey requirements. Applicants should seek to agree DCO requirements with Natural England, which may include measures for the protection of the SSSI, before the application is submitted to the Planning Inspectorate. Natural England can provide advice to the decision-maker on any effects on the special interest of SSSIs.

### Licensing of Protected Species

For all licensing matters applicants should consult Natural England's [published guidance for the relevant species](#) and decide whether a mitigation licence is required. Applicants are also able to use Natural England's charged [Pre-submission Screening Service \(PSS\)](#). This service can be used to receive early advice and opinion on protected species proposals and, in relation to European Protected Species (EPS), on all 3 licensing tests<sup>8</sup>, before a Development Consent Order is granted. This service extends to European Protected Species and other protected species (such as badger, water vole), protected by wildlife legislation.

This early assessment is undertaken so that the decision-maker under the 2008 Act can have confidence that Natural England, as the statutory licensing authority, has considered the appropriate issues relating to protected species. In order to do this, Natural England will conduct a review, based on a **full draft licence application, in advance of** the formal submission of the NSIP application to the Planning Inspectorate. The steps to be followed when submitting a draft licence application to Natural England, or for early engagement on protected species licensing matters are set out in Appendix I of this note.

Following the review of the draft licence application, Natural England will either: provide a Letter of No Impediment (LONI), explaining that based on the information reviewed to date that it sees no impediment to a licence being granted in the future should the DCO be issued; or if there are licensing issues to address, these will be set out in writing for the applicant to resolve. Only when all matters are resolved, following review of a subsequent draft licence application, can a LONI be issued. Any LONI will be sent to the applicant to provide within the application for examination. Natural England will copy any correspondence to the Planning Inspectorate.

The ExA will wish to be in a position by the end of the examination to report to the Secretary of State on the likelihood of any necessary protected species licence being obtained

### **How to contact Natural England**

Natural England will provide a dedicated case officer for every NSIP project. The casework officer will be the point of contact for the applicants throughout the project although the casework officer will call in specialist staff as needed and applicants may have direct contact with these specialist staff from time to time, including wildlife licensing staff if the project will result in the need for a 'wildlife' licence(s) should the DCO be granted.

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<sup>8</sup> These tests are that there is "no satisfactory alternative" (Regulation 53 (9) (a) of the Habitats Regulations), that the activity authorised will not be "detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range" (Regulation 53 (9) (b) and that the licence is for a purpose specified in Regulation 53(1) which includes for "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."

All NSIP consultations for Natural England should be addressed to Natural England's casework hubs at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk). If you do not have a nominated case officer at Natural England for your project then for licensing purposes please use the following email contact [eps.mitigation@naturalengland.org.uk](mailto:eps.mitigation@naturalengland.org.uk). If for any reason it is not possible to consult electronically, consultations should be sent to the postal address below:

Natural England Consultation Service  
Hornbeam House  
Electra Way  
Crewe Business Park  
Crewe Cheshire CW1 6GJ

**Appendix I: Notice to all developers and developers' consultant ecologists with regard to Nationally Significant Infrastructure Projects (NSIPs) involving European Protected Species (EPS) and applications to the Planning Inspectorate.**

This advice has been prepared to help developers and developers' consultant ecologists understand the process for engaging with Natural England about Nationally Significant Infrastructure Projects (NSIPs) and issues relating to European Protected Species (EPS). Please note that this advice will be kept under review and may from time to time be amended. We will keep our customers updated on any changes via the [EPS Newsletter](#).

*Whilst this note is primarily aimed at developments where EPS are affected (ie those species listed under the Conservation of Habitats and Species Regulations (2010) as amended), the procedure as set out below also applies to NSIPs involving protected species not covered by European legislation (eg badgers, water voles, native white-clawed crayfish, Romans snails etc.).*

*Please also note that any reference to the '3 licensing tests' below is not applicable to those species.*

**References to 'you' below should be taken to refer to 'developer and/or developer's consultant ecologist' as appropriate.**

### **Introduction**

For NSIPs which involve EPS, Natural England offers services, some of which are chargeable (see Annex A), to provide you with early advice and opinion on your protected species proposals in relation to all three licensing tests without a planning consent needing to be in place. This is undertaken so that the Planning Inspectorate (PINs), who are responsible for examining planning applications for NSIPs, can have confidence that Natural England, as the relevant licensing authority, has considered the issues relating to protected species and can then make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant or refuse the Development Consent Order (DCO).

In order to do this, Natural England needs to conduct an assessment, based on a **full draft mitigation licence application**, in advance of the formal submission to PINs. The steps to be followed when submitting the appropriate information, in respect of an NSIP project which has the potential to affect EPS, are set out below and in the Flow Chart on page 7.

***Key message for NSIP developers and their ecological consultants:***

Natural England strongly advises that developers engage at the earliest possible opportunity with Natural England should protected species licences be required.



We recommend that a draft licence application is generally\* submitted at the pre-Development Consent Order (DCO) application stage, in accordance with the process as outlined below, to assist the examination process. You should be aware that if you choose to submit your DCO application to PINs without having resolved matters relating to licensing first then there is a significant risk that these issues may prevent your application proceeding past the application or examination stage. Please note that, in cases where a licence is required and the licensing team has not been appropriately consulted, in accordance with the process outlined below, Natural England cannot be held responsible for any delays experienced with regards to the progress of your DCO application or if the application is unsuccessful as a result of outstanding licensing issues.

*\*Note for large linear schemes (pipelines, cables, etc) from our experience it is preferable for the route to have been agreed before submitting a draft great crested newt licence application so the draft information, particularly in relation to survey and impacts, are clear and understood. Submission should still be at the earliest opportunity to ensure that any issues which require resolution are dealt with in a timely fashion well in advance of the examination stage.*

### **Step 1 Is a licence required? Informal engagement with Natural England**

You should consult Natural England's [published guidance for the relevant species](#) and decide whether a mitigation licence is required. If you decide that a mitigation licence is required you should start to develop the mitigation scheme which again should follow Natural England's published guidance for the relevant species. Although optional, to avoid any unforeseen problems arising further along in the process, you are encouraged to engage as early as possible with Natural England. If you do not have a nominated case officer at Natural England for your project then for licensing purposes please use the following email contact:

- [eps.mitigation@naturalengland.org.uk](mailto:eps.mitigation@naturalengland.org.uk): mark your email 'NSIP – informal engagement' -*with the name of the NSIP project, and the species concerned, in the email subject header*. This will enable Natural England to coordinate, advise and oversee NSIP licensing issues through the correct channels. Once an application is accepted it will be overseen by a Senior Adviser, working with the relevant Natural England Area Team.

In terms of informal advice about licensing issues, arrangements will be put in place for a general discussion as soon as possible and advice given regarding what further outline information is needed to facilitate this informal pre-application discussion further.

Natural England aims to provide this general or initial advice on licensing requirements over the telephone within five working days. If, however, the request seeks detailed pre-licence application advice (eg a request for a teleconference, meeting) on specific questions relating to the protected species, Natural England will require a written note from you on the proposed scheme to enable a full consideration of the request. Ideally your request will be in the relevant species Method Statement format. Providing this will help ensure that, when the request is made, it is clear to Natural England

staff what the issues are. This will enable us to consider and advise upon it more quickly. Should written advice be required, Natural England aims to provide a response within 15 to 20 working days. However, please note that this may not be possible for cases which are particularly complex, when the team is experiencing high workloads or where a site visit is considered necessary in order for advice to be given. In these situations, Natural England will contact you to discuss when it will be possible for them to provide a view on the case.

Please note that, at this stage in the process, no full assessment of the Method Statement will take place. Depending on the level of risk or opportunities presented through the mitigation, a teleconference or face to face meeting may be appropriate to discuss matters in detail.

## **Step 2 – Draft licence application submitted to Natural England**

In order for Natural England's officer to provide pre-submission screening advice on the acceptability of the proposed licence application and mitigation, as soon as you are confident that the proposals are sufficiently advanced and that the mitigation proposals take account of the final design you should:

- Prepare a full draft licence application including :
  - An application form,
  - Method Statement and maps/figures together with a proposed Work Schedule (which should be Specific, Measurable, Achievable, Realistic and Time-limited (“SMART”), and
  - Reasoned Statement<sup>9</sup>.
- Email it to [eps.mitigation@naturalengland.org.uk](mailto:eps.mitigation@naturalengland.org.uk), marked 'NSIP – Draft licence application' with the NSIP name and species concerned included in the email header.

When preparing the application form documents for submission, the guidance on naming files and using folder structures as set out in the 'Key message' in section 16 of the 'How to get a licence' document should be followed (a link to this document is provided at end of this note).

When submitting draft application documents by paper or electronically, the guidance within the application form and the 'How to get a licence' document (section 16) should be followed (eg documents over 5MB in size should be submitted to Natural England on CD rather than by email). A link to Natural England's file compression guidance is provided below. Applicants are advised to reduce the size of their application pack when submitting by email as far as possible.

Please note that, in terms of the three licensing tests set out under Part 5 of the Conservation of Habitats and Species Regulations (2010) as amended (“Habitats Regulations”), it will not be possible for Natural England to consider that these tests have been fully met, in respect of any NSIP, until the Secretary of State has granted the DCO. However, a full assessment of your draft application,

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<sup>9</sup> This document is used by our EPS Advisers to assess whether the Purpose and No Satisfactory Alternative tests have been met. It requires you to set out your views and provide evidence to demonstrate that the proposed activity meets one of the prescribed purposes. In addition, evidence is required to demonstrate that there is no satisfactory alternative to undertaking the activity, with lesser impacts on the species, as proposed in the licence application.

including the Reasoned Statement and supporting evidence, will be undertaken in advance of the DCO being granted, in accordance with the terms of Natural England's pre-submission screening advice, so as to determine whether the appropriate level of detail has otherwise been provided (please see Flow Chart at the end of this document).

*Please ensure that the necessary documentary evidence, which supports the statements made within the Reasoned Statement in respect of the Purpose and No Satisfactory Alternative Tests, has been included. For projects of this scale, even though the required consents will not yet have been obtained, Natural England still expects there to be a sufficient amount of supporting evidence available (e.g. reports, studies etc.) which demonstrate the need for the development and other alternatives which have been considered and subsequently discounted as being less satisfactory. Please note that we will be unable to issue the 'letter of no impediment' until the appropriate level of information has been provided in respect of all three tests.*

### **Step 3 – 'Letter of no impediment' or 'further information request' issued from Natural England**

Within 30 working days, Natural England will either issue:

- 'a letter of no impediment' stating that it is satisfied in principle, in so far as it can make a judgement on the information reviewed, that the proposals presented comply with the 3 licensing tests, or
- a letter outlining why we believe the proposals currently do not meet licensing requirements and what further information is required. If further information is required, this is likely to result in the need for further advisory services under the pre-submission screening agreement of the revised draft licence application. It should be noted that time taken by you to provide any amended/enhanced/new information does not count towards the 30 working day cc target.

Correspondence on the draft applications and advice given will be copied to PINs.

The '**letter of no impediment**' will detail our advice against the three statutory licensing tests under Part 5 of the Habitats Regulations. You can use this letter to support your application to the PINs; it will also be sent by Natural England to PINs. The letter will make clear that, on the basis of the species information and proposals presented to date, Natural England is satisfied in principle that the licensing tests are likely to be met when a formal application is submitted (on the basis that the information/evidence provided within the application remains the same), subject to the DCO being granted by the Secretary of State and subject to the caveats listed under clause 4 of the PSS terms and conditions (see link below). The letter will also draw attention to the fact that ecological conditions on the site may change over time. It is your (the developer's) responsibility to maintain sufficiently up to date survey information which is then made available to Natural England (along with any resulting amendments to the draft licence application) and PINs so that there is no delay in issuing the licence once the Secretary of State has granted the DCO.

### **Step 4 – Submission of the NSIP application to PINs for a Development Consent Order**

After you have submitted the DCO application to PINs, along with the 'letter of no impediment' and associated mitigation proposals you should keep Natural England informed of progress to ensure that we remain aware of the likely timeframes so that we know when to expect the official application and can undertake a timely final mitigation licence decision. It is possible that the timetable of activities (which forms a legally enforceable part of the European Protected Species licence – see regulation 53(8)(c)(ii) of the Habitats Regulations) will require a final update if there has been any slippage in the agreed timings (see Step 5).

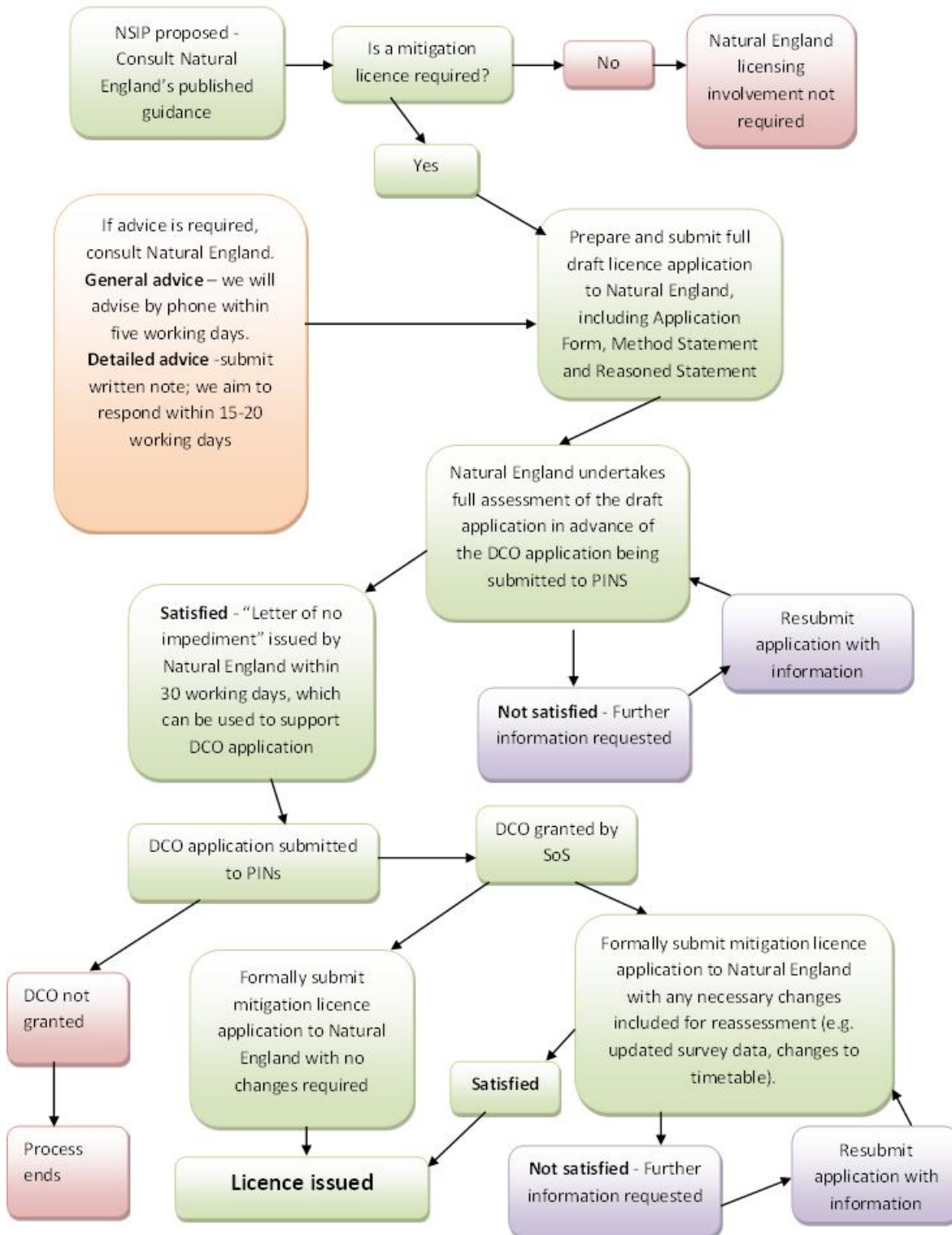
**Step 5 - Natural England granting a mitigation licence following the Development Consent Order being issued (note this step is not chargeable).**

Once the DCO has been granted, you should formally submit the mitigation licence application to Natural England (following the submission process outlined in Step 2 – marking it 'NSIP – formal licence application' and including the draft licensing reference number provided on the letter of no impediment, the name of the NSIP and the species concerned). Natural England will grant a licence, provided the proposals and the situation on site either:

- Remain the same and the work schedule is still SMART (Specific, Measurable, Achievable, Realistic and Time-limited), or
- Have been suitably adjusted to enable Natural England to confirm that the mitigation proposals remain adequate (eg timings in the work schedule may change), or
- Take account of any further survey requirements, and reassessment of impacts etc, resulting from a significant delay between the issue of the 'letter of no impediment' and the DCO decision.

*Please be aware that if changes are made to proposals or timings which do not enable us to meet the three tests we will issue a letter outlining why the proposals are not acceptable and what further information is required. These issues would need addressed before a licence can be granted. This will also be sent to PINs to keep them informed of any advice given by Licensing to you (the developer). Natural England does not expect any significant changes to be made to proposals agreed in principle at this stage.*

## Nationally Significant Infrastructure (NSIP) Licensing Guidance Process for NSIP developers



### Summary points:

- You are advised to engage as early as possible with Natural England.
- When EPS mitigation licences will be required, we strongly encourage you to follow Natural England's published guidance for the relevant species when preparing draft Method

Statements and Reasoned Statements either to facilitate early discussions or as part of your draft licence application package.

- It is helpful to have the route of large linear schemes finalised before submitting the draft application, particularly if there are likely to be significant changes to the survey and/or impact sections resulting from changes.
- If you intend to deviate from Natural England's standard mitigation guidelines, you must fully justify and explain this within the Method Statement itself.
- Please note that Natural England will provide clear advice when consulted and provide a detailed response where it is considered that a draft application does not currently meet licensing requirements. However, it is your responsibility to design the mitigation proposals based on survey information, impacts and specialist knowledge of the species concerned. It is not Natural England's role to do this.
- Printed copies of maps and figures should be provided for large schemes, e.g. great crested newt draft applications.

### **Useful links for preparing a draft application:**

Please note that our advice is regularly updated, leading to small changes in some documents. It is therefore advisable to always work from the latest versions available on Wildlife Management and Licensing .GOV.UK web-pages. The following links will help facilitate this.

- Important reading to understand the licensing process: '[How to Get a Licence](#)'. This document also details the submission process as outlined in the above steps.
- General .GOV.UK Wildlife Management web-link: <https://www.gov.uk/environmental-management/wildlife-habitat-conservation>
- Application forms web link: <https://www.gov.uk/wildlife-licences>
- [Pre-submission screening service](#)