

ENA BEST PRACTICE GUIDE

Ecological and Archaeological Management – Version 1



Disclaimer: The information provided within this document does not represent definitive guidance, but is issued in support of existing individual DNO procedures.

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1.0 Introduction

1.1 Energy Networks Association

This Document is produced in partnership with the Energy Networks Association and all member organisations of the Environmental Committee.

- This document is owned by the ENA Environment Committee and will be reviewed bi-annually as a minimum or following the introduction of new legislation or best practice.

It provides an overview of ecological and archaeological management, useful for project and environmental managers / advisors as well as operational staff. Specifically the document aims to;

- Provide a general awareness of legal compliance
- Provide information on the process of managing ecologically sensitive and archaeologically important sites
- Identify key activities and contacts to ensure the successful management of ecologically sensitive and archaeologically important sites.
- Ensure that best practice is maintained throughout the U.K Electricity Distribution Network

Most development sites will have some ecological or archaeological interest, whether they are situated in rural or urban areas. Important sites are designated, although any site may have a wildlife / archaeological interest.

At designated sites more care needs to be taken during the development process. Wherever there is ecological / archaeological value at a site, this should be identified and recorded and the potential adverse impacts on it avoided, or reduced to a minimum.

1.2 Electricity Act, Schedule 9

As stated in the Act:

In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate or supply electricity;

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

1.3 Key legislation;

The following legislation exists to ensure the protection of sites and species throughout the UK. In complying with this legislation we can ensure that the disturbance to protected and valuable sites is minimised;

- Wildlife and Countryside Act 1981 (WCA)
- Countryside and Rights of Way Act 2000 (CRoW Act)
- Burial Act / Ancient Monuments and Archaeological Areas Act 1979
- Conservation of Habitats and Species Regulations 2010
- Protection of Badgers Act 1992
- Environmental Damage (Prevention and Remediation) Regulations 2009
- The Hedgerows (Amendment)(England) Regulations 2003

This list is not exhaustive, for further details and specific legislative requirements please refer to DNO company policies and management systems.

Key Message

All DNO's have a legal responsibility to ensure the ongoing preservation and protection of designated sites and protected species of flora and fauna

1.4 The Need to Plan Ahead

Planning guidance across the UK makes it clear that nature and heritage conservation is fundamental in determining a planning application.

Statutory authorities advise that surveys should be undertaken before seeking planning permission, so that development is designed to avoid any impacts on protected species.

Leaving surveys until a later stage increases the risk that plans for the development will have to be redesigned or halted (temporarily or permanently) if protected species or archaeological remains / artefacts are found. In such cases, works would have to wait until surveys and any mitigation has been completed. This process can be very complex and time consuming. In the case of protected species, this can usually only be conducted at specific times of the year (see Appendix E), in most cases delays will last several weeks or months.

To avoid extensive delays surveys should be conducted as early as possible in the planning process. If protected species or archaeological remains / artefacts are found the following may need to be considered:

- Alternative sites or changes to the development footprint.
- Mitigation and / or compensation may need to be designed and planned (where impacts are unavoidable)
- A licence and / or consents from (in England) Natural England (NE), the Environment Agency (EA), English Heritage (EH) etc. (or their equivalent bodies in Wales, Scotland and Northern Ireland) may need to be obtained.

The above points should be considered before the start of any works that may impact upon protected species, designated sites or areas of archaeological interest.

Key Message

It is not of benefit to either species conservation, archaeological heritage or the industry to rely on last minute mitigation.

1.5 Communications

In order to gather as much relevant information as possible with regards to a potential site it is worth considering contacting the following groups;

- Internal – company recording system for historical data (EMU, Magic etc)
- External / Third Parties – local councils, wildlife and resident groups, Natural England, Countryside Council for Wales etc.
- Other Utilities – Highways Authorities and Utilities Committee (HAUC)
- Lessons Learnt – Other DNO experience via ENA Environmental Committee

The absence of information or data however does not mean that important features, species or habitats do not occur on a site.

Key Message

Efficient and thorough planning is the key to successfully managing ecological and archaeological issues on site.

2.0 Planning and Design

To ensure successful and timely management there are five key areas to focus upon

- Methods for identification
- Consultation with relevant authorities
- Licence application and compliance
- Appropriate site supervision / site management
- Necessary records to be kept following site completion

2.1 Method for identification

Identification Resources (not exhaustive)

- Existing network records
- Place names (Gas Hill, Tannery Lane, Badger Ridge etc)
- Maps / watercourses / Special Protection Zones (SPZs)
- Existing Environmental Impact Assessments (EIAs)
- Statutory organisations (English Heritage / Natural England / Countryside Council for Wales / Scottish Natural Heritage, CADW in Wales)
- Local Wildlife Trusts, Historic Societies and Local Biological Records Office
- Website Resources e.g. Magic, EMU etc
- Land owner knowledge
- Observation (ongoing throughout duration of works)

Identification Stages

Desk survey

Stage 1

This should use current and historic evidence to determine the potential impact of the project on the environment. The checklist detailed in Appendix A should be used to ensure adequate data is obtained.

Site Walkover

Stage 2

Following the desk study a site walkover should be carried out if required. This should gather further detail on any issues raised by the desk study and present further information including photographs – see Appendix B. The crib sheet provided in Appendix C can be used as a guide when undertaking site walkovers.

Site Report

Stage 3

On completion of the site walkover a site report should be produced detailing the following:
Information from Stages 1 & 2

If any further work is required to determine the extent of any risks e.g. wildlife surveys, intrusive investigation, soil sampling etc then specialist consultants should be used. Links to relevant policies, procedures and risk assessments should be included in any report for reference throughout the project.

This report should be made available to any parties undertaking work on the site.

2.2 Consultation

If protected areas or species have been identified and / or could potentially be at risk, consultation with statutory authorities or a professional consultant must be undertaken at the earliest opportunity.

Archaeological Statutory Authorities

English Heritage

CADW

Historic Scotland

Environment and Heritage Service – Natural Heritage (Northern Ireland)

Local Coroner (Human remains)

Ecological Statutory Authorities

Natural England

Countryside Council for Wales

Scottish Natural Heritage

Environment and Heritage Service – Natural Heritage (Northern Ireland)

Other statutory authorities to be consulted

Environment Agency (EA)

Scottish Environmental Protection Agency (SEPA)

Environment and Heritage Service – Natural Heritage (Northern Ireland)

Regional Water Companies

Local Authorities (Biodiversity Officer, Environmental Health Officer, Planning Officer) including Royal Parks

Welsh Assembly

Department of Environment, Food and Rural Affairs (DEFRA)

Scottish Executive Environment and Rural Affairs Department (SEERAD)

Non-governmental organisations and other interested parties

Local Wildlife Trusts

RSPB

The National Trust

The National Trust for Scotland

Resident organisations

Local Authority Biodiversity Records Centre

2.3 Licences

A licence permits an action that is otherwise unlawful and should be applied for if, on the basis of survey information and specialist knowledge, it is considered that the proposed activity is likely to result in an offence (disturbance, injury, killing, breeding site destruction etc). No licence is required if, in the balance of probability, the proposed activity is unlikely to result in an offence.

Under the UK planning process both survey and development licences are often required simultaneously.

2.4 Wildlife Management

There are principally three types of activity for which a licence may be necessary when dealing with protected species;

- Surveys
- Development
- Conservation and other issues.

Where applicable these licenses are issued by Natural England, Welsh Assembly (WA), Scottish Environment and Rural Affairs Dept. (SERAD) or the Environment and Heritage Services – Northern Ireland (EHS-NH (NI)).

2.4.1 Survey Licence

A survey licence is required if, in the case of carrying out certain forms of surveys for species protected under Schedule 5 of the WCA and / or Wildlife Order (NI), they are likely to require capturing in some way.

For example if using a bottle trap for great crested newts a licence must be obtained from the appropriate regional statutory authority before the survey takes place. References and appropriate experience are essential prerequisites for obtaining a licence.

The statutory authorities aim to respond to a licence application within 15 days and, once issued, licenses are valid for 12 months.

2.4.2 Development Licence

If, as part of an approved project, it is planned to capture, disturb, uproot and / or relocate or damage the habitat of a species protected under the Habitat Regulations 1994 or 1995 (NI) a development licence must be obtained. Before applying for a licence, appropriate surveys must have been carried out to ensure that the proposed work is based on accurate information. Licence applications should be made to Natural England, WA, SERAD or EHS-NH(NI).

Licences are issued under:

- Wildlife and Countryside Act 1981 (as amended), Section 16
- The Conservation of Habitats and Species Regulations 2010, Regulation 53

Licences are only issued for specified purposes which are set down in the legislation (e.g. protecting public health & safety, preventing damage to property, etc.), and only if certain specific criteria are met. There are five general principles applied to all licences, namely:

1. There is a genuine problem to resolve or need to satisfy for which a licensing purpose is applicable;
2. There are no satisfactory alternatives;
3. The licensed action will contribute to resolving the problem or meeting the need;
4. The action to be licensed is proportionate to the scale of the problem or need;
5. The licensed action will not have an adverse effect on the favourable conservation status of any habitat type or species within its natural range

Appendix A provides the necessary detail for application regarding a Development Licence.

2.4.3 Conservation Licence

A further form of licence is a 'conservation licence'. Conservation licences are generally issued to protect a population that is under threat because of the natural degradation of its habitat rather than cases where development will result in loss of animals and/or habitats. Licences are considered for the sole purpose of improving the habitat or conservation status of the species for which the licence is being sought.

For an in-depth guide to licensing please refer to;
www.naturalengland.org.uk/ourwork/regulations/wildlife/species/epslicensing.aspx

2.5 Licence holder and responsibilities

For any licence application you will need to include a written report on the proposed survey, development or conservation work. In addition to a completed application form (see Appendix D) the licence application will require;

- A copy of the detailed planning permission (if applicable) including reference number.

- Information on the status, location and use of habitat by stated protected species.
- Detailed mitigation plans minimising disturbance to protected species / site.
- An appropriately scaled map of the development site illustrating protected habitats in relation to the proposed development, including a six-figure grid reference and aerial photographs if available.
- Details of previous experience working with protected species / sites that you, or those working with you (for example consultants) have.
- Details of timescales – taking into account breeding season, nesting etc. (see Appendix E)

It will be a condition of any licence issued that you provide the licensing authority with adequate notice of the licensed works beginning. Representatives of the licensing authority may wish to monitor or inspect any work carried out under the authority of the licence.

It will also be a condition of any licence issued that a full report of the actual work carried out under the licence is submitted within two weeks of the expiry of the licence.

Key Message

Failure to comply with these or other conditions may result in licences being revoked or future applications refused.

2.5.1 Compliance with licence conditions – monitoring (external and internal)

Statutory licensing authorities can modify or revoke at any time any licence that may be issued however this will not be done without good reason for doing so.

A licence is likely to be revoked immediately if it is discovered that false or incorrect information has been provided in the application or any of the additional information which resulted in the issue of the licence.

2.5.2 Working over or adjacent to controlled watercourses

Work to maintain structures over or next to watercourses has a high risk of causing pollution. The work itself may require authorisation from the EA, SEPA or EHS-NI and you should contact the appropriate agency at an early stage in your plans to agree the most appropriate method of working and agree upon an environmental management plan. Work to maintain structures over or next to watercourses has a high risk of causing pollution.

It may also be necessary to consult with Internal Drainage Boards when working in, or adjacent to, land drainage areas and flood plains. Further details can be found via the Association of Drainage Authorities or www.defra.gov.uk.

2.6 Archaeological Management

2.6.1 Scheduled Monuments

A list of monuments compiled by the Secretary of State for Culture, Sport and Media under the terms of the Ancient Monuments and Archaeological Areas Act 1979 and issued by the following governmental bodies;

- English Heritage
- Historic Scotland
- CADW – Welsh Historic Monuments
- Northern Ireland Environment Agency

Scheduled monuments may be above or below ground and works must not result in demolition, destruction or damage or impact on the visual amenity and integrity of the monument. These monuments are legally protected. For works in the vicinity of scheduled monuments the above non-governmental organisations (NGO) must be contacted.

Consents are required to undertake works to or near to any scheduled monument.

Where consent is required a consent form (available from organisations listed above) must be completed. The application will need to be supported with specific details of the proposed scheme plus a statement of the proposed method of work.

The consent may take up to three months to be issued and may not necessarily be granted.

As a minimum English Heritage, or the equivalent regional body, should be notified two weeks before commencement of work. Works must stop immediately and the appropriate organisation notified if any historic item is found. All items will need to be recorded by a qualified archaeologist.

2.6.2 Archaeological Priority Areas (APA)

Advice must be sought from the local planning authority and in some cases English Heritage or equivalent, on whether a preliminary archaeological desk top assessment is undertaken prior to works commencing; and/or whether a qualified archaeologist is present on site for the duration of the works.

2.6.3 Finds of gold, silver and human remains

There are specific legal requirements for the reporting of these finds.

Gold and silver finds should be removed to a safe place and reported to the local coroner or government Home Office official within 14 days of discovery.

Human remains must be left alone and covered, and again reported to the coroner. A burial disturbance licence must be obtained from the Home Office for works to proceed.

3.0 Site Works

3.1 Management on Site – All Site Employees

Areas which are at potential risk have been identified, consultation and advice has been sought from internal or external consultants as well as statutory authorities. If required, licences have been applied for and issued.

This section provides guidance on how best to manage site activities to ensure that all work up to this point is not wasted and that all licence requirements are complied with.

Key activities and checks to be undertaken by site management and briefed to all site employees	
Initial site briefings	Details of site issues / protection and control measures. Regular toolbox talks and site inductions etc.
Compliance with agreed work method statements and risk assessments	Continuous review including briefings, updates to risk assessments and mitigation measures all to be included and integrated into work method statements.
Ongoing monitoring and compliance checks	Regular site inspections daily site walkabouts, internal management compliance audits, external compliance audits / inspections / visits by regulatory authorities – all documented and recorded.
Management of abnormal conditions	Site management system in place to manage an abnormal or unexpected condition requiring further advice; for example flooding, vandalism, discovery of unexpected protected species / invasive species.
Management of emergency works	Site management system in place in the case of emergency works or an unforeseen event requiring immediate action. <ul style="list-style-type: none"> • Stop work when safe to do so and report • Notification of Environment Manager / Advisor • Notification of appropriate licensing organisation

4.0 Record Management - Site Management Employees and Planners

Site management and project planners should be responsible for the management of all documentation / records relating to the work / project site. All documentation in relation to the ecology and archaeological management should be retained and recorded in accordance with internal procedures and management systems. Specifically;

Minimum Record Management Provisions	
Environmental Impact Assessment (EIA)	Consultant or internal desk survey, site walkover and site reports all to be retained, plus details of any formal EIA requirements – including any planning permissions
Network Record	Updates to internal network record, for example EMU (WPD), Netmap (Power Networks) – for future reference and projects
All correspondence	Letters, emails, faxes, minutes of meetings etc from and with consultants, statutory authorities or other interested parties to be retained in project files.
Consultation output	All documentation (reports, surveys, method statements etc) to be retained and recorded for future reference, best practice guidance and lessons learnt
Work method statements and risk assessments	To be held in accordance with internal processes – auditable to ensure compliance with company management systems
Site briefings and inductions	Briefing details and attendance lists to be held in accordance with internal processes – auditable to ensure compliance with company management systems
Licences	All licences held, licence applications and all correspondence in relation to held licences to be retained and recorded within work files in accordance with internal procedures and company management systems.

5.0 Appendices and Supplementary Information

Appendix A: Environmental Check List

Purpose: To provide a fast and efficient way to consider the potential environmental impacts of projects.

How to use: Read the check list. If the answer to any of the questions is yes, then further investigation will be required including the use of specialist consultants, such as ecologists,

1. Is there any indication of past or current industrial use or wildlife presence which may have an impact?

Location name such as Gas Hill, Tannery Lane or Badger Ridge could indicate contaminated land issues, protected species present.

2. Will the project involve any work within 10m of a water course or 16m from tidal waters?

Consult EA PPG5 guidance.

3 Will the project be carried out in or near to any of the following?

- Site of Special Scientific Interest (SSSI)
- Area of Outstanding Natural Beauty (AONB)
- Special Areas of Conservation (SAC)
- Special Protection Area (SPA)
- Regionally Important Geological and Geomorphological Sites (RIGGS)
- Archaeological Site – Scheduled Monument
- RAMSAR Site (wetlands sites)
- Nature Reserve (National or Local)
- Local sites of importance for nature conservation
- Conservation Area
- National Park
- Tree Preservation Orders
- Floodplain – EA PPS 25
- Undisturbed wildlife rich site (not designated)
- UNESCO sites

Consult regulatory authorities, existing network information, web based searches.

4 Is the project within a Groundwater Source Protection Zone (SPZ)

Consult EA website for local information on SPZ's in your area

Yes – Consult your local Environment Advisor for further information.

Appendix B: Site Walkover – What to Look for

Purpose: To provide a guide as to what to look for when conducting a site walkover at a future worksite

How to use: Some knowledge of ecology and archaeology is required when conducting a site walkover – may be conducted by specialist consultants. Use the following as reminders as to what to look out for.

PROTECTED SPECIES:	LAND: (Invasive Species)
<p>Is there evidence of any protected species on or near the site? For example;</p> <p>Badgers D-shaped entrance holes to setts Well used runs / paths Fur caught on bushes / vegetation</p> <p>Bats Droppings evident Bat boxes Old stone bridges, hollowed trees – potential roosting sites</p> <p>Great Crested Newts Ponds / waterlogged land within 500m of site</p> <p>Hazel Dormice Reptiles nesting birds</p> <p>If there is, note down what they are and arrange for a specialist survey to be undertaken.</p>	<p>Is there evidence of any invasive plants? Such as;</p> <p>Japanese Knotweed (has its own code of practice) Heart shaped leaf Reddish stem, ornamental long white flowers (Aug-Oct) Zigzag pattern of leaves on stem</p> <p>Giant Hogweed Grows up to 5m – looks out of place Large white flower heads Similar to cow parsley but much bigger</p> <p>Common Ragwort Large cluster of small yellow daisy-like flowers at the top of stems up to a metre tall.</p> <p>Himalayan Balsam Purplish pink to pink flowers, slipper shaped (June – Oct) Leaves are spear shaped with serrated edges with a dark midrib.</p>
PROTECTED HABITATS:	HISTORIC FEATURES:
<p>Is there any evidence of any protected habitats on or near the site?</p> <p>Sites of Special Scientific Interest (SSSI's) Special Areas of Conservation (SAC)</p> <ul style="list-style-type: none"> • Special Protection Area (SPA) • National Parks • Ramsar sites (Wetlands) • Areas of Outstanding Natural Beauty (AONB) • Local Nature Reserves • Unesco sites <p>Local information boards or signposts Evidence of a protected or managed site (boardwalks, fencing etc)</p> <p>If there is, note down what they are and arrange for a specialist survey to be undertaken.</p>	<p>Is there any evidence of any historic features on the site as indicated by the desk study?</p> <p>Are there any features that you think may be of historic value that weren't highlighted during the desk study?</p> <ul style="list-style-type: none"> • Areas of Archaeological Protection. • Battlefields • Listed Buildings • Monuments • Historic Parks and Gardens

Appendix C: Protected Species Information Sheets

Great Crested Newts

What are they and how do I recognise them?

- Newts are amphibians – they can live both in water and on land.
- Adult great crested newts (GCN) are up to 19cm long and are black or dark brown with a bright orange belly with black spots.
- Males have a jagged crest along the back and the tail has silver stripe along it.
- Females do not have the crest or silver tail stripe, but have a bright orange stripe along the bottom of their tail.



Where might I expect to find them?

- GCN occur in rural, urban and suburban sites.
- Newts breed in ponds. GCN usually prefer medium to large ponds but can be found in any body of water on site including temporary pools.
- GCN spend most of their time on land – they can be found within grass, scrub and woodland and under logs and stones within 250m to 500m of the breeding pond or, sometimes, further away.

When might I expect to find them?

GCN are nocturnal and are seen mostly at night

They are in ponds between March and June, but can also be seen on land at any time of the year.

What do I do if I find a GCN?

- Great crested newts are **fully-protected** against killing, capture, injury and disturbance, and the places they use for shelter or protection are protected against damage, destruction or obstruction.
- If a great crested newt (adult, juvenile or tadpole) is found (or suspected) on site after works have started, all works in the area must stop immediately and expert advice sought.

IF IN ANY DOUBT AS TO WHICH NEWT SPECIES YOU HAVE FOUND, STOP WORK AND CONSULT AN EXPERT

Protected Species Information Sheets

Badgers

What are they and how do I recognise them?

- Adult badgers grow up to a metre long. They have a stout body with grey fur, short legs and a short white tail.
- Their head is white with broad black stripes

Where might I expect to find them?

- Badgers live in groups and can be found living in agricultural areas, woodland, road and railway embankments, caves, mines, refuse tips, under buildings, sheds and in hollow trees.
- Badgers live in underground setts made up of tunnels and chambers – visible as single holes or groups of holes. These holes are at least 25cm wide and are broader than they are high, with a rounded or flattened oval shape and spoil outside.



When might I expect to find them?

- Badgers are active all year round, but spend most time below ground during December and January.
- Badgers are nocturnal and are seen mostly at night

What do I do if I find a badger or its sett?

- It is **ILLEGAL** to kill, injure or disturb a badger or to damage a badger sett without a licence. A licence must also be obtained for the following activities around badger setts:
 - Use of heavy machinery (tracked vehicles) within 30 metres of any active sett.
 - Use of light machinery (wheeled vehicles, e.g. JCB's) within 20 metres of any active sett.
 - Digging or scrub clearance by hand within 10 metres of any active sett
 - Uses of explosives or pile driving are special circumstances and need to be assessed on a case-by-case basis.

Badgers will continue to try and use old paths, despite any obstacles or dangers. If a badger or a sett is discovered after works have started, works in the area must stop immediately to avoid breaking the law, and advice sought from a suitably experienced ecologist.

IF IN ANY DOUBT WHETHER A HOLE BELONGS TO A BADGER, A FOX OR A RABBIT – STOP ALL WORKS AND CONSULT AN EXPERT

Protected Species Information Sheets

Bats

What are they and how do I recognise them?

- Some species of bat are only as long and wide as a thumb so can crawl into tiny cracks and crevices in trees, walls, eaves and roofs.
- They have a small body covered in brown or grey fur with large, leathery wings that are folded against the body when roosting.
- Flying bats appear much larger, with a wingspan of up to 400mm.
- Below roost entrances (holes, cracks etc) you might see dark stains on walls or bat droppings on the ground. Bat droppings are dark brown or black and about half centimetre long. They are similar to mouse droppings but are softer, crumble up when crushed and smell of ammonia.



Where might I expect to find them?

- Bats can be found in both rural and urban areas, including woodland, farmland, parks and gardens.
- They are often seen feeding over marshes, lakes, ponds, canals or rivers.
- Bats use a number of different roosting places for resting, breeding and hibernating. Places where you may find them include holes and cracks in trees, in roofs and walls of houses and buildings, under bridges, underground in caves or old railway tunnels.
- Every building and mature tree is a potential bat roost.

When might I expect to find them?

- Bats may be found hibernating in caves, buildings or trees from November to March, and possibly October and April.
- New born young and female bats may be found in breeding roosts in buildings and trees from May to September.

What do I do if I find a bat or bat roost?

- Only licensed bat-workers are legally allowed to enter known bat roosts or to capture or handle bats.
- It is **ILLEGAL** to injure, kill, capture or disturb a bat, or to damage trees, buildings or other places used for roosting (even if bats are not currently present)

IF YOU THINK YOU HAVE FOUND A BAT OR A BAT ROOST ON SITE, STOP ALL WORKS IN THE AREA IMMEDIATELY AND CONSULT AN EXPERT

Appendix D: Licence Application Form (Badgers)
FOR INFORMATION ONLY, NO NOT COPY OR USE



Protection of Badgers Act 1992
Application for licence to interfere with a badger sett for the purpose of development

- This form can be completed electronically and emailed to us (details to the right).
- If completing by hand please use **dark ink** and BLOCK CAPITALS
- All questions must be answered. Failure to provide all requested information will delay the processing of your application. The completed application should be sent to Natural England at the address given to the right.
- Natural England will aim to determine whether a licence should be issued within 15 working days of receipt of the completed application and all necessary accompanying documents.
- If you experience any problems completing this application, please contact the Wildlife Licensing Unit (details to the right).

Wildlife Licensing Unit
 Natural England
 Burghill Road,
 Westbury-on-Trym
 Bristol BS10 6NJ

T. 0845 601 4523
 F. 0845 601 3438
 E. wildlife@naturalengland.org.uk

Useful Links:

Website:

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

Email the Wildlife Licensing Unit: wildlife@naturalengland.org.uk

The Protection of Badgers Act 1992 fully protects badgers and their setts and makes it an offence to kill, injure or take a badger, to cruelly ill-treat a badger or to interfere with a badger sett by

- a) damaging a badger sett or any part of it;
- b) destroying a badger sett;
- c) obstructing access to, or any entrance of, a badger sett;
- d) causing a dog to enter a sett; or
- e) disturbing a badger when it is occupying a badger sett where the intention is to do any of those things or where a person is reckless as to whether his actions would have any of those consequences.

Under Section 10(1) (d) of the Protection of Badgers Act, Natural England has authority to issue licences to interfere with a badger sett for the purpose of **development**, as defined by Section 55(1) of the Town and Country Planning Act 1990.

You are advised to read the Natural England guidance “Badgers and Development” carefully before completing this form.

This box is for office use only

WILD reference no.

Charter Deadline:

Part A. Personal Details and Experience

1. Title (e.g. Mr/Mrs) Forename(s) Surname

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(b) **Address of applicant**

Town		
County		Postcode

Tel number (incl. national dialling code)

Fax number (incl. national dialling code)

Mobile number

Email address

2. Previous applications

(a) Have you applied for a licence under the Protection of Badgers Act before? Yes No

If **NO**, please go to Question 3 below

(b) Have any of your previous licences covered the same activities and purpose as this licence application? Yes No

If **NO**, please go to Question 3 below

If **YES**, please give the licence number(s) (it is printed at the top of the licence) of any licences you have held in the last three years.

(c) Have you changed your address since your last licence was issued? If **YES**, please supply the address on your last licence.

3. Qualifications and experience

Please give brief details below of any experience you have had of dealing with badgers that is of relevance to the proposed activity.

If you do not have sufficient competence we strongly recommend that you involve a suitably experienced person and they apply for the licence.

4. Consultation

Have you consulted with anyone in Natural England regarding any aspect of this licence application? Yes No

If **YES**, please give the name of the contact, date and relevant details stating whether the consultation was verbal or by letter. Please attach a copy of any written consultations.

5. Person(s) to be licensed

Persons undertaking any licensed action will be named on the licence.

Will anyone other than yourself carry out work permitted by the proposed licence? Yes No

If **YES**, please provide the name and contact details of any person(s) who will be acting under the licence (please continue on separate sheet if necessary).

	Person 1	Person 2
Name		
Address		
Telephone no.		

Additional sheet(s) attached?

PART B Development Summary

Please provide a summary of the proposed development work and its potential effect on badgers or their setts. Please complete each box and attach additional information if appropriate.

A more detailed report or method statement, as explained in the Annex to this form, must also be submitted in support of the application.

6. Please state the nature of the development work (e.g. new homes, roads etc.)

7. Please give the full postal address of the land where development work is proposed.

Address		County	
OS 6 figure grid reference of the centre of the site e.g. SK203393			

8. This development: (tick one box)

Has been granted planning permission. Please state the type of planning permission and **go to Question 9**

Does not require planning consent. **Go to question 10**

9. Name of the planning authority who issued planning permission

Planning permission reference number

Contact telephone number for local planning authority

Date full planning permission issued

Please tick each box to confirm:

- There are no planning applications for this site which have yet to be decided.
- There are no appeals against the planning application which have yet to be determined.

If planning permission is not full, please give confirmation that all planning issues relating to badgers have been fully resolved. Natural England will only usually issue a licence once detailed planning permission has been granted.

Please go to Question 11

10. Please give an explanation why planning permission is not required.

11. When do you wish to undertake the proposed action? Please note that licences to interfere with a sett are normally issued between July and November (inclusive). Licences outside of this period are only issued in exceptional circumstances due to concerns over the welfare of badgers during their breeding season.

Date from: Date to:

12. **Effect of the proposed development on badgers and their setts (Please read the Notes on the next page.)** Use photocopies of this page if there is insufficient space on one sheet.

Name of sett ¹	Type of Sett ²	Type of Interference ³	Method to be used ⁴

Additional sheet(s) attached?

NOTES:

1. List each sett that will be affected by the development. Start a new line for each sett. Give the sett the same name as it appears in the Method Statement e.g. A, B, C
2. State whether each sett is main, annexe, subsidiary or outlying. If possible state the level of badger activity at the sett.
3. State whether the sett will be destroyed, partially damaged or access obstructed and state whether you propose to re-open the sett once the development is completed.
4. Give a brief methodology i.e. use of one way gates, use of handheld tools etc. Full details should be given in the method statement. State the type of machinery that will be used and the distance from the nearest sett entrance.

- 13.** Have you, or any persons named in this form, been convicted of any wildlife or animal welfare related offences? Yes No

If **YES**, please give details, including dates

14. Using and sharing your information

The data controller is Natural England, Northminster House, Peterborough, PE1 1UA.

Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate. It will be used for processing your application.

Natural England or its appointed agents may use the name, address and other details on your application form to contact you in connection with occasional customer research aimed at improving the services that Natural England provides to you.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

If you believe that any of the information we hold concerning you is incorrect or out of date, please provide us with the accurate information in writing together with supporting evidence (if appropriate). You should address your correspondence to: Natural England, Wildlife Licensing Unit, Burghill Road, Westbury-on-Trym, Bristol, BS10 6NJ. Tel. 0845 601 4523; Fax. 0845 601 3438; Email wildlife@naturalengland.org.uk

15. Declaration

- I have read and understood the guidance provided in this application form. I declare that the particulars given are correct to the best of my knowledge and belief, and I apply for a licence in accordance with these particulars.
- Where required, I undertake to obtain permission from landowners/occupiers of land to exercise any licence resulting from this application, and to allow any employee or representative of Natural England to monitor or inspect the work described in this application.

Signature of applicant

Date

Name in BLOCK LETTERS

For electronic applications, please insert an electronic signature above or tick this box to confirm agreement with this declaration

IMPORTANT ADVICE

Natural England or the Secretary of State can modify or revoke at any time any licence that may be issued but this will not be done unless there are good reasons for doing so. Any licence that is issued is likely to be revoked immediately if it is discovered that false information had been provided which resulted in the issue of a licence.

What happens now?

An assessment of your application will be made by a Natural England wildlife adviser. The adviser might contact you if they need to clarify information about your application and the proposed development. They might also wish to visit the site, in which case they will arrange the visit with you at a mutually convenient time.

Natural England will notify you of the outcome of your application, normally within 15 working days of receiving this application and all the accompanying information. You will receive either a licence or a letter explaining why a licence will not be issued (this might be because a licence is not required, or because further information is needed before a licence decision can be made).

The Licence

If you receive a licence it will state:

- who is authorised to act under the licence,
- the activities that are permitted under the licence,
- where the licensed activities may be undertaken, and
- the time period when you are permitted to carry out the activities.

Activities carried out under licence are subject to a number of legally binding conditions. These are stated clearly on the licence, and **must be adhered to or the licence will be invalid**. Conditions vary according to the activity licensed.

Monitoring

Natural England monitors a sample of licensed operations to assess the success of licences as well as checking compliance with licence conditions. If a visit is carried out we will usually contact you in advance. However, we reserve the right to visit whenever it is considered necessary to fully discharge our statutory duties under this legislation.

Licence Returns

A report of the action taken under licence, including nil returns, **must be sent to Natural England within two weeks (14 days) of the expiry of the licence**. Failure to provide a licence report may result in refusal to grant a licence in future.

ANNEXE Specification for reports or Method Statements

To accompany this application we require a report or method statement that clearly describes how the proposed development work will interfere with the badger setts and also demonstrates how any mitigation work will be carried out.

We would appreciate it if you do not use spiral binding for your report or Method Statement as this affects the ease with which we can scan or copy the document.

All reports must contain the following information (if not already provided in the application form):

1. Development site

- Give the full postal address of the land where work is proposed.
- Give the full name and address of the developer.

2. Map and site details

- Include an appropriately scaled map of the development site that shows the site location. This map, or an additional larger scale map if necessary, should also show locations of all setts on the site. Aerial photographs of the site are also helpful.
- Setts should be named or numbered and referred to in the legend or report.
- Give the likely status of the setts (whether main, subsidiary, annexe or outliers) and whether they are active or not. State the number of entrance holes at each sett.
- Indicate and specify which setts are to be disturbed, damaged, destroyed or obstructed. Specify any setts that will be re-opened at the end of the works.
- Show the location of any mitigation work e.g. artificial setts, new foraging habitat, water sources etc.

3. Survey information

Give details (including methods and results) of the survey undertaken to identify the location, number and status of the setts that will be affected by the proposed development work. Include details of any bait marking survey or other exercise that indicates territorial range of the badgers on site.

4. Work schedule

Give a detailed schedule for all proposed sett interference, stating how and when each badger sett will be affected and indicating the type of machinery or tools to be used and the distance from the sett(s). Explain the rationale for the necessary badger interference. The dates of any proposed mitigation work must also be included (if applicable).

5. Maintenance and monitoring

Explain how you will:

- i. Monitor badger activity to ensure that badgers do not regain access to excluded setts before and during site clearance and sett destruction.
- ii. Monitor the proposed development work to ensure that all licence conditions are met.

Appendix E: Survey Guidance Chart

Key	
	Recommended survey time
	No surveys
	Mitigation conducted at these times
	Mitigation works restricted

The chart below is not definitive and is intended to provide an indication only. The timing of surveys and animal activity will be dependent on factors such as weather conditions.

Seek advice from a qualified ecologist before commencing any site activities

		Licence Required?	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Habitats / Vegetation	Surveys	N	Mosses and lichens No other detailed plant surveys -Phase 1 surveys only (least suitable time)			Detailed habitat assessment surveys Surveys for higher plants and ferns						Mosses and lichens No other detailed plant surveys -Phase 1 surveys only (least suitable time)		
	Mitigation	N	Planting and translocation		No mitigation for majority of species						Planting and translocation			
Birds	Surveys	N	Winter birds		Breeding birds / migrant species			Breeding birds		Breeding birds / migrant species			Winter birds	
	Mitigation	N	Clearance work may be conducted at this time but must stop immediately if any nesting birds are found		No clearance or construction works that may affect nesting birds						Clearance work may be conducted at this time but must stop immediately if any nesting birds are found			
Badgers	Surveys	★	All survey methods – best time in early autumn / winter											
	Mitigation	★★	Building of artificial setts No disturbance of existing setts						Stopping up or destruction of existing setts					See Jan to June
Bats	Surveys	★	Inspection of hibernation, tree and building roosts			Roost inspections Emergence and activity surveys						Inspection of hibernation roosts		
	Mitigation	★★	Works on maternity roosts		Works on maternity roosts until mid-May. Works on hibernation roosts from mid-March			Works on hibernation roosts only			Hibernation roosts until November. Maternity roosts from September		Works on maternity roosts	
Dormice	Surveys	★	Nut searches (sub-optimum time)				Cage traps, hari tube and nest box surveys to mid-October. Nut searches from September (optimum time from Sept-Dec) Nest searches (optimum time Sept-March)						Nut searches and nest searches (optimum time)	
	Mitigation	★★	No clearance works				Clearance works (sub-optimum time)		No clearance works			Clearance works to early Oct (optimum time)		No clearance works

		Licence Required?	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Offers	Surveys	★	Surveys for offers can potentially be conducted all year round, though vegetation cover and weather conditions may limit the times at which surveys can be carried out.											
	Mitigation	★★	Mitigation can potentially be conducted in any month, but is likely to be restricted where offers are found to be breeding											
Pine Martins	Surveys	★	Surveys may be conducted all year round, weather permitting. Optimum time is spring and summer. Surveys for breeding dens March to May											
	Mitigation	★★	Work in areas of pine martin habitats and dens	Avoid all works in pine martin habitats									Works in areas of pine martin habitats and dens	
Red squirrels	Surveys	★	Surveys may be conducted all year round, weather permitting. Optimum time is spring and summer. Surveys for breeding females from December to September											
	Mitigation	★★	Avoid all works in red squirrel habitat										Works should preferably be conducted at this time	Avoid all works on red squirrel habitat
Water voles (n/a in NI)	Surveys	★	Reduced activity	Initial surveys possible	All survey methods can be used in this period, though vegetation cover and weather conditions may limit times at which survey can be carried out (optimum time Mar-June)							Initial surveys possible	Reduced activity	
	Mitigation	N ₂	Avoid all works in water vole habitat				Avoid all works in water vole habitat				Avoid all works in water vole habitat			
Sand lizards, smooth snakes (n/a in NI) and common lizards	Surveys	★	No surveys – reptiles in hibernation		Active surveys from March to June and in September / October. Surveys are limited by high temperatures during July / August. Peak survey months are April, May and September							No surveys – reptiles in hibernation		
	Mitigation	★★	Scrub clearance		Capture and translocation programmes can be conducted only while reptiles are active (March to June and September / October). Trapping is limited by high temperatures during July / August. Scrub clearance.							Scrub clearance		
Other reptiles	Surveys	N	No surveys – reptiles in hibernation		Active surveys from March to June and in September / October. Surveys are limited by high temperatures during July / August. Peak survey months are April, May and September							No surveys – reptiles in hibernation		
	Mitigation	N	Scrub clearance		Capture and translocation programmes can be conducted only while reptiles are active (March to June and September / October). Trapping is limited by high temperatures during July / August. Scrub clearance.							Scrub clearance		

N₂ The extent of legal protection of the water vole is currently under review. It has been proposed to fully protect water voles as well as their habitats

		Licence Required?	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Great Crested Newts (n/a in NI)	Surveys	★	No surveys – newts in hibernation		Pond surveys for adults, mid-March to mid-June. Surveys must include visits undertaken between mid-April and mid-May. Egg surveys April to mid-June. Larvae surveys from mid-May. Terrestrial habitat surveys.				Larvae surveys to mid-August. Terrestrial habitat surveys		Terrestrial habitat surveys		No surveys – newts in hibernation	
	Mitigation	★★	No trapping of newts pond management only		Newt trapping programmes in pond and on land				Newt trapping on land only				No trapping of newts pond management only	
Natterjack toads	Surveys	★	No surveys – toads in hibernation			Surveys of breeding ponds for adults				Surveys for adults on land		No surveys – toads in hibernation		
	Mitigation	★★	Pond management works			Trapping of adults in ponds from April to June. Trapping of adults on land. Trapping of tadpoles from May to early September.						Pond management works		
White clawed crayfish	Surveys	★	Reduced activity			Surveys can be undertaken	Avoid surveys (females are releasing young)		Optimum time for surveys				Reduced activity	
	Mitigation	★★	Avoid capture programmes (low activity levels may lead to animals being easily missed)			Exclusion of crayfish from construction sites	Avoid capture programmes		Exclusion of crayfish from construction sites				Avoid capture programmes (low activity levels may lead to animals being easily missed)	
Fish	Surveys	★	For coastal, river and stream dwelling species, the time of surveys will depend on the migration pattern of the species concerned. Where surveys require information on breeding, the timing of surveys will need to coincide with the breeding period, which may be summer or winter months.											
	Mitigation	★★	Mitigation for the protection of watercourses is required at all times of the year. Mitigation for particular fish species will need to be timed to avoid the breeding season. This varies fro species to species.											

- ★ Where survey techniques involve the capture, handling or disturbance of certain protected species then only licensed persons can undertake surveys; personal survey and monitoring licenses are obtained from Natural England, CCW, Environment and Heritage Service (NI) or Scottish Natural Heritage.
- ★★ Where mitigation involves the killing, capture, injury and/or disturbance of European Protected Species and/or damage, destruction or obstruction of their habitats, a development license must be obtained from DEFRA, Scottish Executive's Environment and Rural Affairs Dept, Welsh Assembly (Countryside Division) or the Environment and Heritage Service Northern Ireland. Licenses will be granted only to persons who have proven competence in dealing with the species concerned. Development licence applications take approximately 30 days to be processed by government departments. Where mitigation works need to be conducted under licence before works begin, licence applications will need to be submitted considerably earlier.

6.0 References and Sources of Further Information

Charles, P. and Connolly, S., (2005), '*Environmental Good Practice on Site 2nd Ed*', CIRIA, London

Newton J., Nicholson, B. and Thackray, C.,(2005) '*Working with wildlife site guide*', CIRIA, London

Various (2005) '*Working with wildlife pocket book*', CIRIA, London

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