**Conservation of Habitats and Species Regulations 2017 (as amended)**

**Wildlife and Countryside Act 1981 (as amended)**

# LICENCE - Mitigation

Wildlife Licensing Service
Natural England
Horizon House
Deanery Road, Bristol
BS1 5AH
**T:** 0208 026 1089
EPS.mitigation@naturalengland.org.uk

**This licence authorises actions that would otherwise be offences under the above legislation**

Any request for information in this licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.

| | |
|---|---|
| Natural England Reference: | 2024-69099-EPS-MIT |
| Date issued: | 07/10/2024 |
| Licence valid from: | 07/10/2024 |
| Licence expiry date (inclusive): | 31/12/2027 |

Under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) Natural England has granted this licence for the purpose of:

**Imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, under regulation 55(2)(e) and section 16 (3)(j)**, relating to:

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|---|
| Construction of 74 dwellings to be built with associated landscaping and parking. |

**To:**

| | |
|---|---|
| LICENSEE (full name): | Mr Kevin Wawman |
| Company name (if relevant): | Elivia Homes Southern |
| LICENSEE Address: | First Floor West, Prism, 1650 Parkway, Solent Business Park, Whiteley, Fareham, Hampshire, PO15 7AH |

**This licence is granted subject to the Licensee, including servants and named agents, adhering to the conditions, notes and licence documents specified below. The following person is authorised to act on behalf of the Licensee:**

| | |
|---|---|
| NAMED ECOLOGIST (full name): | Mr Gareth Ainscough |
| Company name (if relevant): | Ecosupport Ltd. |
| NAMED ECOLOGIST Address: | Unit K4 Keppel, Daedalus Drive, Lee-on-the-Solent, Hampshire, PO13 9FX |

**At (locations):**

| | |
|---|---|
| Site name: | Land at Chanctonbury Nursery |
| Address: | Ashington |
| County: | West Sussex |
| Postcode: | RH20 3AS |
| OS Grid Reference: | TQ126163 |

**For the following species, maximum numbers and licensable activities:**

| **PLEASE NOTE** | | |
|---|---|---|
| The maximum number(s) stated in the table below refers to the maximum number of individuals of the stated species that can be captured or transported under the terms of the licence and the maximum number/s of resting places or breeding sites that can be damaged or destroyed under this licence (if applicable). Maximum numbers cannot be specified and do not apply to disturbance activities. The activities permitted below must be conducted by the methods as specified under the terms of this licence (see conditions 8 to 19). | | |
| **Species (Scientific name)** | **Activities** | **Maximum number of individuals** |
| Hazel dormouse (Muscardinus avellanarius) | Capture | 4 |
| | Transport | 4 |
| | Disturb | Number not specified |
| | Destroy resting place | Number not specified |
| | Damage resting place | Number not specified |

***Licence documents***
The Licensee, Named Ecologist and all persons authorised in writing by the Licensee must adhere to the specific details given in the documents, if referenced below with a date, and complied with in accordance with this licence.

| **Reference** | **Document name** | **Date** |
|---|---|---|
| Figure B2.1 | Project wide Master Plan | N/A |
| Figure D | Impact Plan | 08/08/2024 |
| Figure E2 | Capture and exclusion activities | 08/08/2024 |
| Figure E3 | Habitat restoration, creation and enhancement measures | 08/08/2024 |
| Figure E4 | Management, maintenance and monitoring | 25/09/2024 |
| Work Schedule | Work Schedule | 08/08/2024 |
| HMMP | Habitat Management and Maintenance Plan | N/A |
| Other | N/A | N/A |

**Anything done otherwise than in accordance with the terms and conditions of the licence may constitute an offence.**

## Signed on behalf of Natural England (the relevant licensing body):

| | | | |
|---|---|---|---|
| **Signature:** | Williams, Helen | **Date:** | 07/10/2024 |

## WARNING

- **This licence authorises acts that would otherwise be offences under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Any departure from the conditions relating to this licence may be an offence under that legislation;**
- **This licence conveys no authority for actions prohibited by any other legislation;**
- **This licence can be modified or revoked at any time by Natural England, but this will not be done unless there are good reasons for doing so. The licence is likely to be revoked immediately if it is discovered that false information had been provided which resulted in the issue of the licence.**
- **Bodies corporate and their directors/secretaries are liable for offences under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).**

## LICENCE CONDITIONS

1. The Licensee is responsible for ensuring that all terms and conditions of this licence are complied with.
2. The Licensee and Named Ecologist are responsible for all activities undertaken by Accredited Agents and Assistants (as described under 'Definitions' below) and of other persons they have appointed in relation to activities permitted by this licence.
3. The Licensee shall ensure that at least one copy of this licence is retained on each site until at least the expiry date of this licence. A copy of this licence shall be made available for inspection on each site and shall produce it on demand to any police officer or officer of Natural England.
4. No person shall carry out any activity permitted by this licence unless so authorised in writing by the Licensee. Each person shall produce a copy of their written authorisation from the Licensee on demand to any police officer or officer of Natural England.
5. Prior consent must be obtained from all relevant landowners and/ or occupiers before commencing any activities that are permitted by this licence. The role of the Licensee, Named Ecologist and any other persons so authorised under this licence does not itself confer any right of entry upon private land.
6. The Licensee shall permit, or shall ensure that measures are in place to permit until at least the expiry date of this licence, any officer of Natural England (accompanied by such persons as they consider necessary on production of their identification and stating the purpose of their presence, on demand) reasonable access to the site. The Licensee shall give all reasonable assistance to an officer of Natural England and to any accompanying persons.
7. All activities authorised by this licence must be undertaken in accordance with the requirements of any relevant animal welfare legislation, and all equipment used in relation to this licence must avoid cruelty, unnecessary injury or distress to any species covered by the relevant legislation. In this context the relevant species guidance includes:

    (i) The advice in the "Dormouse Conservation Handbook" (see 'Licence Note' d).

***Methodology***

8. The Named Ecologist or Accredited Agent must ensure that all those involved with the licensable works understand by way of a 'tool box talk' that dormouse are present; the legislation relating to dormice; measures that will be used to protect them; good working practices; licensable activities and what to do should dormice be found. This information must be provided before any licensable works commence on site. A written record that this has been undertaken, and the detail it covered, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.
9. The Licensee, including the Named Ecologist, Accredited Agents and Assistants, must adhere to the activities and timescales agreed in the licensed Work Schedule*.

*Carrying out licensable activities outside the periods specified within the licensed Work Schedule E5a is permitted provided that **all** of the following requirements are met:

a. Licensable activities set out in the Work Schedule are carried out in the same chronological order and, except as permitted in (c) below, in the same season (see Definitions); and

b. The same clearance methodology as specified in the licence must be used, unless approval has been given in writing from Natural England; and

c. Habitat restoration, enhancement and creation must be carried out within the same season or same calendar year as specified in the licence and Work Schedule; and

d. There is no additional impact on any known or potential breeding sites or resting places (including hibernation sites) as a result of timing changes.

Post development works must be carried out in accordance with section E5b of the licensed Work Schedule. Should timings change such that one or more of the requirements will not be met, a modification request form must be submitted alongside a revised Work Schedule to enable Natural England to reassess the FCS test. This must be done as soon as it becomes clear that the work schedule is no longer deliverable. All other requirements in the licence must be complied with.

10. Disturbance of dormice and damage and / or destruction of their habitats will be limited to that shown in Figure D. Methods licensed are listed below and must be undertaken in accordance with Figure E2 and timings as per the Work Schedule:

| **Licensed method** | **Habitat details** |
|---|---|
| Single stage habitat removal in the **active season** (with finger-tip search) | **0.272 ha - Scrub and Woodland** |
| Single stage habitat removal in the **hibernation season** (with finger-tip search) | **N/A** |
| Two-stage habitat removal comprising stage 1 (reduce vegetation to 15-30cm) and stage 2 (removal of root balls) | **N/A** |
| Other, as specified: | **N/A** |

11. Hand searches must be conducted prior to habitat clearance, unless approval has been given in writing from Natural England, or as specified: **-**

12. Vegetation clearance of above ground dormouse habitat must be carried out using handheld tools only, unless approval has been given in writing from Natural England, or as specified: **-**

13. Single stage active season clearance must be carried out in a staged manner with up to 0.25ha cleared each day towards retained habitat, or as specified: **-**

14. Where capture and / or handling of dormice (including release) are necessary, only the Named Ecologist, Accredited Agent or an Assistant directly supervised by the Named Ecologist or an Accredited Agent may do so.

15. Provision must be made for prompt assistance to deal with any injured dormouse. Any injured or dead dormice must be reported to Natural England on the licence return report.

16. Where active dormice are discovered during works and it is possible to allow them to move independently to safe habitats, outside high risk work areas, this should be the first course of action.

17. Where it is not possible to follow Condition 16 and dormice are discovered and taken under this licence then the following protocols must be carried out:

- during the active season: dormice must be relocated in the existing nest to a specifically erected dormice nest box (if applicable) within 100m of the' capture' location.

- during hibernation: dormice must be relocated in the existing hibernation nest, with surrounding damp material, to a location within 100m of this site similar in condition and aspect to the existing hibernation nest location. It must then be covered by suitable material for protection.

18. During the hibernation period for works involving standard two-stage methodology, finger-tip searches of haul routes or other areas of high risk to dormice must be carried out and dormice relocated to safety as outlined in Condition 17. Dormice found outside high risk areas during these searches must remain in situ. In the unlikely event of the animal rousing from hibernation it must be taken into captivity until it can be released within 100m of its capture site when weather conditions become suitable.

19. Where a breeding nest is discovered works must stop and provision made for the nest to remain in situ, undisturbed and connected to contiguous habitat, until the young have been weaned and allowed to disperse. Only following dispersal of all young from the nest shall licensable works in this location re-commence.

***Mitigation and Compensation***

20. Habitat enhancement and compensation measures must be provided in accordance with the licensed Figure E3 and as specified in the table below:

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| **0.218ha - New Understory Planting - The new planting will be located to the east, south-east and a small area to the west.** |

***Post-development habitat management and maintenance***

21. All site maintenance and habitat management must be undertaken in accordance with Figure E4 (and any further details specified below), the Work Schedule and the licenced Habitat Management and Maintenance Plan (if referenced above). Remedial action must be undertaken where necessary. Actions must be undertaken in accordance with the timings in the Work Schedule or timed as described in condition 9.

| **Habitat management or site maintenance measure** | **Details** |
|---|---|
| Check success of establishment of new planting and take remedial action if required<br><br>Clear material in nest boxes annually to maintain condition | Any new plants will be replaced if they die during the first 5 years.<br><br>Old/ disused nests (dilapidated/rotting) will be removed during each monitoring check of the boxes. Any nest boxes that have become dilapidated or damaged will also be replaced. |

22. Any dormouse bridges or other linking structures required as part of this licence must be created as per design shown in Figure E3, location as per Figure E4.

***Post-development monitoring and reporting***

23. Monitoring must be undertaken as specified in the years outlined in the Work Schedule and monitoring will include:
**Nest box survey**

An assessment of dormouse habitat and /or mitigation structures must also be made at this time. Should survey and habitat assessment indicate mitigation / compensation provided is failing measures must be taken to remedy this as soon as practically possible. Details of such actions must be included within the licence return report.

24. Any dormouse bridges or other linking structures, as shown on Figure E4, must be maintained and monitored as specified: **N/A**

25. If this licence is part of a phased or multi-plot development, the licensed Master Plan must be re-submitted, and updated if necessary, with any modifications to this licence and any future licence applications for this phased or multi-plot development.

Dormouse EPS Licence Reference Numbers associated with the licensed Master Plan: **N/A**

26. The Licensee must submit a written report of actions taken under this licence, even if no action is taken, and send it to Natural England at the address shown at the top of the report form, to arrive no later than 14 days (two weeks) after the expiry of the licence. The following interim licence report/s is/are also required:

27. All records are to be made available to Natural England for inspection at any reasonable time.

## NOTES

a) The following mitigation or compensation is being provided as part of a planning permission or other consent but is not required by Natural England to be provided as part of this licence: **N/A** It is the Licensee's responsibility to ensure that they comply with planning permissions and other consents as necessary.

b) Under Regulation 60 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to contravene or fail to comply with a licence condition. This includes all persons authorised to act under this licence. Failure to comply with a condition of a licence issued under The Wildlife & Countryside Act 1981 (as amended) could result in offences being committed.

c) Under Regulation 59 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to make, or to recklessly make a false statement, representation or supply information for the purposes of obtaining a licence.

d) The "Dormouse Conservation Handbook" is available here. You are expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version.

e) Post-development monitoring report form can be used for reporting purposes and sent to the above address at the each report interval.

f) Please read the details of your licence carefully to ensure that you comply with it paying particular attention to the number and species licensed as this may differ to what was requested in your application.

g) To avoid transmitting COVID-19 from people to wild mammals, you should: stay at least 2 metres from live wild mammals at all times; only capture or handle live wild mammals if necessary and avoid going within 2 metres of known breeding or regularly used resting sites of mammals. If you cannot follow these guidelines, then you should minimise the time spent in close proximity and handling mammals; limit the number of people that come into close proximity or handle mammals, and keep animals separate from other individuals as far as possible.

h) Persons acting under this licence should follow good hygiene practices, including wearing of disposable gloves, or clean and disinfected non-disposable gloves; wearing a face covering when handling and in close proximity to any mammal, and washing hands before and after close proximity or handling of any mammal. Face coverings, non-disposable gloves and overalls or other clothing should be washed / disinfected between uses when handling mammals.

i) You should not carry out activities under this licence if you feel unwell, test positive for COVID-19 or live with someone who has or might have COVID-19.

j) Any products used to clean and disinfect equipment should be safe for use where there could be contact with animals and used at an effective and safe dilution rate. 'Safe4' is considered to be an appropriate disinfectant for this purpose and is considered effective against the virus at a dilution of 1:50. Other products can be used to clean and disinfect equipment.

k) How we use your personal information is set out in the Wildlife Licensing privacy notice which can be found here https://www.gov.uk/government/publications/natural-england-privacy-notices

## DEFINITIONS

The "**Licensee**" named on the licence is responsible for ensuring that all activities carried out on site in relation to the licence comply with the terms and conditions of the licence. All persons authorised to act under the licence must comply with the licence and its conditions (see 'Offence of breaching licence condition' in Regulation 60 of the Conservation of Habitats and Species Regulations 2017). This means that those persons authorised by the Licensee also have a responsibility for ensuring that the licence is understood and complied with.

The "**Named Ecologist**" is a professional ecological consultant who has satisfied Natural England that they have the relevant skills, knowledge and experience of the species concerned and is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The 'Named Ecologist' has a responsibility for ensuring that the licence is complied with. They are responsible for advising the Licensee on the suitability and competence of any Accredited Agents or Assistants employed on site to undertake the required duties and may include the direct supervision of Assistants where appropriate.

An "**Accredited Agent**" is a suitably trained and experienced person who is able to carry out work under a licence without the personal supervision of the Named Ecologist. Any Accredited Agent must be appointed by the Licensee and be in possession of a letter signed by the Licensee confirming their appointment. Agents shall carry a copy of the said letter when acting under the licence and shall produce it to any police or Natural England officer on request.

An **"Assistant**" is a person assisting a Named Ecologist or Accredited Agent. Assistants are only authorised to act under this licence whilst they are under the direct supervision of either the Named Ecologist or an Accredited Agent.

For the purpose of this licence, the term '**season**' refers to whether dormice are active or in hibernation: the 'active season' covers the months when dormice are typically active and the 'hibernation season' covers the months when dormice are typically in hibernation.