

24 July 2020



CM Smith

request-678989-e7c173c0@whatdotheyknow.com

Legal Services
County Hall
Spetchley Road
Worcester
WR5 2NP

Dear CM Smith

Access to Information Request – Request no 5146

Thank you for your request for information set out below, which we received on 22 July 2020. Your request has been considered under the Environmental Information Regulations 2004 (EIRs).

You asked for:

“Please could you confirm whether you have issued HS2 Ltd with a license allowing them or its contractors to conduct work on trees or structures with bat roosts in them since Dec 2019. Could you confirm when the last license expired and, if there is a current license, when this is valid from. Could you please provide me with a copy of any bat license that Natural England have issued allowing HS2 to survey to conduct damaging or destructive work on trees and buildings in the Steeple Claydon Area of Buckinghamshire. Could you confirm if HS2 Ltd have operated illegally if they failed to have a valid license while damaging or destroying trees or structures with bats roosting in the. Could you please tell me if it is necessary for HS2 Ltd or its contractors to send bat survey reports to Natural England to ensure that they are carrying out work ethically and/or legally.”

The High Speed Rail (London to West Midlands) Act 2017 authorised the clearance of specific blocks of woodland, including those in the area of Steeple Claydon, to allow the construction of HS2.

Like all developers, HS2 has a responsibility to determine whether or not works associated with the scheme will have an impact on wildlife species that are protected by law. It is required to carry out ecological surveys to establish whether bat maternity roosts, badger setts etc. will be affected by the work.

Not all construction work involving the clearance or modification of natural habitat will require a wildlife licence. The trees may be unsuitable for roosting bats or a developer may schedule work at particular times of the year when certain species won't be dependent on the habitat. Only if impacts on protected species cannot be avoided is a licence required from Natural England to mitigate the effects of the scheme on such species as bats, badgers and great crested newts.

Bat mitigation licences are issued to prevent harm coming to bats while construction work is taking place and to provide compensation for the loss of habitat which is used by bats. The licences specifically forbid damage to, or destruction of, satellite, maternity and hibernation roosts while they are in use. A list of all the licences currently in operation can be found on pages 4 and 5 of the attached information note.

Licence WML-OR32 was issued to protect bats from the impacts of HS2 works in the vicinity of Bernwood Forest, including the Steeple Claydon area, during the period from 12 April 2019 to 31 December 2039. The licence only permits specific activities which must be carried out in accordance with the terms of the licence and its associated work schedule. The licence holder is

required to report to Natural England incidents where bats are encountered as well as any actions that may have contravened licence conditions. To date, no breaches of licence conditions have been reported under this licence, a copy of which is attached.

Due to changes in the nature and timing of construction work, a modification of the licence has been requested and a revised application has been submitted. We are currently assessing this application in accordance with the strict legal framework which applies to all licence applications. This means that licence WML-OR32 is not currently being used by HS2 or its contractors.

Natural England monitors compliance with the licences it issues as a matter of routine through a combination of site visits, telephone follow ups, document assessments, and regular meetings with the contractors and ecologists. HS2 Ltd has not to our knowledge operated illegally or failed to have a valid licence in place for the removal of potential bat roosts.

Should a member of the public have reason to believe that HS2 is damaging bat roosts without a valid licence or not following the conditions of a licence issued by Natural England, then the evidence should be presented to Natural England via enquiries@naturalengland.org.uk.

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If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your requests and wish to make a complaint or request a review of our decision, please contact me and I'll arrange for a colleague to conduct an internal review. Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of that complaint or the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the internal review procedure provided by Natural England. The Information Commissioner can be contacted at: <https://ico.org.uk/global/contact-us/> or call on 0303 123 1113 (local rate), www.ico.org.uk.

Yours sincerely

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