

13 November 2020



Mr M Keir

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Legal Services  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP

Dear Mr Keir

### **Access to Information Request – Request no 5304**

Thank you for your request for information set out below, which we received on 28 October 2020. Your request has been considered under the Environmental Information Regulations 2004 (EIRs).

You asked for:

**“HS2 Ltd have a class route-wide licence to deal with bats. It is my understanding that the licences have to be registered to individual sites before any surveys or work can be carried out. Is this the case?**

**If it is the case, what work does the lack of registration prohibit? Is soft felling permissible? Is de-limbing at height permissible? What surveys are allowed?”**

HS2 hold two class licences for bats. CL39 covers bats in buildings and CL40 covers bats in trees (both are attached). Prior to works affecting bats the site(s) must be registered with Natural England as per the licence requirements. Survey work is required for a site registration and the activity of surveying for bats are covered by a number of other class licences which allow a variety of bat survey techniques to be used. Individuals with the required skills and experience apply to Natural England to be registered to make use of the licence. HS2 and their contractors need to ensure that the individuals carrying out surveys have registered for the correct level of licence for the type of surveys being carried. Details of the survey licences can be found at; [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/882849/cl18-bats-survey-level2-licence.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882849/cl18-bats-survey-level2-licence.pdf)

It is not the case that all works affecting vegetation require a licence. It is for HS2 to determine whether the proposed work is licensable and if it can be carried out under the terms of CL40. The lack of site registration prohibits the use of either of these licences. You refer to specific woodland management activities in our email and ask if these are permissible. I would refer you to the conditions of CL40 for detail of the circumstances in which the activities you describe can be carried out.

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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](http://www.ico.org.uk).

Yours sincerely

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