

James Kathrens
Technical Manager
Edenstone Homes
First Floor, Building 102
Wales One Business Park
Magor
Monmouthshire
NP26 3DG

Licence No: **78558:OTH:EPS:2018**

Valid From: **3rd April 2018**

Expiry: **30th April 2018**

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

Licence to capture and transport, disturb and to damage or destroy a breeding site or resting place for preserving public health or public safety, or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

This licence, granted under Regulation 55(2) (e) of the Conservation of Habitats and Species Regulations 2017, by the Natural Resource Body for Wales otherwise known as Natural Resources Wales, hereby authorises the person named above, hereinafter referred to as the "licensee" and their nominated ecologist Hugh Dixon, their duly accredited agents Beth Evans and Denis Jackson, and their assistants to:

capture and transport,
disturb,
damage or destroy a breeding site or resting place of:

Dormice (*Muscardinus avellanarius*);

in accordance with the method statement referred to in Condition 3. whilst constructing a new residential development for up to 50 dwellings, together with alignment of initial section of highway linking Cardiff Road and Cross Common Road at **Land at Cardiff Road/Cross Common Road, Dinas Powys, Vale of Glamorgan**. Grid Reference: **ST 154704**.

The works noted above are licensed for the period **as stated above** and are granted subject to compliance with the conditions as specified. Activities required for monitoring purposes are granted subject to compliance with the conditions and period as specified in Condition 13. Anything done otherwise than in accordance with the terms of the licence may constitute an offence.



Signed for and on behalf of
Natural Resources Wales

Ffôn/Tel: 03000 654974 / 03000 654921

Ebost/Email: trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk or specieslicence@naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk www.naturalresourceswales.gov.uk

Cyfoeth Naturiol Cymru / Natural Resources Wales, Maes y Ffynnon, Penrhos Garnedd, Bangor, Gwynedd, LL57 2DW

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Correspondence welcomed in Welsh and English

CONDITIONS

Definitions

'NRW' is an abbreviation of the Natural Resources Body for Wales otherwise known as Natural Resources Wales

'EPS' is an abbreviation of European protected species

'Licence application' refers to the application form, method statement and any other supporting documents (where applicable).

1. Prior to undertaking any activity under this licence, the Licensee will inform the Species Licensing Team at specieslicence@naturalresourceswales.gov.uk of the date the works will start.
3. All the work carried out under this licence will be undertaken in accordance with:
 - **the method statement:** 'Land at Cross Cardiff Road / Cross Common Road, Dinas Powys, Vale of Glamorgan: Proposed Housing Development. Dormouse Licence Method Statement', Revision D dated 29 March 2018,
 - **the licence application:** dated 8 January 2018,
 - **associated drawings** and
 - **the management plan:** 'Shortlands Wood, Dinas Powis Woodland Management Plan (Revised March 2018)', revision A dated 26 March 2018.
4. A suitably experienced licensed ecologist will be appointed and retained during the lifetime of this licence to provide on-site advice.
5. Prior to the start of any works on site, all site workers will be inducted by the dormouse specialist. This induction will cover the legal status of dormice, the method of working, and action to be taken if dormice or their nests are encountered.
6. If the protected species listed on this licence are found during the course of work, all work will cease and will not recommence until the ecologist named on the licence application (or NRW if the ecologist is not available) has advised that it is safe to do so
7. If evidence of protected species **not** listed on this licence is found, all work will cease and will not recommence until the ecologist named on the licence application (or NRW if the ecologist is not available) has advised that the work may continue under the existing licence, or if an amended licence is required, until the licensee applies for and receives an amended licence.
9. A log of visits made by the ecologist and the purpose of those visits will be maintained and made available to NRW at 48hrs notice.
11. Within four weeks after the expiry of this licence the Licensee shall submit to NRW details of the activities and operations undertaken by virtue of this licence on the official report form. Evidence to demonstrate how the work has complied with the method statement, and confirming completion of planting, fencing and dormouse box installation, and including photographs, will be included in the end of licence report form.
12. An annual monitoring report will be submitted to NRW for each year that monitoring is scheduled to be undertaken.
13. Monitoring of dormouse boxes as indicated in the Method Statement and production of reports will commence in **2018** and continue for the proposed **10 year period** following completion and occupancy of the development, anticipated to be until **2030**.
14. The results of all monitoring will be used to direct and initiate any remedial works required. Remedial works to be agreed with NRW.
40. Vegetated material to be translocated will be watered before and after translocation
42. The condition of translocated stools/material and new plantings will be monitored as indicated in the method statement during the first year following establishment, and thereafter a minimum of 2 times per annum in the growing season, for a period of 5 years post completion. Newly planted material that has failed will be replaced the following autumn/winter with new planting of the same

species and size

43. Periods of prolonged dry weather and/or apparent wilting of leaf growth (new and/or translocated vegetation) will initiate irrigation of all mitigation vegetation.
44. Photographs will be taken of the translocation material before coppicing, after coppicing and after translocation. Photographs will be included in the annual monitoring report.
46. The Licensee shall submit nest-box data collected under this licence to the National Dormouse Monitoring Programme c/o PTES, 15 Cloisters House, 8 Battersea Park Road, London SW8 4BG. Data should be submitted annually by **1st December each year**.
100. Vegetation will be cleared in a directional manner in each area clearing towards existing connected habitat to be retained.
101. All vegetation clearance including hedgerow translocation works will be completed by **30 April 2018**.
102. Dormouse mitigation planting on-site on the western, southern and eastern boundaries (as indicated on drawings 994/PA/02F 'Landscape Proposals and Tree Constraints' and 994/PA/03D 'Dormouse Mitigation Planting') will be completed by **30 April 2018**.
103. Dormouse boxes will be erected in Shortlands Wood as indicated in section F.2. of the method statement and by **30 April 2018**.
104. Management of vegetation corridors along the site boundaries will be undertaken in accordance with the measures set out in the method statement.
105. Monitoring of proposed dormouse habitats and submission of reports will be carried out as indicated in the method statement.
106. A lighting plan that details the type of external lighting to be used, appropriate siting of lights and any measures to prevent light spill to demonstrate that the boundary vegetation corridors along the western, southern and eastern boundaries of the site will remain unlit and be maintained as dark corridors will be agreed in writing with NRW within 6 months of the issue of this licence and prior to the installation of any lighting on site.
107. A report and updated **Woodland Management Plan** will be submitted to and agreed with NRW following each 5-yearly review of management and by **1 September** in **2023, 2028, 2033** and **2038**.
200. While engaged in activities under this licence the Licensee and their nominated ecologist shall carry a copy of the licence and must produce it to any police constable or employee of NRW, or other person authorised in writing by NRW, on demand.
201. If during the course of the works it becomes necessary to change the methodology from that submitted to the NRW as part of the licence application, all work will stop until the changes have been agreed with NRW and/or an amended licence has been received.
202. The activities hereby licensed are restricted to the Licensee, nominated ecologist, accredited agents and assistants as specified on this licence (see Condition 206).
203. No accredited agent of the Licensee or nominated ecologist shall act under this licence unless they are in possession of a letter appointing them as the duly accredited agent of the licensee for the purpose of this licence. The accredited agent shall carry with them the said letter and a copy of this licence and shall produce them to any police constable or employee of NRW, or other person authorised in writing by the NRW, on demand.

204. Any assistants employed under this licence, whether employed to operate machinery or give advice, shall remain under the personal supervision of the Licensee, nominated ecologist or any accredited agent at all times.
205. The nominated ecologist must assume full responsibility for the conduct of any assistants and accredited agents employed under this licence.
206. The activities and operations hereby covered are restricted to only those specified on this licence.
207. Any disturbance to animals shall be kept to the absolute minimum required, so animals are not prevented from normal feeding or rest, nor disturbed during breeding or hibernation; unless permission has been granted by NRW to do otherwise. All reasonable steps must be taken to prevent accidental injury to any protected species. Equipment must be of a kind and used in a way which will avoid distress or injury.
208. Unless specified otherwise this licence does not authorise the intentional killing, taking or injuring of any protected species.
209. Possession of this licence confers no rights of entry onto land. This includes open access land, where permission is required to undertake any activity under this licence. Permission to enter land or premises must be obtained from the owner or occupier. Failure to seek permission will invalidate your licence and may result in offences being committed. NRW will not accept responsibility for failure or omission by Licensees to fulfil this obligation and will consider immediate revocation of a licence if complaints from owners or occupiers on these grounds are received.
210. If any European protected species (EPS) are incidentally captured or killed as a result of exercising this licence then NRW's Species Licensing team will be immediately advised on specieslicence@naturalresourceswales.gov.uk.
211. The Licensee shall advise NRW if there are any changes in their circumstances where such changes could invalidate this licence.

NOTES

- N1. This licence authorises acts that would otherwise be an offence under The Conservation of Habitats and Species Regulations 2017. Failure to act within the purposes of this licence or failure to comply with the terms and conditions may mean that the licence cannot be relied upon and an offence is committed. Furthermore, under regulation 60 of the Conservation of Habitats and Species Regulations 2017 it is an offence to contravene or fail to comply with any condition of a licence issued on or after 21 August 2007. The maximum penalty upon summary conviction for an offence under the Regulations is a level 5 fine (£5000) and/or a six-month custodial sentence.
- N3. This licence may be modified or revoked at any time by NRW.
- N4. Nothing in this licence confers any exemption from any legal provision contained in any Act, other than the Act(s) under which this licence is issued. Where appropriate a licence should be obtained from the Home Office to fulfil the requirements of the Animals (Scientific Procedures) Act 1986.
- N5. The Licensee may be accompanied by the owner or occupier of the land on which this licence is exercised. In such circumstances, it will be the responsibility of the Licensee to ensure that no additional disturbance is caused.
- N6. The personal information on this licence will be kept and used by us in accordance with the Data Protection Act 1998. The licence will be permanently retained, as it is a legal document. We may discuss licence content with selected third parties. Other than stated above, we will not make the

personal data on this licence available to third parties unless there is an overriding public interest. The Data Protection Act 1998 gives you the right to know what data we hold about you, how we use it, to which third parties it is disclosed, and that it is accurate. To exercise this right please contact the Data Protection Officer at NRW.

- N7. You agree to complete a licence report with details of required biodiversity records collected in association with this licence. We have your permission to store, copy, use, and release or publish any biodiversity records associated with the issue of this licence. Where our policy on public access to data states that the information is sensitive, publication and access will be restricted in accordance with both the Environmental Information Regulations (2004) and our guidance on access to data on sensitive biodiversity features. We may share the biodiversity records supplied with conservation organisations selected by us. Where our policy on public access to data states that the information is sensitive any such release will be under restrictive licence conditions in accordance with our guidance on access to data on sensitive biodiversity features. Please note that an inadequate return will prejudice future licence applications
- N8. Biodiversity records associated with the issue of this licence must be as reliable and accurate possible and collected with all necessary permissions.
- N9. We acknowledge that biological records collected in relation to this licence, unless collected under a contract (with alternate provisions relating to Intellectual Property Rights) for us or a Third Party, remain the intellectual property of the licence holder. In all cases we will seek to acknowledge intellectual property and not use any biological records collected under licence beyond the purposes stated above.
- N10. **A biosecurity risk assessment should be prepared to evaluate potential risks at each site and relevant biosecurity precautions should be addressed according to the habitats and species present. The following notes should help to inform your working procedure and links to further information can be found below.**

On sites with freshwater, the transfer of amphibian and fish diseases as well as invasive non-native species should be minimised by undertaking cleaning and disinfection of equipment. All debris, plant fragments and mud should first be scrubbed off footwear and rinsed with water. Disinfection should comprise soaking in a bleach solution (1 measure of household bleach to 9 measures of water) for 15 minutes, or using Virkon solution (1mg/ml) for 1 minute. Fabrics can be washed on a 40° C cycle (with detergent, ensuring sufficient rinsing). Nets should be boiled for 10 minutes or, if the fabric allows, disinfected with spray bleach and rinsed thoroughly. Rinse with clean water and if possible, allow to dry before next use. Keep field gear (e.g. traps, net frames, buckets) inside plastic bags during transit and storage to reduce the likelihood of transmitting diseases. All used disinfectants should be disposed of appropriately. Sites considered to be 'infected' should be surveyed/visited last during any programme of work.

To minimise the risk of spreading *Phytophthora* when visiting heathland or woodland sites, scrub all visible soil and debris from footwear using water, spray with Propeller and leave until it has evaporated. Vehicle access along tracks should be kept to a minimum and mud should be cleaned from car wheels, wheel arches and foot wells of cars. This should be repeated at each site visited.

Phytophthora disease control sites should be avoided if at all possible. Propeller can be obtained from Evans Chemical Supplies, 18B Barncoose Industrial Estate, Pool, Redruth, Cornwall, Tel. 01209 213643.

Biosecurity advice on ash dieback disease, *Chalara*, can be found at <http://www.forestry.gov.uk/forestry/inf-d-6abl5v>

More information on *Phytophthora* can be found at <http://www.fera.defra.gov.uk/plants/plantHealth/pestsDiseases/phytophthora/>

Amphibian workers should read the ARG-UK advice note 4: amphibian disease precautions – a guide for UK field workers (<http://www.arguk.org/advice-and-guidance/view-category>)

Information and advice on invasive non native species can be found at <https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm>

- N11. These derogations are granted on the basis that NRW are satisfied that:
- the proposed actions are for a purpose specified in regulation 55(2)(e) of The Conservation of Habitats and Species Regulations 2017;
 - there is no satisfactory alternative;
 - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.