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91 Waterloo Road
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Licence No: **S093410/1**

Valid From: **19th December 2023**

End of Licensable Works: **31st December 2024**

Licence Expiry: **31st December 2064**

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 Lead Licensee" and persons authorised by them namely their Licensed Nominated Ecologist Russell Grey and Licensed Assistants, (together known as "the Licensees") to:

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

Great Crested Newts (*Triturus cristatus*)

in accordance with the method statement referred to in Condition 3. whilst erecting a solar park and battery storage unit at **Cefn Park, Land adjacent to Little Llwyn Onn, Cefn Road, Abenbury, Wrexham, LL13 0NY**. Grid Reference: **SJ 36826 48636**.

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.

When undertaking any activity under this licence the most up to date guidance provided by the Welsh Government in relation to Covid-19 must be adhered to (see advice note in the notes section)

Signed for and on behalf of
Natural Resources Wales

Ffôn/Tel: 0300 065 3000

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, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Correspondence welcomed in Welsh and English

CONDITIONS

1. Any person intending to use this licence must ensure they have read and understood its terms and conditions prior to carrying out licensed action.
3. All the work carried out under this licence will be undertaken in accordance with:
 - **the method statement:** (Reference Proposed Solar Farm and Battery Store (P/2022/0541) - Version 1 - dated 26 September 2023),
 - **the licence application:** dated 24 November 2023 and,
 - **associated documents and drawings.**
4. A suitably experienced Licensed Nominated Ecologist will be appointed and retained during the lifetime of this licence to provide on-site advice.
5. Prior to the start and throughout the duration of any works on site, all site workers will be inducted by the amphibian specialist. This induction will cover the legal status of amphibians, conditions of the licence, biosecurity, the method of working, and action to be taken if one or more amphibians are encountered.
6. If the protected species listed on this licence are found during the course of work in higher numbers than stated on the application form, all work will cease and will not recommence until the Licensed Nominated Ecologist named on the licence application (or NRW Permitting Team if the Licensed Nominated Ecologist is not available) has advised that the work may continue under the existing licence, or if an amended licence is required, until the Lead Licensee applies for and receives an amended licence
7. If evidence of protected species not listed on this licence is found, all work will cease and will not recommence until the Licensed Nominated Ecologist named on this licence (or NRW if the Licensed Nominated Ecologist is not available) has advised that the work may continue under the existing licence, or if an amended licence is required, until the Lead licensee applies for and receives an amended licence.
9. A log of visits made by the Licensed Nominated Ecologist or their Licensed Accredited Agents, and the purpose of those visits will be maintained and made available to NRW at 48hrs notice.
11. Within four weeks after the end of licensable works date the Lead Licensee shall submit to NRW details of the activities and operations undertaken by virtue of this licence on the official NRW report form. Evidence to demonstrate how the work has complied with the method statement, including photographs will be included in the end of licence report form.
13. Monitoring shall be carried out in accordance with the provisions of Section F.2 of the Method Statement. Results shall be uploaded into the Wales GCN Monitoring Scheme by 30 June for each year when monitoring is required, Monitoring reports shall be completed on the official NRW Monitoring Report Form and submitted to NRW by **30 November 2030, 30 November 2035, 30 November 2040, 30 November 2045, 30 November 2050, 30 November 2055, 30 November 2060 and 30 November 2064**. Surveillance shall be in accordance with the methodologies contained within the online Wales GCN Monitoring Scheme.
24. A copy of all ecological compliance audits shall be submitted to NRW by **31 January 2025**.
51. Pitfall traps may only be used on nights when the dusk air temperature exceeds 5°C and must remain sealed when the dusk air temperature is below **5°C**. Pitfall traps must contain moss or hay to provide shelter for caught animals. Traps left set overnight must be emptied by 10 a.m. the following morning, every day during the trapping programme.
52. Any pitfall traps left open during the day must incorporate measures to avoid distressing any species caught. Traps must be emptied at least once every 24 hours.
53. All newts will be released within 1 hour of removal from traps.

- 54. A daily log of all newts caught must be kept and made available to NRW at 48 hours notice.
- 55. Should any newts be removed, different species of newts and different age bands of newts must be transported in separate containers
- 58. Unless otherwise agreed, amphibian fencing must be inspected every 24 hours and any repairs completed within 24 hours. A fence inspection log must be kept and made available to NRW at 48 hours notice.
- 101. The applicant shall submit a Geographical Information System shape file illustrating the location of amphibian conservation areas by **31 December 2024**. A copy of this data shall be submitted to the relevant local biological records centre.
- 200. Any person engaged in action under this licence must carry a copy of the licence and must produce it on request to the Police or an employee of NRW or other person authorised in writing by NRW.
- 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 Licensees as specified on this licence.
- 204. Any Licensed Assistants, whether employed to operate machinery or give advice, shall remain under the personal supervision of the Lead Licensee, Licenced Nominated Ecologist or any Licensed Accredited Agent at all times.
- 206. The Lead Licensee must keep a log of the names and addresses of the Licensed Assistants and must produce this to the Police or to NRW upon request.
- 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. Any person undertaking licensed action who is not the owner or occupier of the land on which the action is taken must have the authorisation of the owner or occupier to enter that land to carry out the licensed action.
- 210. If any European protected species (EPS) are incidentally captured or killed as a result of exercising this licence then NRW must be advised of that fact as soon as practicable. NRW can be contacted on specieslicence@naturalresourceswales.gov.uk.
- 211. The Lead Licensee must advise NRW if there are any changes in circumstances where such changes could invalidate this licence.
- 212. In all cases, any conditions listed above override or supersede the provisions of the submitted method statement.
- 213. No person convicted of an offence to which this condition applies may use this licence unless, in respect of that offence, either (1) they were dismissed with an admonition, or (2) they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent. A person may also use this licence where, in respect of such an offence, a court has made an order discharging them absolutely. This condition applies to

offences under the Wildlife and Countryside Act 1981, the Deer Act 1991, the Wild Mammals (Protection) Act 1996, the Hunting Act 2004, the Conservation of Habitats and Species Regulations 2017, the Protection of Badgers Act 1992 and the Animal Welfare Act 2006 (all as amended).

NOTES

- N1 Failure to act within the terms of this licence or failure to comply with any of the licence conditions may mean that the licence cannot be relied upon and an offence may be committed. The maximum penalty in the Magistrates' Court for an offence under the Act is an unlimited fine or a six month custodial sentence or both.
- N2. The actions authorised by this licence may be carried out within a Site of Special Scientific Interest (SSSI) without the owner/occupier of the land in question needing to obtain consent under section 28E of the Wildlife and Countryside Act 1981, as substituted. However consent under section 28E of that Act may be required for any actions which are carried out in association with the exercise of this licence but not expressly authorised by it, for example the use of a vehicle in an SSSI. Any person using this licence in an SSSI is responsible for obtaining the necessary consent for any such associated actions. Failure to do so may invalidate the licence and may result in offences being committed.
- 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.
- N5. The Lead 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 Lead Licensee to ensure that no additional disturbance is caused.
- N6. We may keep, copy, use, release or publish any information associated with the exercise of this licence, subject to any requirements relating to personal information which are contained in the General Data Protection Regulations, and subject to any requirements relating to sensitive environmental information which are contained in the Environmental Information Regulations.
- N7. As Lead Licensee 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. Any work undertaken must take account of biosecurity risks and measures must be put in place to ensure that you don't introduce or spread invasive non-native species (INNS), pests or

disease. This [biosecurity risk assessment](#) should help you to understand and mitigate the risks on your site, and those posed by your activities.

Information, data and free [e-learning](#) on [non-native species](#) and [biosecurity](#), including for [people working in the environment](#), can be found on the [GB Non-Native Species Secretariat website](#).

You can access information about the location of invasive non-native species (INNS) by using the [NBN Atlas Wales INNS Portal](#) (a [guide](#) on how to use the portal is available).

Data on plant and tree specific pests and diseases and biosecurity is available on [NRW website](#), the [Defra website](#) or at [Forest Research](#). Free e-learning is available from the [Forestry Commission](#).

Ensure you follow the [Check Clean Dry](#) or [Keep it Clean](#) principles.

Licensees must ensure that all equipment (vehicles, tools, boots etc) that come to site, arrive clean, and are cleaned again before leaving site – this applies to all sites, not just those where an invasive non-native species (INNS), pest or disease has been previously identified. High risk sites should be surveyed / visited last during any programme of work.

Check your equipment, clothing and boots and remove any plant or animal ‘hitchhikers’.

Clean equipment, clothing and boots thoroughly, remove all mud, leaves and plant debris. If it is not possible to clean on site, securely bag items and clean at a suitable location where risk of transfer of diseases is minimised. Wash vehicle tyres and wheel arches if muddy and park on hard standing if possible.

Dry thoroughly any equipment or PPE that has been in freshwater or the marine environment; some INNS can live on damp items for weeks.

You will also need to use disinfectant if you are:

- accessing farmland with stock
- coming into contact with known pathogens
- moving between medium / high risk sites in the same day
- unable to **effectively** dry (>48hrs) equipment that has been in contact with pathogens
- working during a notifiable disease outbreak situation as notified by Welsh Government.

Information on disease control and disinfectants can be found on the following websites: for [tree disease](#); for [amphibians](#); for [agricultural](#); and for [fisheries](#).

If you need any further help, please feel free to contact our [INNS and Biosecurity](#) team or our [Tree Health](#) team.

- 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.
- N21. Unless specifically authorised under this licence, implementation of surveillance / surveys required under Condition 13 shall only be undertaken by one or more individual in possession of a valid survey licence issued by NRW under Section 16(3) (a) of the Wildlife and Countryside Act 1981 (as amended) and Regulation 55 (2) (a) of the Conservation of Habitats and Species Regulations 2017 (as amended).
- N22. Unless specifically authorised under this licence, implementation of conservation management, enhancement and/or maintenance works identified in as site management plan, method statement or at any other time shall only be undertaken by one or more individual in possession of a valid conservation licence issued by NRW under Section 16(3) (c) of the Wildlife and

Countryside Act 1981 (as amended) and Regulation 55 (2) (c) of the Conservation of Habitats and Species Regulations 2017 (as amended).

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).

“Lead Licensee” - this is usually the owner or occupier of the property / land or an individual that requires licensable activities to be undertaken.

“Licensed Nominated Ecologist” - means the person authorised by the Lead Licensee to undertake and provide ecological expertise in relation to the species and licensable activities under this licence. They will be responsible for delivering specific elements of any licence granted in respect of the disturbance of EPS, including overseeing any disturbance, exclusion and mitigation.

“Licensed Accredited Agent” – means any other person authorised by the Lead Licensee. This person must be suitably qualified, experienced and is able to carry out ecological works under a licence without the personal supervision of the Licensed Nominated Ecologist being present to undertake licensable activities under this licence.

“Licensed Assistant” – means a person undertaking licensable activities working under the direct personal supervision of any named Licensee at all times.