

Russell Farnhill
Operations Director
Wrexham Solar Park Ltd.
16 Northumberland Avenue
London
WC2N 5AP

Licence No: **S087171/2**

Valid From: **28th January 2020**

Expiry: **28th February 2021**

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 David Price, their duly accredited agents Rachel Barber and Rob Dunn, and their assistants 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 creating compensatory habitats following installation of a solar farm at **Wrexham Solar Park, Land off Tetrapak Road, Wrexham, Denbighshire, LL13 0UW**. Grid Reference: **SJ 38001 48291**.

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: 0300 065 4974/0300 065 4921

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).

3. All the work carried out under this licence will be undertaken in accordance with:
 - **the method statement:** version 3 dated 13th January 2020,
 - **the licence application:** dated 28th October 2019,
 - **the licence amendment application:** dated 13th January 2020 and,
 - **associated documents and drawings.**
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 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, the method of working, and action to be taken if amphibians are encountered.
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 or their accredited agents, and the purpose of those visits will be maintained and made available to NRW at 48hrs notice.
10. Prior to the start of works a biosecurity risk assessment containing appropriate measures will be submitted to and approved by NRW. Implementation shall be in accordance with the approved scheme.
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, including photographs of mitigation, will be included in the end of licence report form.
13. Abundance monitoring shall be carried annually in 2020, 2021 and 2022. Thereafter monitoring shall be carried out every two years to 2051 to accord with Section F.2 of the Method Statement. If adverse factors such as fish invasive non-native plant species are detected monitoring shall be carried out on an annual basis until NRW has confirmed that biennial surveillance can be resumed. Surveillance shall be in accordance with the methodologies contained within the online Wales GCN Monitoring Scheme and annually/biennially reported through the online Wales GCN Monitoring Scheme. Monitoring reports shall be completed on the official NRW Monitoring Report Form and submitted to NRW by **31st October 2021, 31st October 2026, 31st October 2031, 31st October 2036, 31st October 2041, 31st October 2046 and 31st October 2051.**
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.
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.

200. While engaged in activities under this licence the Licensee, their nominated ecologist or any accredited agents 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.
212. In all cases, any conditions listed above override or supersede the provisions of the submitted method statement.

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 General Data Protection Regulation (GDPR). 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 GDPR 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 drying 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/infd-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.