

1.	Claimants
2.	Rohan Perinpanayagam
3.	Third
4.	RP3
5.	Date: 27 July 2020

Claim No: PT-2018-000098

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
PROPERTY, TRUSTS AND PROBATE LIST (ChD)**

B E T W E E N:

(1) THE SECRETARY OF STATE FOR TRANSPORT

(2) HIGH SPEED TWO (HS2) LTD

Claimants/Applicants

-and-

(1) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANT(S) ON LAND AT HARVIL ROAD, HAREFIELD IN THE LONDON BOROUGH OF HILLINGDON SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(2) PERSONS UNKNOWN SUBSTANTIALLY INTERFERING WITH THE PASSAGE BY THE CLAIMANTS AND THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES OR EMPLOYEES WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT TO AND FROM THE LAND AT HARVIL ROAD SHOWN COLOURED GREEN, BLUE AND PINK AND EDGED IN RED ON THE PLANS ANNEXED TO THE RE-AMENDED CLAIM FORM

(3) to (35) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THE ORDER OF MR DAVID HOLLAND QC DATED 22 JUNE 2020

(36) PERSONS UNKNOWN CUTTING, DAMAGING, MOVING, CLIMBING ON OR OVER, DIGGING BENEATH OR REMOVING ANY ITEMS AFFIXED TO ANY TEMPORARY OR PERMANENT FENCING OR GATES ON OR AT THE PERIMETER OF THE HARVIL ROAD SITE, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HARVIL ROAD SITE WITHOUT THE CONSENT OF THE CLAIMANTS

Defendants / Respondents

**EXHIBIT "RP3" TO THE
THIRD WITNESS STATEMENT OF ROHAN PERINPANAYAGAM**

IN THE HIGH COURT OF JUSTICE
2020-001222

Claim No. QB-

QUEEN'S BENCH DIVISION

Before: THE HON MR JUSTICE KERR

By remote Skype hearing on: 8 July 2020

Judgment given by remote Skype hearing on: 13 July 2020

BETWEEN :

LONDON BOROUGH OF HILLINGDON

-and-

(1)-(2) PERSONS UNKNOWN (as defined in the Claim Form **differently from in this Order**)

(3)-(23) THE NAMED DEFENDANTS LISTED IN THE SCHEDULE TO THIS ORDER

Defendants



ORDER

PENAL NOTICE

IF YOU THE NAMED DEFENDANTS OR ANY "PERSONS UNKNOWN" INTENDING TO SLEEP OVERNIGHT ON THE LAND COLOURED IN BLUE AND EDGED IN RED ON THE PLAN ATTACHED TO THIS ORDER OR INTENDING TO DO ON THAT LAND ANY OF THE OTHER ACTS SPECIFIED BELOW DO DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

THIS ORDER TAKES EFFECT IMMEDIATELY ON RECEIPT, WHETHER OR NOT SEALED BY THE COURT

IMPORTANT NOTICE TO THE DEFENDANTS

1. This Order prohibits you or any person who is presently a Person Unknown as defined in this Order (or any person notified of this Order) from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible.

2. **A “Person Unknown” as defined in this Order is a person intending to do on the land coloured in blue and edged in red on the plan attached to this Order (“the Land”) any of the following: (1) sleep overnight (2) attach persons to other persons or objects so as to create an obstruction; (3) attach a person or persons to fences, gates or barriers; (4) bang objects so as to cause noise; and (5) stand, sit or lie down in front of vehicles.**
3. Electronic copies of the applications and evidence filed in these proceedings are available electronically at www.hillingdon.gov.uk. Any person who is unable to obtain electronic copies of documents at that address, or who wishes to obtain hard copies of documents, should contact the Claimant’s solicitors (Legal Service, Hillingdon Borough Council) using the contact details at the end of this Order.
4. A further hearing in these proceedings is to be listed for 3 days in the High Court on the first available convenient date after 1 October 2020. Details of the hearing will, when known, be notified to the named Defendants and be advertised at the website in the paragraph above. Any person interested in attending the hearing should therefore monitor the website.
5. If you or any person who is presently a Person Unknown (or any person notified of this Order) and who wishes to identify themselves and be joined as a named Defendant to this Claim may apply to the Court to be so joined on 72 hours’ notice to the Court and to the Claimant, and/or to vary or discharge this Order (or part of it).

IT IS ORDERED AS FOLLOWS:

Injunctions:

1. **Until trial or further order and with immediate effect upon service of this Order the Defendants (3) to (23) and Persons Unknown (as defined in this Order) are forbidden from doing any and all of the following acts on the land coloured in blue and edged in red on the plan attached to this Order (“the Land”):**

(1) sleeping overnight or placing or leaving any tent after 5pm on Friday 17 July 2020;

(2) attaching persons to other persons or objects so as to create an obstruction;

(3) attaching person or persons to fences, gates, barriers;

(4) banging objects so as to cause noise;

(5) standing sitting or lying down in front of vehicles.

AND IT IS FURTHER ORDERED AS FOLLOWS:

Amendment to the Claim Form

2. The Claimant has permission to amend the Part 8 Claim Form issued on 27 March 2020 in the form of the draft Amended Claim Form appended to the Amendment Application. The said amendments to the Claim Form and addition, removal and changes to the names of the parties shall take effect immediately, and further service of the Amended Claim Form is dispensed with.

Service of the Order

3. Pursuant to CPR r 6.27 and r 81.8 service of this Order on the First and Second Defendants shall be dealt with as follows. The Claimant shall affix sealed copies of this Order in transparent envelopes to posts, gates, fences and hedges at conspicuous locations around the Land.
4. The Claimant shall leave sealed copies of this Order at the Protester Camp on Harvil Road.
5. The Claimant shall further advertise the existence of this Order in a prominent location on its website together with a link to download an electronic copy of this Order and all relevant paperwork.
6. The taking of such steps shall be good and sufficient service of this Order on the First and Second Defendants.
7. Service by e-mail on the named Defendants shall be good and sufficient service, including service on the Defendants (7), (14) and (23) by e-mail through Defendant (3).
8. This Order shall be deemed served on the Defendants, on the date that the last of the above steps is taken, and shall be verified by a certificate of service.
9. The Claimant shall from time to time (and no less frequently than every 28 days) confirm that the orders and signs referred to above remain in place and legible, and if not, shall replace them as soon as reasonably practical.

Further Hearing

10. The Court shall provide a notice of the further hearing (to take place not earlier than 1 October 2020) to the Claimant's Solicitor, which the Claimant is to publicise by sending a copy to any e-mail addresses provided by the named Defendants for the purposes of these proceedings; posting a copy on its website; attaching in transparent envelopes to posts, gates, fences at conspicuous locations around the revised Claimant's Land; and leaving at the Protester Camp on Harvil Road.

Further Directions

- 11.No named Defendant shall be required to file an acknowledgement of service.
- 12.Other than the named Defendants, any Person Unknown (as defined in this Order) or other person who wishes to contest the claim shall file and serve on the Claimant's Legal Services Department (whose details are set out below) an acknowledgement of service and a witness statement outlining their interest in this matter and the nature of or grounds for that contest by 4.00pm on 31 July 2020.
- 13.Any such person must provide their full name and address, an address for service, and should include within the acknowledgement of service an application to be joined as an additional named Defendant.
- 14.Any person applying to vary or discharge this Order must provide their full name and address, an address for service, and must apply to be joined as a named Defendant to the proceedings at the same time.
- 15.In the event that any acknowledgement of service or applications are filed or served, the Claimant shall notify the Court in writing.
- 16.The Claimant has liberty to apply to extend or vary this Order or for further directions.
- 17.Costs Reserved.

This Order is made on the basis of the following recitals:

UPON the Claimants' application for an injunction by its Application Notice dated 19 March 2020 ("the Application")

AND UPON the Court having read the Witness Statements listed at Appendix A in support of the Application

AND UPON the Claimant's application to amend the Part 8 Claim Form dated 01 July 2020 ("the Amendment Application")

AND UPON the Court having read the Witness Statement listed at Appendix B in support of the Amendment Application

AND UPON the Order of Mrs Justice Laing dated 18 May 2020 joining the named Defendants (3) to (23)

AND UPON the Amendment Application having been served on the named Defendants (3) to (23) at their respective e-mail addresses (or in some cases at the address of the Defendant (3))

AND UPON hearing in public by remote Skype video call (i) Steven Woolf, counsel for the Claimant, (ii) various of the named Defendants on their own behalf

AND UPON Notice of this hearing having been notified by e-mail to the Defendants (3) to (23) and fixed in prominent positions on the revised Claimant's Land and the site of the protesters' camp on Harvil Road

AND UPON the Court accepting the Claimant's undertaking that the Claimant will comply with any order for compensation the court may make in the event that the Court later finds that this Order has caused loss to a Defendant and that the Defendant ought to be compensated for that loss

AND UPON the Claimant confirming that this Order is not intended to prohibit the continued occupation of the protesters' camp on Harvil Road, Hillingdon.

FURTHER GUIDANCE NOTES

Effect of this Order

- (1) A Person Unknown who is an individual who is ordered not to do something must not do it him or herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.
- (2) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

Effect of this Order

- (3) It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

COMMUNICATIONS WITH THE COURT & CLAIMANT'S SOLICITOR

- (4) All communications to the Court about this Order (which should quote the Case Number) should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010).
- (5) The Claimant's Solicitors can be contacted at The Civic Centre, 225-226 High Street, Uxbridge, UB8 1UW

(Tel) 01895 250617
(Fax) 01895 250784
(E-Mail) ralagh@hillingdon.gov.uk

APPENDIX A

- (1) Witness Statement of Nathan Welch dated 18 March 2020;
- (2) Witness Statement of Ian Stuart Kempster dated 17 March 2020;
- (3) Witness Statement of Michael Rees dated 17 March 2020;
- (4) Witness Statement of Neil Maddock dated 14 May 2020;
- (5) Second Witness Statement of Nathan Welch dated 11 June 2020;
- (6) Second Witness Statement of Michael Rees dated 12 June 2020;
- (7) Second Witness Statement of Ian Kempster dated 12 June 2020;
- (8) Second Witness Statement of Neil Maddock dated 15 June 2020;
- (9) Witness Statement of Lyn Summers dated 12 June 2020;
- (10) Witness Statement of Rajesh Alagh dated 15 June 2020;
- (11) Second Witness Statement of Rajesh Alagh dated 30 June 2020.

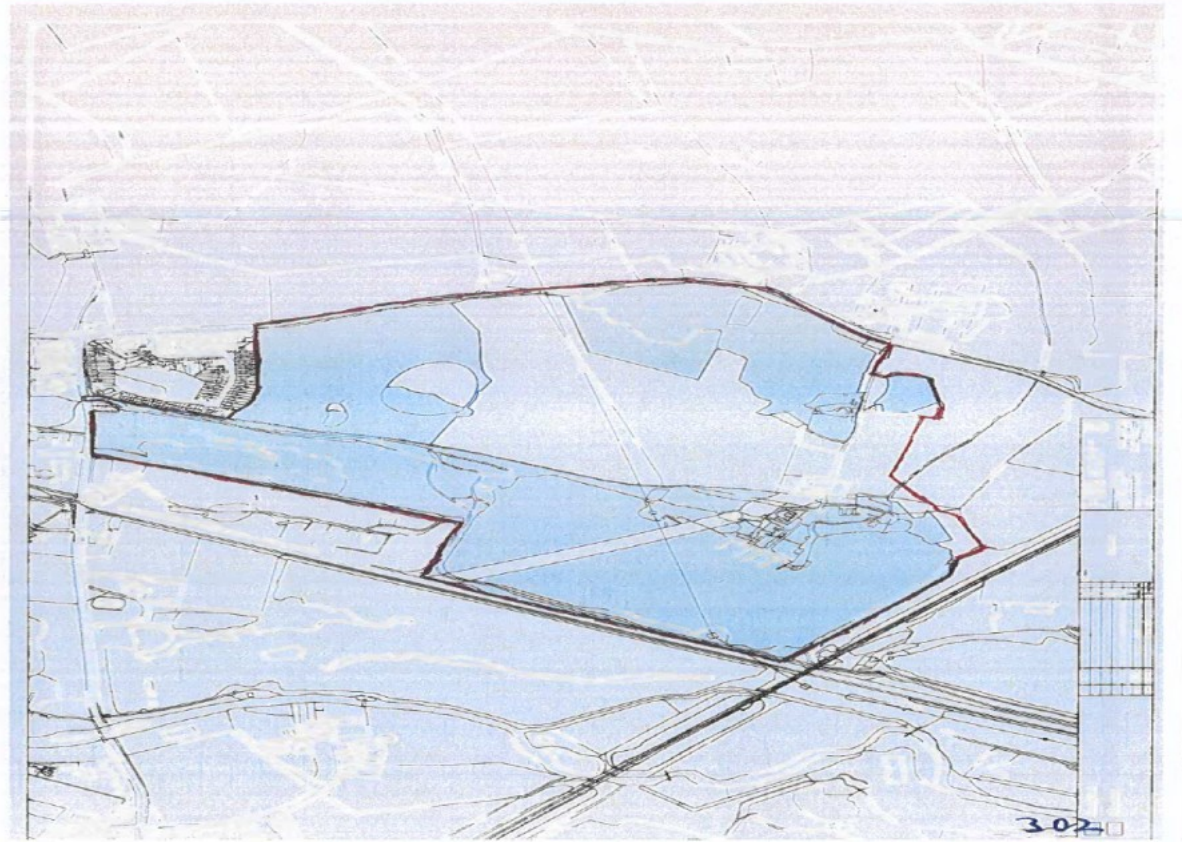
APPENDIX B

- (1) Second Witness Statement of Rajesh Alagh dated 30 June 2020

NAMED DEFENDANTS CONTINUATION SHEET

- (3) MARK KEIR
- (4) [deleted by consent]
- (5) [deleted by consent]
- (6) LARCH MAXEY
- (7) VAJDA ROBERT MARDECHAJ
- (8) IAIN OLIVER
- (9) [deleted by consent]
- (10) CONNOR NICHOLLS
- (11) PAUL SANDISON
- (12) TOM DALTON
- (13) STEPHANIE ROBINSON
- (14) ROBLYN MAXEY
- (15) JESSICA HEATHLAND-SMITH
- (16) ELLA DORTON
- (17) VIVIAN HOHMANN
- (18) CHRISTOPHER COURT-DOBSON
- (19) KARLE COLLINS
- (20) SAM GOGGIN
- (21) FABIO RAPISARDI
- (22) ALAN LOFTING
- (23) ALAN EDWARDS

ANNEX: "THE LAND" REFERRED TO IN THIS ORDER



Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Matter: QB-2020-001222
London Borough of Hillingdon v Persons Unknown and the Defendants

Attendees: Mr Justice Kerr (Judge)
Mandy Torrens (Clerk)
Mr Woolf (Counsel for Claimant)
Mark Keir, Karle Collins, Sam Gogging, Conner Nichols, Sebastlain Roblyn, Stephanie Robinson (left within 6 minutes of the start of the hearing), Dr Maxey, Sarah Greene, Joanna Rogers, Vivien [Howman], Mr Lofting, Mr Mordechaj (Defendants)
Nilly Yekta (Observer on behalf of HS2)
Others

Date: 8 July 2020

Location: Skype for Business

Start Time: 10:30am **End Time:** 13:18pm

Judge Instructs the Clerk to start recording and calling the case.

Does introduction, informing everyone that the hearing is being recorded – official recording can be transcribed but not legal to make recording of your own and could be criminal matter if anyone unlawfully records this hearing. Secondly, remember to mute microphones to avoid feedback. We will take break every now and then as necessary – likely to break at 12 noon for 10 minutes as a comfort break. Not to address the court except as invited to and in turn. Via the message bulletin board, a late request for adjournment has been received from Tep – says he/she is one of the defendants. Judge invites Tep to identify him/herself. No response from Tep.

Addresses Mr Woolf, asking if he objects to request for adjournment?

Mr Woolf Yes.

Judge I'll hear you on that in a moment.

Reads message from Tep which says:

*"I can't do court like this I am finding it way too overwhelming already because of hypersensitivities and being autistic, I am a defendant so think that court should be accessible to me too but I am going to have to leave this, it's too confusing and making me panic just from the weirdness of it and using a phone

Please adjourn until you've found a way to make this accessible for everyone."*

Proceeds to identify the Defendants before considering request for adjournment. Four Defendants sharing one link to join. Judge requests them to speak. Mark Keir, Karle Collins, Sam Gogging and Conner Nichols.

Judge goes through list of Defendants and Claimant (including counsel) and asks them to confirm their presence.

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Sebastlain Roblyn confirms attendance as a Defendant but judge says cannot find him on the list – Defendant says he's number 14, judge confirms name slightly different.

It is confirmed that Tep is Stephanie Robinson – left the meeting immediately at 10:36am after sending the request for adjournment.

Judge refers to Mr Woolf – do you oppose to the request for adjournment, what do you want to say?

- Mr Woolf** Yes – I anticipate this request is because she's finding the experience too sensitive, however this is due to the circumstances that we have to work under, and secondly, other defendants are here and will be making similar points – this has been listed for some time and it is urgent that the matter proceeds, proceedings initiated in March.
- Judge** Invites the Defendants to speak regarding the request for adjournment.
- Mark Keir** Finding it very difficult, we have been evicted, our kits and chargers have been confiscated, possessed.
- Judge** That will be in relation to possession.
- Dr Maxey** Stephen Woolf mentioned Tep being hypersensitive but she also said she's Autistic which is a protected characteristics. Also, all of my belongings have been confiscated, I have not received all the bundles. Number of reason why adjournment would be suitable.
- Mark Keir** We have not been able to get a barrister.
- Judge** How much notice did you receive?
- Mark Keir** Wednesday night.
- Dr Maxey** I Received notice on Fri.
- Judge** Mr Woolf have you received anything from Mr [Pousland] [Counsel for Defendants].
- Mr Woolf** No, I have not received anything. Regarding notifications – emails were sent as soon as notification was received from the court.
- Judge** What did the order of Mrs Justice Laing say? To be adjourned after 23 June?
- Mr Woolf** Notification was given on 22 June by the court. Immediately upon receipt of this notification emails were sent – email to Mark Keir.
- Mark Keir** Says he did not receive the notification until late Tuesday/ early morning Wednesday.
- Judge** Judge reads the message sent by Stephanie Harrison. Notes it was sent at 10:36am.
I have decided I'm not prepared to accept the request for adjournment. I would have if a barrister could be appointed but there is no indication as to when the barrister would become available. Application for adjournment was not made until after the start of the hearing; no medical evidence is presented. Equality Act 2010 does state that Autism is a protected characteristic but no evidence is before me here. In my judgement, it would not be proportionate to adjourn as considerable resources have gone to prepare this hearing. Mrs Robinson's position will not be prejudiced due to the number of Defendants. Mrs Laing's judgement on 18 May 2020 was that the application be heard the first open date, so the Defendants and everyone were on notice from mid May that a hearing was

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

expected any time after 23 June. Mr Woolf says he has emailed notification on 22 June but Mr Keir rejects this. It is clear that it has been likely to occur for some time. I understand some Defendants have experienced difficulty due to living circumstances. Not proportionate to adjourn. I have used some 37 minutes to get everything in place and I'm going to invite to open the Claimant's case.

Interruption by the Defendants, speaking all at once!

- Judge** This is a court of law, an obligation on everybody to observe the discipline of speaking when invited to do so. I have read the documents, and as much as I can in the time available, it is the right of the Claimant to open its case, and it is your right as Defendants to speak in your defence. I'm warning there must be no further interruptions!
- Mr Woolf** skeleton argument and hearing bundle together with draft order – all were sent to the Defendants on Friday.
- Judge** Go straight to the heart of it. Explain to me how the injunction you seek based on trespass can possibly work out? How a person knows whether they are a trespasser?
- Mr Woolf** Witness statement of Mr Alagh, included a copy of revised consolidated plan in relation to the revised land, because of circumstances of involvement of HS2, obtaining the land by virtue of the HS2 Act.
- Judge** You do not need to go through all of that.
- Mr Woolf** The approach of the application is a desire to prevent occupation on the land by virtue of the acts taken place on the land and the Claimant's land. Distinctions must be drawn between those that are using the land for angling, and not using for purposes of occupation, and those using the land as campsite for purposes of occupation. This is directly relevant to the application we seek.
- Judge** These Defendants and all other persons unknown are free to go to the land carrying protestor's banners.
- Mr Woolf** Yes. There are two limbs: 1) remaining and occupying the land; 2) protesting. Regarding the second part, the application seeks to prevent Defendants from protesting. You will see from the draft Order, specific objection of protesting is included in paragraph 9 – [reads paragraph 8] – there is no suggestion that the Defendants or any other persons should be prevented from protesting on the land, apart from those occasions listed at Paragraph 9.
- Judge** I could not agree with you. It seems to me the application you make against persons unknown, if Hillingdon doesn't consent then a person must seek your consent to go on the land over and above paragraph 9 [as to what constitutes the type of protest that the Claimant is seeking to prevent]. This was also raised by a Defendant in a witness statement. You're seeking to keep persons out. But now you say they can go on the land to protest.
- Mr Woolf** Paragraph 12 of the draft order – the occupying means remaining on land for the purposes of overnight dwelling. Remaining and occupying – one doesn't need both wording – point if one comes to the land for purposes other than occupation [gives example of a fisherman], occupying land for purposes of dwelling, camp, then they would be caught by order.

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

- Judge** Slightly clear. You still have “consent” in the definition of persons unknown. If I was to go on walk there and I didn’t have Hillingdon’s consent would be caught by the order.
- Mr Woolf** Happy to take out – nobody needs Hillingdon’s consent to come on to land.
- Judge** What you are seeking to prevent by this application is actually not as wide as I thought. There should be no overnight sleeping in a tent and there should be no doing of the things in paragraph 9 – the four prohibited acts. So they can still go on the land, they can protest, they can carry banners, they can shout and sing and engage in conversations subject to the general law. I will not say swimming naked in the lake!
- Mr Woolf** Regarding noise – the only element of noise the order seeks to address is banging objects so as to cause noise – it frightens the anglers and others who are walking. On one hand we all understand what banging objects is all about, but the reality is no one wants to stop protesting, just a question of how and where it’s done – particularly occupation, camping not to be done. There is a main protestor camp on Harvil Road.
- Judge** Your witnesses kept referring to main campsite. Your witnesses say protesting should be done elsewhere.
- Mr Woolf** Apologetic for confusion. It is simply that there should be no occupation in the context of trespassing on the land and the nature of the protesting should not include those four elements. Protesting is a matter of fundamental human rights the distinction is do not remain overnight and don’t do it in a way that causes nuisance.
- Judge** The temperature in cases like this can get high, so it’s better to be soothing in your evidence rather than putting petrol on the fire. What is going on in the possession proceedings.
- Mr Woolf** Have been stayed by virtue of practice direction, nothing is happening, Defendants are referring to possession on some land including a garage they were occupying – nothing to do with Hillingdon’s land.
- Judge** If you get the order from me today, would those other possession proceedings fall away?
- Mr Woolf** Consequence of forcing people to vacate the land and not occupy it and will make possession proceedings unnecessary.
- Judge** I don’t think it would be helpful going through authorities, bundles and statements. I have read there are some areas of dispute. I have noted that what is absent is an allegation of violence or criminal conduct give or take the small incidents. This is essentially a relatively orderly peaceful exercise. There are cases where allegations are much more serious. Defendants are entitled to speak in response to your application. We need to give the Defendants the right to speak in turn. Go through the list of Defendants, those that are present in order which they appear. Starting with Mr Keir. 5 minutes each.
- Mark Keir** Thank you. What I need to do is answer a number of points. Looking at the paper bundle, which was posted to the wooden [] the map is the old map, doesn’t show what is HS2’s or what is in Hillingdon’s possession and [John Ryals] house.
- Judge** The operative map is the latest map attached to Mr Alagh’s witness statement. Don’t worry about that say about the width of the injunction.

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Mark Keir The application says they are going to stop us protesting.

Judge I have already clarified this – it's because of the description of persons unknown.

Mark Keir The description is different on page 1 then on page 2. Hillingdon are party to our eviction from the land. They are therefore party to the possession.

Judge That's not on my agenda to deal with. I have read all of your witness statements.

Mark Keir My second witness statement?

Judge I have.

Mark Keir Lack of democracy. We have to be allowed to protest. We cannot be stopped from doing it.

Judge Addresses Sarah Green. Hillingdon is happy for you to be removed as a Defendant. Is that okay with you?

Sarah Green Agrees and thanks the Judge.

HS2 project is destroying the area in terms of biodiversity and businesses like mine that relies on biodiversity. I just wanted to work with the counsel on ways to save animals and nature. Hillingdon counsel have not made that possible at all, no mechanism to do with wildlife. I would like to work with counsel and am glad the counsel has agreed to take my name off as a Defendant. I'm not on the land, I'm a local protestor.

Judge Do you take daily trips on the land?

Sarah Green I have some bookings in light of corona.

Judge Does your business take you onto the land?

Sarah Green Yes, I take the public footpath and am not clear which footpath I can take.

Judge Confirms removal of this Defendant. Refers to narrowed down the area of the map. It's a small area of land than previously.

Addresses Mr Rukeen [not present].

Mr Woolf Instructing solicitor received email from Mr Rukeen that he wants to be removed and we don't object.

Judge Is removed the right word? Did Mrs Justice Laing join everybody? Let's work on the basis that Defendants to be removed as such on the basis that they would be classed in the category of Persons Unknown. Mr Rukeen will be either not joined or removed as appropriate.

Addresses Dr Maxey.

Dr Maxey With all due respect, I'm not sure I can present the case in 5 minutes. Surely the number of Defendants should not reduce our chance.

Judge There is a thing called proportionality and I have to balance everybody's right. See how you get on.

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Dr Maxey My background is I have worked in academia over a quarter of a century, I have initiated national planning policy, carried out post-doctoral research – we need to take direct action, the current process we have seen is not adequate – science of social change, articles 10 and 11 of Human Rights. Parliament declared on 1 May 2019 an ecological emergency; what we have seen in the Pandemic is what a response to an emergency looks like, not the ecological emergency Parliament declared, we need to make a response and failure to act will cause death; in our case the death say billions of deaths potentially.

Judge Please address this land and injunction application.

Dr Maxey We talk about proportionality and deaths of billions. Extinction as shown by science. A huge catastrophe. We say the HS2 scheme is the most destructive, 108 ancient woodlands, as well as massive contribution of CO2 emission. It's accelerating. Mark mentioned lack of democracy. Latest government figure is 107 billion or 200 billion by the time rolling stock is included. Government was presented with a 32 million scheme. This is the largest infrastructure and a lack of democratic scrutiny. Climate ecological emergency is being accelerated by HS2. There is massive pressure and right for public to bring scrutiny. My concern is that their activity of HS2 and their employees and contractors is highly illegal. In the Birmingham court HS2 didn't come to court with clean hands.

The eviction took place ahead of this injunction being heard. Why didn't they wait for the court order. Occurred without due process. I have been assaulted by employees of HS2 through their subcontractors and have witnessed others. The wording of this injunction, [] we will be abused by HS2 contractors to stop the protest.

Refers to witness statement of Mr Lugwick.

Judge It was sent in at 10:16. I haven't had time to read it. There are timelines. Mr Lugwick's witness statement should have been submitted within timelines. Tell me in two sentences, paraphrase Mr Lugwick's statement.

Dr Maxey He attended one of HS2 sites where there was an active camp. He went there as an angler with his son to try assess fishing opportunity. He experienced excessive noise from HS2 workers, they were not observing social distancing, no PPE, he noticed there was a camp, they were observing social distancing and didn't ruin his enjoyment unlike HS2.

Judge Moves on but Dr Maxey wants to speak. Judge says it's only fair to move on to the next Defendant Mr [Madikhay], doesn't seem to be on the call.

Addresses Iain Oliver.

Iain Oliver We were illegally evicted by HS2, this is why we're so unprepared as no access to power, no bedding. Access to the land is blocked, there is a huge green fence, we cannot protest. They are denying our right to protest.

Judge Are you saying public rights of way is obstructed?

Iain Oliver Yes, they have blocked it off – you can't get within 100 meters of it.

Judge You were evicted by HS2?

Iain Oliver National Eviction Team.

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Judge I will ask Mr Woolf about this later. Anything about this application?

Iain Oliver It's ridiculous. That's it.

Judge Addresses Joanna Rogers.
Counsel is happy for you to be deleted as a Defendant as you wanted.

Joanna Rogers Yes.

Judge Technically you don't have the right to but you are here as a member of the public, am happy to hear you for a few minutes.

Joanna Rogers I visited Harvil road a lot. They are raising awareness for public which is great. There is a huge risk to London's water. British Public needs to know this. I'd like to say I have met locals that support the protestors. It's HS2 that is ruining, protestors are collecting HS2 workers' rubbish.

Judge Addresses Mr Nichols and Mr Mudekhai [not on the call yet]

Mr Nichols This hearing was meant to happen six weeks ago. Council gave the land to HS2. Birds, insects, trees ruined. We're not a nuisance, HS2 is because HS2 has closed the footpath. Council's duty is to protect residents, they are not facilitating the legal eviction. Some people don't have any income because of covid and rely on this community for support. Residents appreciate our protest. They give us food and water, charge our phones. Every window in this area has a stop HS2 sign displayed. The injunction is not going to benefit the residents. This application is Hs2 in disguise.

Judge Addresses Mr Paul Sandison [not on the call].
Unless anyone is in desperate need of a break let's continue.
Addresses Mr Tom Dalton [not on the call].
Mandy can you hear me?

Mandy Torrens Mr Dalton and Ella Dalton are not on the call.

Judge Ms Robinson has unfortunately left.
Addresses Mr Roblyn.

Mr Roblyn I'm a resident of Hillingdon Borough. The eviction that happened on 16th-18th, I was in my home in a tree house. There were liaison officers 7 hours into the protest. Came up to the tree house for a chat but then they completely destroyed my home and threw my property off and broke, shattered on the ground. I was ill, I said []. They denied me water, showed me no paperwork. They then, police officers tried to justify themselves, and said private medics have said that a half can of soup between two of us is enough.

Judge From whose land were you removed? Land owned by Hillingdon or Hs2?

Mr Roblyn I'm not 100%. It was Hillingdon's back then.

Judge Were you shown a court order?

Mr Roblyn No, nothing whatsoever.

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Judge Mr Woolf is hearing this and making a note of what he is going to say to this.

Mr Roblyn I have made FOI requests as they were filming. I asked to come down but they would not let me because I could then get water. They cut my access. I was locked there for over 40 hours with no water.

Judge I'm not aware of all the details of that. It is one thing to be lawfully evicted under court order and another for it to be done unlawfully. I'm going to note this. Most docs I've seen pre-date the 16 June. Mr Woolf to clarify whether this is relevant to his client and that I ought to know about.

Addresses Jessica Heathland Smith [not on the call].

Karl Collins Jessica was meant to be represented by Mr [Pousland] but he's also not there. Ella Dalton was due to be represented by Mr [Pausland] too.

Judge Addresses Vivien [Howman].

Vivien Howman Protecting nature and wildlife. My work let me to European Parliament to represent the UK. Describes tree cutting obstructing breeding and nesting! Right to protest is a human right. Camping is a full part of our protest. To restrict this you restrict democracy. Reckless behaviour of HS2 employees put our lives in danger, pushed on to the floor, they carried me behind barriers and was sexually assaulted when we were peacefully protesting.

Judge Addresses Christopher Dobson [not on the call].

Addresses Karl Collins.

Karl Collins This injunction is based on anti-social behaviour; there are obvious contradictions in the application as discussed. Infringement of Human Rights, Art 11. Public residents praise and thank us for protecting their homes. Which is most antisocial? State fund shrouded in corruption, yet funded by public money without public consultation? Public pole of HS2 not issued publicly. HS2 is evicting people and denying farmers to crops, closing footpaths, without any due process. Security shining lights into houses at night, construction work going on within meters of where they have lived their entire life. Three of us have had to go to hospital because of injuries [...]

Judge What occasion are you speaking of? 16 June?

Karl Collins No. One in Warwickshire and one on Dews Lane. Tearing of muscles front and back. 22nd May. I can submit video evidence. Mr Maxey suffered head injury.

Judge What were they enforcing?

Karl Collins Cut off water supply to all residents in the camps and closed access to whole of Dews Lane.

Judge It is clear you are reading off a statement - would it be possible to email your statement to my clerk.

Karl Collins Can I finish it? This is violence authorised by the state. By granting these injunctions, you will be complicit in allowing state violence. A project having people removed from their houses. Peaceful protestors are being assaulted. That is misuse of power and authority. Most of land used are protected by law for years. Protected species are being killed.

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Local public's houses have been ruined. By ordering this injunction you are setting a precedence for a draconian state. Without people on the ground we would not have evidence of their illegal behaviours, evicting people without legal order.

Judge

Please email that to my clerk. Could you please also copy it to the representatives of Hillingdon, Mr Alagh and Mr Woolf.

Addresses Mr Goggin.

Mr Goggin

Speaks about water contamination – provides statistics in length.

Judge

Aside from the subject of water contamination?

Mr Goggin

I have to go through it all to make my point.

Judge

Just a couple of minutes.

Mr Goggin

Continues with statistics.

Judge

I'm going to move on.

Mr Goggin

Just two final points. Council would usually take responsibility of this, should be offering information to locals and be transparent. Invoke article 2 of Human Rights.

Judge

To make it clear, I'm seeing messages put on the bulletin board. It is not correct you can send evidence to my Clerk. Only Mr Collins that I specifically asked. That is not how this works – do not email my clerk with further evidence. Mr [Rapisadly] is not here, Mr Lofting?

Mr Lofting

A lot of it has been said. The water resources are moved to a pumping station – describes effect on fish life. We need public witnesses. HS2 is being very secretive. HS2 is so incredibly powerful that no one can stop them. A fisherman can camp on Hillingdon's land overnight but we can't? HS2 workers work there from early hours until late.

Judge

I understand Mr Madekhay was on the call but could not speak because of no microphone. Anyone who is on the call but hasn't already spoken, that wishes to speak?

Addresses Mr Woolf. Several of the Defendants have complained about the eviction, not sure if they are all talking about the same incident, but certainly the eviction on 16 June, was this related to the order made by David Holland QC.

Mr Woolf

Has got nothing to do with Hillingdon. Dews Lane was Hillingdon's but was taken over by HS2. 16 June incident was in relation to land taken over by HS2.

Judge

Had it been taken over before 16 June?

Mr Woolf

Yes, that's my understanding. We have no knowledge of national eviction team – there may be a private institute and not high court enforcement officers?

Judge

The people who do the enforcing are [not] employees of the MoJ that may be part of the explanation but they still have to have court order to enforce. I wanted to know which court order. Not one related to your client?

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Mr Woolf No. Our possession proceedings have been stayed. Hillingdon are a responsible council. The gentleman in a tree house, another gentleman being dragged across the road. If done, committed by HS2 and not Hillingdon.

Judge Was the tree house on Hillingdon's land?

Mr Woolf I cannot say that.

Mr Roblyn It was on Hillingdon's land as it was Hillingdon's Outdoor activity centre.

Judge That's public land. I wonder if the tree house was on Hillingdon's land that now belongs to HS2.

Mr Woolf Only the lands marked in blue that now remains Hillingdon's land. Dews Lane and land immediately in front of the outdoor centre has been taken over by HS2. As far as this application is concerned, it is only in relation to the blue land marked on the map.

Judge You own all of the land marked blue?

Mr Woolf Yes.

Judge In your skeleton argument you mention the land as "private land". Hillingdon does have title to that land but to call it Private given that it's crossed by public rights and you are a public body!

Mr Woolf The approach of the counsel is that they are seeking a private law application in the context of []. This is public land in so far as the right of way.

Judge Is it designated under the Open Spaces Act?

Mr Woolf I'm advised not.

Judge I see Mr Lofting has appeared. Oh it is Mr Edwards I was looking for.

Mr Woolf One substantive submission to be made – a lot of HS2 related issues raised here that are not relevant to this application.

One particular point that it is necessary in order for protest to be effective, to be on site; need access to land to protest, they need to be in the camp to see what's going on as HS2 is working all the time! There may be some merit in saying that we need to be on the land to see what is going on. My response is a balance of convenience.

Judge I'm bound under section 12 of Human Rights to have regard for arts 10 and 11 to consider what relief the court should be giving if any. Even though you are nominally a private land owner it's different from where I'm sitting.

Mr Woolf Yes, where the inconvenience lies. There is another campsite and there is no intention of Hillingdon to prevent protest there. Two limbs: 1) to prevent occupation – we need to be in the camp on the land in order to see what is going on, in our submission this is something that triggers the need [].

Judge It's not just to see it but is to see and report it. The point being made is that you can stay overnight if you are fishing as such!

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Mr Woolf In order to see what is going on doesn't require a camp to be established. If protestors want to bear witness of what is going on, that isn't something this injunction will prevent.

Judge I don't know how near the houses, residential are built – wouldn't be a good idea to be shouting and singing.

Mr Woolf Dews Lane did have residents which are now subject to CPO.

Judge So there are anglers, so these protestors can go there but not camp overnight? There is evidence, a photo that a 72 hour fishing permit has been issued and a tent has been set up.

Mr Woolf It's a balance ultimately to be found. There is a campsite and the effect on the camp and the residents. It is no part of this application to prevent protesting. The injunction would still give them the opportunity to go on the land and bear witness but not in the context of a protesting camp.

Judge You mean the Harvil road? That can only take 6 people?

Mr Woolf I have no specific knowledge but have seen photos of it being larger than that.

Judge It has just gone 1 o'clock and I didn't want to interrupt the flow. As far as I'm concerned we have covered the ground. We haven't used the full day that was the allocation, that would include the possibility of judgement being given. I would like to check that we've covered everything, I don't want to sit again this afternoon unless we need to. I have heard some eloquent contribution from both sides. I am not in a position to give judgement this afternoon but am acutely conscious of the urgency of the matter. It might be a few days just so I have a few days to gather my thoughts and form judgement. More likely next week – rather than a written judgement, it will be read out over skype. That plan is not set in stone but is most likely to happen, one day early next week, if not Friday this week if I can manage which is unlikely. I would propose to conclude hearing unless people would like to persuade me to come back after a refreshment.

Mr Mordechaj joins at 13:07.

Mr Mordechaj I'm a citizen of Budapest, European law of human rights. Hillingdon says Harvil road is safe but not only it's not safe as it's very busy and fast road, Hillingdon council in the last couple of years pre-mediated to [] we were asking in the name of Harvil road watchers, for the limitation of Harvil road speed cameras, but Hillingdon refused. How can 40 peaceful protestors sit in such a small space. This project has international effects. If your lordship considers to appoint wider range of protest site on Harvil road which is technically available – it must be a technical discussion – all together this injunction with HS2 injunction is blatantly in breach of international law.

Judge Dr Maxey has requested to speak. Can do now for two minutes or for you to, exceptionally, email what you have to say – please copy in all Defendants and also Claimant's representatives.

Dr Maxey Agrees to email.

Hearing Attendance Note (8 July 2020, QB-2020-001222 *London Borough of Hillingdon v Persons Unknown*). For internal use of High Speed Two (HS2) Limited only.

Mr Woolf As a matter of completeness, there was someone named Viktoria that wanted to be joined as a Defendant. I have seen her posting on the bulletin and for absolute transparency, we would like to clarify?

Wiktor Human rights and freedom of speech.

Judge May I ask who you are? A member of public? journalist? You need to give us full name.

Wiktor Zieniuk Wiktor Zieniuk.

I would describe myself as a social worker and I started on the first eviction I was a third party freelancer journalist. I was a trained legal observer just to make sure I could see what was happening as I had heard a lot about I was thrown away from the site.

Judge I don't want to go further on. You are a witness and member of a public but not a Defendant against Hillingdon. Just to note, we also received a witness statement from [Imo Klink] as a freelancer photographer – emphasised the need for video and photographic recording at the site – art 10 and 11 – I have taken it into consideration – I doubt anybody would object. Thank you. I can now conclude the hearing. Thanks for everybody's contribution.

Concludes at 13:18pm.

Matter: QB-2020-001222
London Borough of Hillingdon v Persons Unknown and the Defendants

Attendees: Mr Justice Kerr (Judge)
Mandy Torrens (Clerk)
Mr Woolf (Counsel for Claimant)
Rajesh Alagh (Solicitor for Claimant)
Mark Keir (Defendant)
Nilly Yekta (Observer on behalf of HS2)
Others

Date: 13 July 2020

Location: Skype for Business

Start Time: 12:00pm **End Time:** 13:11pm

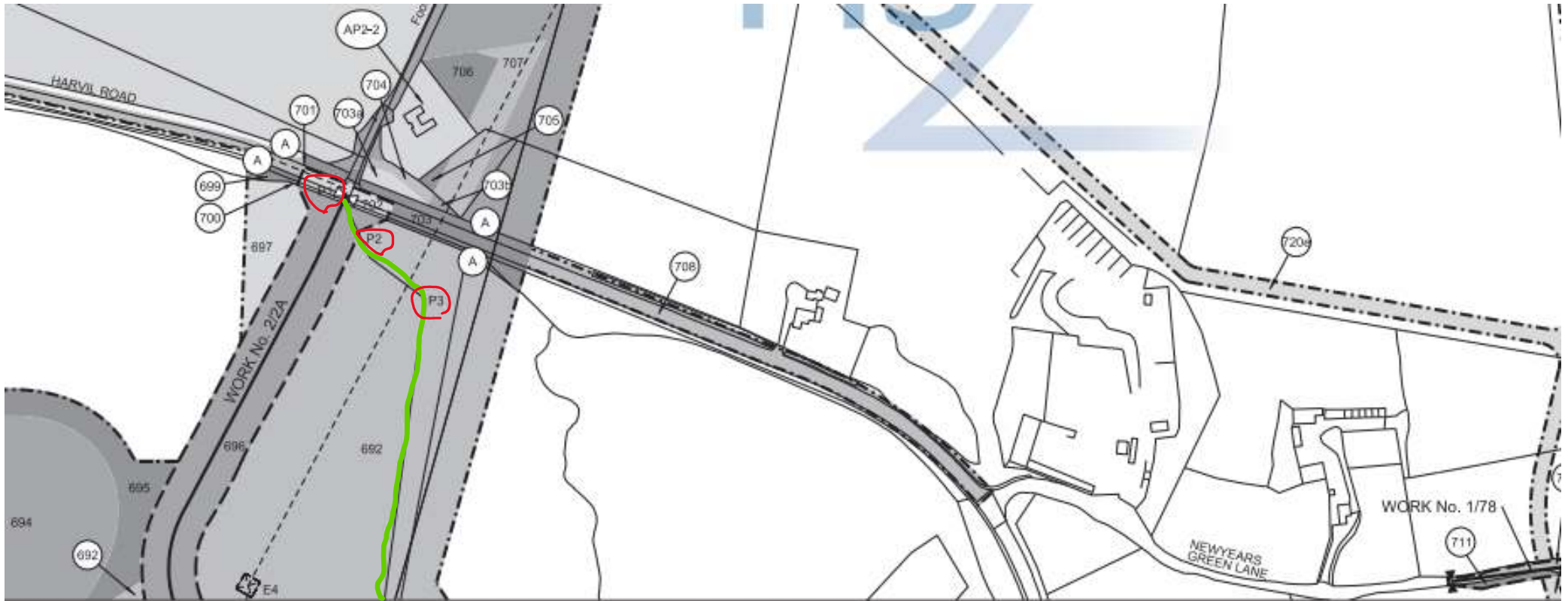
Judge	<p>Instructs the Clerk to start recording and calling the case.</p> <p>Following Clerk's calling, the Judge provides a detailed introduction of the issues at hand and the Claimant's application; noting that the court is neutral on whether HS2 should go ahead or not explaining that judges should not be drawn into political issues – "I am only applying the law."</p> <p>Proceeds to conclusion and judgement by stating that one aspect of this application is trespass and Hillingdon clearly consents to public to come on to the land and use it, those who do so have Hillingdon's consent, subject to the formulation of the category of persons unknown which makes no sense since there is a general consent – it is remaining or occupying the land for overnight dwelling which is the issue here. What Hillingdon is saying is that it does not consent to persons using its land for overnight dwelling. It is necessary to distinguish between overnight dwelling and overnight anglers. The end point is that, Hillingdon has withdrawn consent for anyone to go on the land and stay on it overnight – same principle would apply to others, hikers and HS2 engineers – general consent extends to day and night but not sleeping, and it is because of that that the named Defendants are trespassing while generality of people is still consented.</p> <p>The other aspect of this application is nuisance. The damage has not been clearly particularised. Hillingdon must have known that the alleged acts of nuisance would be denied. Dates, times and places and identity of wrongdoers are not identified. There is evidence of some acts of nuisance but the case of nuisance is very thin.</p>
-------	---

	<p>Hillingdon is a public body obliged to respect the protestors' convention rights, also obliged to respect other's use of the land. I agree with Mr Woolf that Hillingdon has taken all reasonable steps to name and identify the Defendants, but the definition of persons unknowns as discussed previously is problematic.</p> <p>He proceeds to apply Cyanamid test: first stage is that I am satisfied there is a serious issue to be tried, second is that it is clear that damages would not be an adequate remedy for either side – this case is not about money; third, is the balance of convenience. The court is also obliged to apply convention rights, freedom of expression. In that context I do not give great weight that protestors are interfering with others' use of land and enjoyment of it, not more than angling or building a railway. There must be mutual tolerance. Anglers pay a subscription fee. It is now clear that Hillingdon has not withdrawn consent for the protestors to enter its land, but it is withdrawn only for overnight sleeping. Case on nuisance is very thin – in relation to naked swimming and issues with "dog etiquette" there are bylaws which should be applied and enforced.</p> <p>It is the order to grant an injunction – it would be appropriate to grant an interim injunction – prohibiting the limited class of acts as particularised by the Claimant, restricting the way that protesting is carried out within that class of acts.</p> <p>He proceeds to provide reasons for this judgement. The court is to remain neutral regarding the HS2 project – merits of arguments for and against it are not of slightest concern to me in deciding this matter. If protestors were allowed to stay on the land overnight for the purpose of sleeping and camping, they would be granted a preference that is not afforded to others. Their ability to protest is not impaired by a ban on sleeping overnight on the land. Hillingdon should not be drawn into pro-anti arguments against HS2. If protestors are allowed to do it then others would do it and the numbers would swell. If you want to camp on someone's land you should negotiate terms with the owner. The overnight sleeping anglers and the activity centre pay for their right of sleeping on the land. It should also be noted that right under art 10 of Human Rights carries with it responsibilities. I think the modest restriction embodied in the four categories of acts to be prohibited [] – will grant the injunction.</p> <p>By 5pm this Fri day all the tents must be removed from the land; they can protest on the land provided they do so and abide by the general law; the injunction does not prevent making noise, taking photographic evidence at day or night if not sleeping overnight.</p> <p>At 13:04 concludes judgement.</p>
Mr Woolf	Thanks judge and clarifies that there are certain amendments to be made to the draft order – 5pm order regarding removal of camps.
Judge	There will be changes that I will need to make, I don't want to get involved in a line by line exercise. I'm going to produce my order in writing, everybody

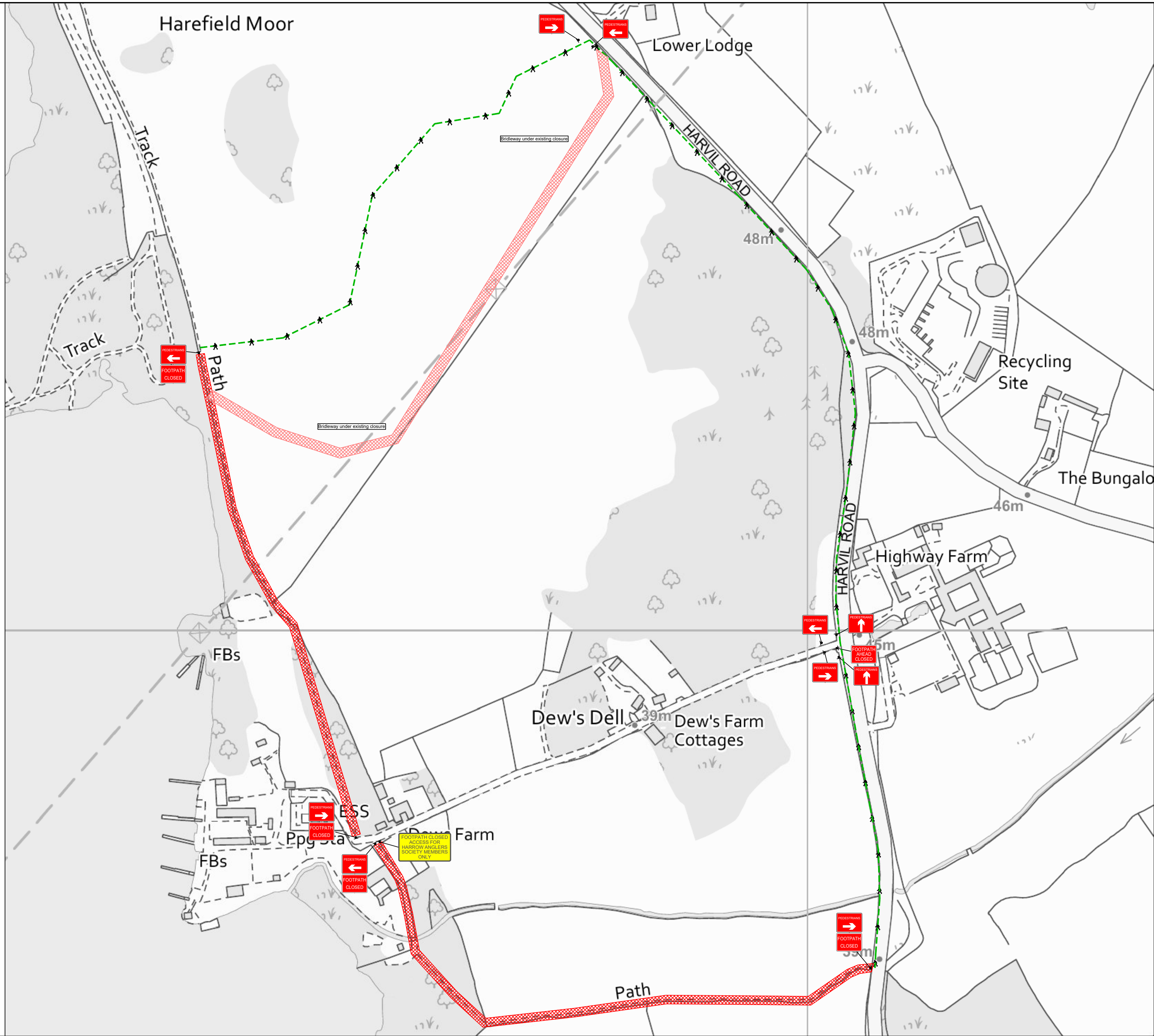
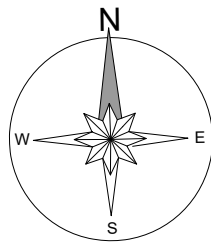
Hearing Attendance Note – Judgement Reading (13 July 2020, QB-2020-001222 London Borough of Hillingdon v Persons Unknown). For internal use of High Speed Two (HS2) Limited only.














	knows the key part about the tents being gone by 5pm this Friday and the four types of specific protests that are prohibited. I hope the unrepresented Defendants are clear what they can and cannot do. I want to throw it open for a few minutes for the Defendants to say anything that they want to make sure they are clear on my judgement.
Mark Keir	There is only one camp on the land and the land is not open to the public because it is surrounded by HS2 engineers. Public are not free to go on that land. At Harvil Road site we are constantly being harassed by the security there, not an appropriate place to protest anymore; people involved in policing of the HS2 land, the National Eviction Team, have just been withdrawn as they did not carry SIA licencing, they have been assaulting us and disregarding our rights to peaceful protest and food all this time.
Judge	Thanks Mark Keir for his observation. At 13:11 thanks everyone, reminds them judgement is in force from now and ends the judgement reading.

Sheet no.2-04 of the deposited plans







Key:			
	Line of Works		Temporary Traffic Signal
	Works Area		Stop & Go Board
	Road Closure		Permanent Traffic Signal
	Diversion Route		Temporary Ped Signal
	Cone		Existing Bus Stop
	Pedestrian Barrier		3.5T Van
	Temporary Sign		

Notes:	
Min width of sideways safety zone (S)	
Min length of longways clearance (L)	

A	21/07/2020	Revised to suit comments	CM	MM
Rev	Date	Comments	By	Chk

Working in Partnership with

total traffic & event management solutions
Old Arden Brickworks | Bickenhill | Solihull | West Midlands | B92 0DY
t +44 (0)800 819 9001 | f +44 (0)1675 442507
info@traffixuk.com | www.traffixuk.com

Project title: Traffic Management		
Drawing title: Proposed Footpath Closure Dews Lane Harefield UB9 6JN		
Date: 03/02/2020	Scale: NTS	Paper: A2
Drawn: BNH	Checked: CM	Approved: MM
Project Number: TMT 1777	Drawing Number: 001	Revision: A

This drawing is copyright & the property of Traffix & must not be copied in whole or in part without their written permission. Copyright is reserved. ©
This drawing must not be scaled.
The Contractor is to report all discrepancies & errors to the Contract Manager prior to works commencing.

Notification of consent Outcome: Water Sch33 - Load Test Pile Location 2 (ALJ-WR-0156)

Document no: 1MC05-ALJ-EV-NTE-CS01_CL01-000005

Revision	Author	Reviewed by	Approved by	Date approved	Reason for revision
C01	B Tucker	A Heap	J Neale	24 October 2019	First Issue (Phase 1 & 2 passive treatment)
C02	B Tucker	A Heap	J Neale	20 February 2020	Update to include variation of works and active treatment

Security classification: OFFICIAL

Handling Instructions: None

Contents

1	Formal Notification	1
1.1	Decision	1
1.2	Description of Works	1
1.3	Compliance with Consent	3
1.4	Consent Refused	4
1.5	Key Dates	4
1.6	Consent documents	4
2	Transmittal	5
2.1	Internal Transmission	5
2.2	External Transmission	6
	Appendix A – Consent Granting Body Decision Notice	7
	List of tables	
	Table 1: Summary consent information	1
	Table 2: Relevant documents submitted with, or during, consent approval.	4

1 Formal Notification

1.1 Decision

- 1.1.1 ALIGN Joint Venture (JV) wish to formally notify the client and relevant internal stakeholders of the receipt of the following consent decision. Where a decision notice has been provided by the Consent Granting Body a copy is included in Appendix A.

Table 1: Summary consent information

ALIGN JV Consent Ref ID	Description	Asset or sub-asset	Consent Granting Body/Notified Body	Consent Granting Body Reference	Decision
ALJ-WR-0157	Schedule 33 (flood risk)– Load Test Pile Locations 2 & 3 - Phase 1 enabling works	CVV Load Test Piles	Environment Agency	HS2/P10089	Granted with conditions 01/04/2019
ALJ-WR-0156	Schedule 33 (groundwater & discharge) – Load Test Pile Location 2 - Phase 2 Passive Treatment	CVV Load Test Piles	Environment Agency	HS2/P10093	Granted with conditions 11/10/2019
ALJ-WR-0156	Schedule 33 (flood risk) – Load Test Pile Location 2 Phase 2 – Use of Geobind	CVV Load Test Piles	Environment Agency	N/A (referenced in consent HS2/P10093)	Confirmed no consent under Sch33 30/08/2019
ALJ-WR-0156	Schedule 33 (groundwater & discharge) – Load Test Pile Location 2 - Phase 2 Passive & Active Treatment Variation	CVV Load Test Piles	Environment Agency	HS2/P10093/V001	Granted with conditions 14/02/2020

1.2 Description of Works

Phase 1

- 1.2.1 A phased approach has been adopted towards protective provisions approval for location 2 works, with Phase 1 mainly comprising the above ground enabling works such as the installation of fencing and piling platform, borehole activity and associated material storage.

Variation to Phase 1

- 1.2.2 Since receipt of the Phase 1 consent, requirements for a number of refinements and/or additional minor works emerged. These included extension of programme, clear access for utility providers (incl. Cadent Gas) along area south of New Year's Green Bourne

(NYGB), installation of temporary buried pipe and outfall structure to discharge into NYGB, and crossing point for proposed temporary watermain over NYGB.

Phase 1 - Use of Geobind

- 1.2.3 Geobind has been proposed to increase the strength of the subsoil beneath the piling mat to reduce the concrete thickness required for the platform. Geobind is stated as a reversible soil strength enhancer. It should be noted that current programme indicates the piling mat will be removed once piling is complete ~June 2020. The Geobind enhanced soil would then be treated by rotavating in a blend of reagents to allow soil to be returned to its original state (pre-test state).

Note: The Phase 1 consent allows for the use of 6F2 or Type 1 subbase material in the case that the working platform cannot be completed with Geobind.

Phase 2

- 1.2.4 Phase 2 works at location 2 comprise the below ground pile installation and testing works following Phase 1. In summary, Phase 2 comprises the following:

- Construction and testing of bored piles (similar piles to those proposed for the viaduct pier foundations);
- Construction and testing of driven steel pile (similar to those proposed for the temporary works jetty and working platforms);
- Construction of bored or CFA “reaction piles” to facilitate the loading of driven steel piles;
- Attenuated discharge of rainfall; and
- Reinstatement and, where appropriate, replanting works.

- 1.2.5 More specifically, the latest variation to the Phase 2 consent lists the following installation and testing/monitoring:

- 1 no bored pile installed using Bentonite as drilling fluid;
- 1 no bored pile using Bentonite as drilling fluid, with a delayed set;
- 3 no identical bored piles installed using polymer as drilling fluid;
- 2 no steel jetty piles driven to depth; and
- 8 no bored or CFA “reaction piles” to be constructed to facilitate load testing of the jetty piles.

- 1.2.6 Phase 2 has been consented in two sub-phases known as Passive Treatment (discharge of settled site run-off to surface water via attenuation tank) and Active Treatment (discharge of site run-off to surface water using Siltbuster).

Monitoring

- 1.2.7 A Hydrogeological and Surface Water Risk Assessment for Load Test Piling Location 2 has been produced to assess the effects of construction activities on the water environment, document reference 1MC05-ALJ-EV-NOT-CS01_CL01-100368.
- 1.2.8 A Water monitoring Protocol has also been produced for Load Test Pile Locations 1 and 2, document reference 1MC05-ALJ-EV-ESH-CS01_CL01-000002 C02. The document is to provide a protocol for the monitoring of the water environment (surface and groundwater) to provide baseline water quality data and water quality during construction activities. This protocol should be implemented by ALIGN JV and its sub-contractors.
- 1.2.9 Monitoring should be in compliance with Schedule 2 of the consent document with reporting to be submitted to the Environment Agency within 6 months of completion of the works.
- 1.2.10 The consent decision contains conditions and/or informatives that must be complied with. See section 1.3 below.

1.3 Compliance with Consent

- 1.3.1 Where conditions require the submission of further information, these have been added to the ALIGN JV consents register by the consents management team, details are contained in the consent document in Appendix A attached.
- 1.3.2 The ALIGN JV will manage the discharge of any conditions requiring the submission of further details (if required).
- 1.3.3 Key dates for further actions (if required) are noted in section 1.5.
- 1.3.4 The persons noted in Section 2 are responsible for compliance with the consent and details submitted pursuant to obtaining the consent.
- 1.3.5 The Construction Manager Martin Stringer is responsible for checking compliance with the consent, with assistance from the environmental management team or other specialists as required.
- 1.3.6 Specific attention is drawn to the conditions appended to the consent approval letter provided in Appendix A with specific work practices captured within Schedule 1 – Operations of the approval letter. Monitoring requirements are set out in Schedule 2 with specified monitoring locations detailed in Schedule 4 as per the submitted Monitoring Protocol.

1.4 Consent Refused

- 1.4.1 Those responsible for compliance or managing actions from a refusal (if applicable) must read the original submission documents and decision notice and develop an appropriate programme - **Not applicable**.

1.5 Key Dates

- 1.5.1 This is a summary of Key Dates:

- Phase 1 consent applies from 1st April 2019 (commencement within 1 month) and completed within 5 months of commencement – The EA have been made aware of programme slip and variations (emails) have been issued;
- Phase 2 (Passive & Active Treatment) consent applies from 14th February 2020 (commencement within 12 months of this date) and completed within 6 months of commencement;
- The Environment Agency shall be notified no less than 14 days before the commencement of the activities;
- The Environment Agency shall be notified no less than 7 days after the activities are completed;
- Monitoring report to be submitted within 6 months of completion of the works;
- The Environment Agency shall be notified without delay following the detection of any breach of a limit in the consent of any significant environmental effects resulting from the activities or from any breach of the consent. Written confirmation or actual or potential incidents or effects and breaches shall be submitted within 24 hours; and
- Notification to residents affected by the works must be undertaken at least 2 weeks before the start of the works, unless otherwise agreed with the Local Authority.

1.6 Consent documents

- 1.6.1 The following table lists the documents and/or information submitted as a part of the consent application process.

Table 2: Relevant documents submitted with, or during, consent approval.

Document Title	Business Collaborator Reference	Transmittal number to HS2 Ltd (where relevant)
Phase 1		
Colne Valley Viaduct Load Test Piles – Locations 2 & 3 – PPA Form Phase 1 (ALJ-WR-0157)	1MC05-ALJ-EV-APP-CS01_CL01-000002	
Colne Valley Viaduct – Test piles – Locations 1,2 and 3 Phase 1 Supporting information for consent	1MC05-ALJ-EV-STA-C001-000001	
Evidence of Water Framework Directive Compliance Form – Test Piles: Colne Valley	1MC05-ALJ-EV-FRM-CS01_CL01-100301	

Viaduct.		
Meeting minutes (Pile Load Testing areas – introduction) 25/10/18	1MC05-ALJ-EV-MRC-CS01_CL01-110035	
Meeting minutes (Pile Load Testing Areas – Phase 1) 8/11/18	1MC05-ALJ-EV-MRC-CS01_CL01-110034	
Environment Agency Consent Approval Letter ref. HS2/P10089	N/A	
Email correspondence from Environment Agency confirming variation 05/08/2019	N/A	
Phase 2		
Colne Valley Viaduct Load test Piles – Location 2 – PPA Form Phase 2	1MC05-ALJ-EV-APP-CS01_CL01-000004 C02	
Colne Valley Viaduct Load Test Pile Location Harvil Road	1MC05-ALJ-CL-DGA-CS01_CL01-801829 Rev. P02.7	
Load Test Pile Compounds Location 2 (Harvil Road) Existing Layout	1MC05-ALJ_TGP-DR-DGA-CS01_CL01-801420 Rev. P01	
Load Test Pile Compounds Location 2 (Harvil Road) Platform Layout - Sheet 1 of 2	1MC05-ALJ_TGP-DR-DGA-CS01_CL01-801421 Rev. P01	
Load Test Pile Compounds Location 2 (Harvil Road) Platform Layout - Sheet 2 of 2	1MC05-ALJ_TGP-DR-DGA-CS01_CL01-801422 Rev. P01	
Load Test Pile Compounds Location 2 (Harvil Road) Platform Sections	1MC05-ALJ_TGP-DR-DGA-CS01_CL01-801423 Rev. P01	
Load Test Pile Compounds Location 2 (Harvil Road) Drainage Layout	1MC05-ALJ_TGP-DR-DGA-CS01_CL01-801424 Rev. P01	
Load Test Pile Compounds Location 2 (Harvil Road) Drainage Details	1MC05-ALJ_TGP-DR-DDE-CS01_CL01-801425 Rev. P01	
Hydrogeological and Surface Water Risk Assessment for Load Test Piling Location 2	1MC05-ALJ-EV-NOT-CS01_CL01-100368 C02	
Evidence of Water Framework Directive Compliance Form – Test Piles: Colne Valley Viaduct.	1MC05-ALJ-EV-FRM-CS01_CL01-100301	
Meeting minutes (LTP Location 2 EA pre-app meeting) 14/05/2019	1MC05-ALJ-EV-MRC-CS01_CL01-110333	
Water monitoring Protocol – Load Test Pile Location 2	1MC05-ALJ-EV-ESH-CS01_CL01-000002 C02	
Colne Valley Viaduct Load test Piles – Location 2 – PPA Form Phase 2 Active Treatment	1MC05-ALJ-EV-APP-CS01_CL01-000006 C02	

2 Transmittal

2.1 Internal Transmission

2.1.1 The consent decision, and the extra information contained in Section 1 above has been distributed to the persons noted below:

- Clement Chasset – Early Works Project Manager
- Martin Stringer – Load Test Pile Site Manager
- John O'Connor – Environment & Sustainability Lead
- Alistair Mackay – Load Test Pile Environment Manager
- David Eve – Stakeholder Manager

2.1.2 The consent was prepared by the ALIGN Discipline Leads Steve Elkins and Steve Hobbs. Should the above have any questions on the pre-application engagement with the Consent Granting Body, the consent application or any conditions they should contact the Discipline Lead to arrange a handover meeting. The Discipline Lead would also prepare, if requested by the site team, relevant toolbox talks and site briefings to support the site team. The handover meetings and the preparation of any supporting materials are to be managed and recorded (i.e. BC documentation) by the site team. Records of these meetings and supporting materials should be copied for information to the Consent Management Team email: consents.management@alignjv.com.

2.2 External Transmission

2.2.1 The consent transfer, via BC to eB is transmitted to the following external stakeholders.

- High Speed Two Ltd – C1 Project Managers – for information; and
- High Speed Two Ltd – Mike Hutchinson – Water Recourses Lead.

Appendix A – Consent Granting Body Decision Notice

Consent with introductory note

The High Speed Rail (London - West Midlands) Act Schedule 33 Protective Provisions

HIGH SPEED TWO (HS2) LIMITED

2 Snowhill

Queensway

Birmingham

England

B4 6GA

Consent number

HS2/P10089

Introductory note

This introductory note does not form a part of the consent

The main features of the consent are as follows.

- Installation of fencing in the floodplain
- Installation of temporary platform in floodplain

The status log of the consent does not form part of the consent. It sets out the consenting history, including changes to the consent or consent reference number.

Status log of the consent		
Description	Date	Comments
Application HS2/P10089	22/01/2019	Application for installation of temporary platform and fencing within floodplain
Supplementary information	12/03/2019	Extra supporting information as requested submitted
Consent determined HS2/P10089	01/04/2019	Consent issued

End of introductory note

Consent

The High Speed Rail (London - West Midlands) Bill Schedule 33 Protective Provisions

Consent number

HS2/P10089

The Environment Agency hereby authorises, under schedule 33 of the High Speed Rail (London- West midlands) Bill

HIGH SPEED TWO (HS2) LIMITED

("the operator")

Whose registered office is

2 Snowhill

Queensway

Birmingham

England

B4 6GA

company registration number **06791686**

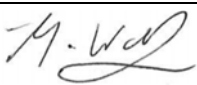
to operate the following activities:

Installation of fencing and platform, borehole activity and associated material storage within floodplain.

National Grid Reference(s)

Site location: TQ0587087680 (Harvil Road)

to the extent authorised by and subject to the conditions of this consent.

Name	Date
 Matthew Wales Project Manager -Permitting	01/04/2019

Authorised on behalf of the Environment Agency

Conditions

1 Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of flooding, impact on drainage and environmental harm so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this consent shall have convenient access to a copy of the consent.

2 Operations

2.1 Consented activities

- 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

2.2 The site

- 2.2.1 The activities shall not extend beyond the site, being the land shown in schedule 2 to this consent.

2.3 Operating techniques

- 2.3.1 The operator shall use appropriate measures, including but not limited to those in the Method of Work:
- (a) to minimise sediment mobilisation
 - (b) to minimise impact on biodiversity
 - (c) to ensure there is no increase to flood risk or detrimental impact on drainage;
 - (d) for the storage and disposal of waste produced; and
 - (e) to prevent and minimise environmental harm.
- 2.3.2 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.
- 2.3.3 Measures shall be taken to ensure that the activities do not cause the spread of invasive non-native species or plant or animal diseases.

3 Information

3.1 Records

3.1.1 All records required to be made by this consent shall:

- (a) be legible;
- (b) be made as soon as reasonably practicable;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
- (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made.

3.1.2 The operator shall maintain convenient access, in either electronic or hard copy, to the records, plan and management system required to be maintained by this permit.

3.2 Reporting

3.2.1 The operator shall send all reports and notifications required by the consent to the Environment Agency using the contact details supplied in writing by the Environment Agency.

3.3 Notifications

3.3.1 The Environment Agency shall be notified no less than 14 days before the commencement of the activities.

3.3.2 The Environment Agency shall be notified no less than 7 days after the activities are completed.

3.3.3 The Environment Agency shall be notified without delay following the detection of any breach of a limit specified in the consent or any significant environmental effects resulting from the activities or of any breach of the consent.

3.3.4 Written confirmation of actual or potential incidents or effects and breaches referred to in 3.3.3 shall be submitted within 24 hours.

3.3.5 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- any steps taken with a view to the dissolution of the operator.

3.4 Interpretation

3.4.1 In this consent the expressions listed in schedule 3 shall have the meaning given in that schedule.

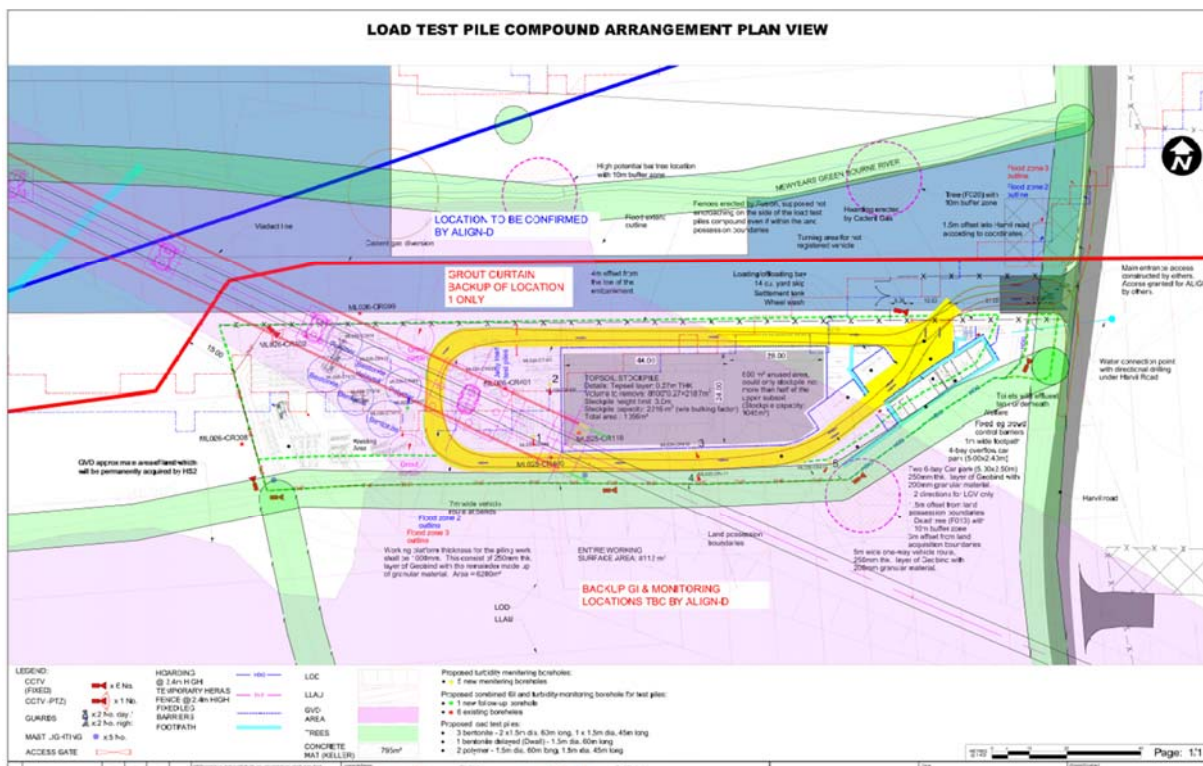
3.4.2 In this consent references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

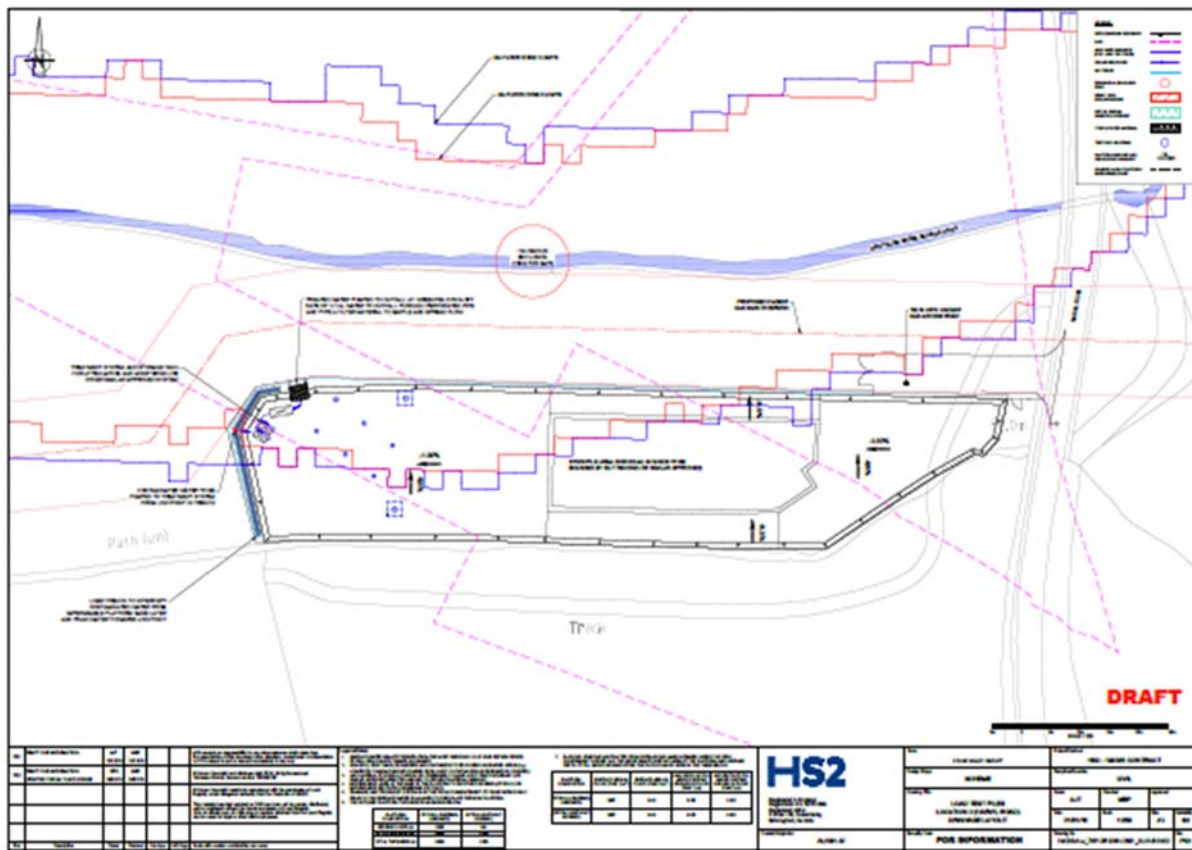
- 3.4.3 Any reference to a distance of a number of metres from a flood defence structure, drainage work, remote defence or sea defence is a reference to that distance as measured from the foot of the foregoing as the case may be.
- 3.4.4 Any reference to a distance of a number of metres from a river control work is a reference to that distance as measured from the nearest part of the river control work.
- 3.4.5 Any reference to a distance of a number of metres from a watercourse is a reference to that distance as measured horizontally from the foot of the bank on the landward side of the watercourse

Schedule 1 – Operations

Table S1.1 activities		
Activity reference	Description of activities	Limits of activities
Temporary or enabling works		
T1	Installation of temporary fencing in the floodplain	<p>The activities shall be carried out in accordance with the application form as received on 22/01/19 and plans:</p> <ul style="list-style-type: none"> • Load Test Pile Compound Arrangement Plan View • Colne Valley Viaduct – Test Piles – Locations 1, 2 and 3 Phase 1 Supporting information for consent • Site Drainage Plan <p>The activities shall, unless otherwise agreed in writing by the Environment Agency, be a minimum 2 metres set back from top of bank of the main river.</p> <p>The activities shall, unless otherwise agreed in writing by the Environment Agency, be commenced within 1 month of the date of the grant of the consent and completed within 5 months of commencement.</p>
T2	Installation of temporary structure within floodplain to facilitate test piling works	<p>The activities shall be carried out in accordance with the application form as received on 22/01/19 and plans:</p> <ul style="list-style-type: none"> • Load Test Pile Compound Arrangement Plan View • Colne Valley Viaduct – Test Piles – Locations 1, 2 and 3 Phase 1 Supporting information for consent • Site Drainage Plan <p>The activities shall, unless otherwise agreed in writing by the Environment Agency, be a minimum 8 metres set back from top of bank of the main river.</p> <p>The activities shall, unless otherwise agreed in writing by the Environment Agency, be commenced within 1 month of the date of the grant of the consent and completed within 5 months of commencement.</p> <p>All excavated materials shall be returned to the place they were removed from or removed from the flood plain entirely.</p>

Consent number
HS2/P10089





©Crown Copyright. All rights reserved. Environment Agency, 100024198, 2019

Schedule 3 – Interpretation

“application” means the application for this consent, together with any additional information supplied by the operator as part of the application.

“main river” means a watercourse or part of a watercourse designated as main river on the statutory main river map held by the Environment Agency.

“Method of Work” means a document forming part of the operator’s management system, setting out the working methods for carrying out the activity and what measures will be taken to avoid or minimise the risks of environmental effects.

“environmental effects” means:

- (a) flooding or risk of flooding;
- (b) harm to the environment or risk of harm to the environment; and
- (c) detrimental impact on drainage or risk of detrimental impact on drainage.

“environmental harm” means a result of human activity which may:

- (a) cause harm to the conservation, protection and enhancement of any species and habitats designated under any enactment as having special protection or priority;
- (b) prevent the achievement of environmental objectives within the meaning of the Water Framework Directive 2000/60/EC;
- (c) cause pollution; or
- (d) otherwise adversely affect the protection and enhancement of the environment.

END OF CONSENT

Notice of variation with introductory note

The High Speed Rail (London - West Midlands) Act 2017

HIGH SPEED TWO (HS2) LIMITED

2 Snowhill

Queensway

Birmingham

England

B4 6GA

Variation application number

HS2/P10093/V001

Consent number

HS2/P10093

Introductory note

This introductory note does not form a part of the consent

The main features of the consent are as follows.

The consent covers below groundwater construction of test piles involving the use or application of chemicals, additives or lubricants to works below the groundwater table to validate and refine the design of the foundations of the Colne Valley Viaduct.

The consent includes the discharge of treated and settled site run-off to surface water via attenuation tank with chemical dosing.

Proposals for the use of Geobind to create a working platform were submitted with the application. This activity does not require consent under Schedule 33 of the HS2 Act or an Environmental Permit because the binder is a product that does not contain any waste process materials and it is to be used for stabilisation works to improve the engineering / structural quality of ground (as opposed to being used to remediate contamination).

Consent HS2/P10089 was issued separately to cover installation of fencing and temporary working platform in the floodplain.

This variation of the consent is for revised piles (reduction from 3 to 1 pile using Bentonite as drilling fluid and increase from 1 to 3 piles using polymer as drilling fluid), two additional groundwater monitoring locations with monitoring during piling using both bentonite and polymer as drilling fluid. Treatment of discharges has also been varied to include dosing of flocculants and coagulants to improve solids settlement.

The status log of the consent does not form part of the consent. It sets out the consenting history, including changes to the consent or consent reference number.

Status log of the consent		
Description	Date	Comments
Application HS2/P10093	02/07/19	Application for construction of test piles; below groundwater construction and use or application of chemicals, additives or lubricants to works below the groundwater table
Additional information received	18/07/19	Details of water quality monitoring proposals
Additional information received	18/09/19	Water Monitoring Protocol and Revised Hydrogeological and Surface Water Risk Assessment
Consent determined HS2/P10093	11/10/19	Consent issued
Application HS2/P10093/V001	03/02/20	Application for revised pile types, additional groundwater monitoring and additional treatment of discharges
Variation determined HS2/P10093/V001	14/02/20	Varied consent issued

End of introductory note

Consent

The High Speed Rail (London - West Midlands) Act 2017

Consent number

HS2/P10093

The Environment Agency hereby authorises, under section 48 and part 5 of schedule 33 of the High Speed Rail (London – West Midlands) Act 2017

HIGH SPEED TWO (HS2) LIMITED

("the operator")

Whose registered office is

2 Snowhill

Queensway

Birmingham

England

B4 6GA

company registration number **06791686**

to operate the following activities:

Installation of 1 bored pile a maximum of 1.5 metres in diameter and 45 metres depth using Bentonite as drilling fluid, 1 bored pile a maximum of 1.5 metres in diameter and 60 metres depth using Bentonite as drilling fluid with a delayed set, 3 bored piles a maximum of 1.5 metres in diameter and 45 metres depth installed using polymer as drilling fluid, 2 steel jetty piles a maximum of 0.8 metres in diameter and 30 metres depth driven to depth and 8 bored or CFA reaction piles a maximum of 1.2 metres in diameter and 30 metres depth.


Below groundwater construction (piling) and the use or application of chemicals, additives or lubricants to works below the groundwater table

Discharge of settled site run-off to surface water via attenuation tank
at

Land adjacent to Harvil Road and Newyears Green Bourne, Ickenham, Uxbridge, Middlesex, UB9 6JL

National Grid Reference(s) TQ 0595 8768

to the extent authorised by and subject to the conditions of this consent.

Name	Date
 Matthew Wales Project Manager - Permitting	14/02/2020

Authorised on behalf of the Environment Agency

Conditions

1 Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of pollution, flooding, impact on drainage and environmental harm so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this consent shall have convenient access to a copy of the consent.

2 Operations

2.1 Consented activities

- 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

2.2 The site

- 2.2.1 For the activities P1 and T1 referenced in schedule 1, table S1.1 the activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 4 to this consent, centred on National Grid Reference TQ 0595 8768.
- 2.2.2 The activity T2 shall take place at the point listed in schedule 2 table S2.1 and as marked on the site plan in schedule 4 to this consent.

2.3 Operating techniques

- 2.3.1 The operator shall use appropriate measures, including but not limited to those in the Method of Work:
- (a) to minimise sediment mobilisation
 - (b) to minimise impact on biodiversity
 - (c) to ensure there is no increase to flood risk or detrimental impact on drainage;
 - (d) for the storage and disposal of waste produced; and
 - (e) to prevent and minimise environmental harm.
- 2.3.2 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.
- 2.3.3 Measures shall be taken to ensure that the activities do not cause the spread of invasive non-native species or plant or animal diseases.

- 2.3.4 The activities shall, subject to the conditions of this consent, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

3 Emissions and monitoring

3.1 Emissions to water

- 3.1.1 The limits given in schedule 2 table S2.2 shall not be exceeded.

3.2 Emissions of substances not controlled by emission limits

- 3.2.1 The operator shall take appropriate measures to minimise so far as reasonably practicable the polluting effects of the emissions of substances in the discharge not controlled by emission limits (excluding odour).
- 3.2.2 All oils or chemicals stored in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

3.3 Monitoring

- 3.3.1 The operator shall, unless otherwise agreed in writing by the Environment Agency, undertake the monitoring specified in the following tables in schedule 2 to this permit:
- (a) point source emissions specified in tables S2.2 and S2.3
 - (b) surface water or groundwater specified in table S2.4.
- 3.3.2 The operator shall maintain records of all monitoring required by this permit.
- 3.3.3 Accessible monitoring points shall be provided and maintained to enable monitoring to be carried out at the monitoring points specified in tables S2.3 and S2.4 of schedule 2 and shown marked on the site plan in schedule 4.

4 Information

4.1 Records

- 4.1.1 All records required to be made by this consent shall:
- (a) be legible;
 - (b) be made as soon as reasonably practicable;
 - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
 - (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made.
- 4.1.2 The operator shall maintain convenient access, in either electronic or hard copy, to the records, plan and management system required to be maintained by this consent.

4.2 Reporting

- 4.2.1 The operator shall send all reports and notifications required by the consent to the Environment Agency at hs2@environment-agency.gov.uk or using other contact details supplied in writing by the Environment Agency.
- 4.2.2 Within the time period after the end of the reporting period specified in schedule 3 table S3.1 the operator shall, unless otherwise agreed in writing by the Environment Agency, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:
- (a) in respect of the parameters and monitoring points specified in schedule 3 table S3.1;
 - (b) for the reporting periods specified in schedule 3 table S3.1 and using the forms specified in schedule 3 table S3.2; and
 - (c) giving the information from such results and assessments as may be required by the forms specified in those tables.

4.3 Notifications

- 4.3.1 The Environment Agency shall be notified no less than 14 days before the commencement of the activities.
- 4.3.2 The Environment Agency shall be notified no less than 7 days after the activities are completed.
- 4.3.3 The Environment Agency shall be notified without delay following the detection of any breach of a limit specified in the consent or any significant environmental effects resulting from the activities or of any breach of the consent.
- 4.3.4 Written confirmation of actual or potential incidents or effects and breaches referred to in 4.3.3 shall be submitted within 24 hours.
- 4.3.5 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

4.4 Interpretation

- 4.4.1 In this consent the expressions listed in schedule 5 shall have the meaning given in that schedule.
- 4.4.2 In this consent references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

Schedule 1 – Operations

Table S1.1 activities		
Activity reference	Description of activities	Limits of activities
Permanent Works		
P1	Installation of 1 bored pile a maximum of 1.5 metres in diameter and 45 metres depth using Bentonite as drilling fluid, 1 bored pile a maximum of 1.5 metres in diameter and 60 metres depth using Bentonite as drilling fluid with a delayed set, 3 bored piles a maximum of 1.5 metres in diameter and 45 metres depth installed using polymer as drilling fluid, 2 steel jetty piles a maximum of 0.8 metres in diameter and 30 metres depth driven to depth and 8 bored or CFA reaction piles a maximum of 1.2 metres in diameter and 30 metres depth.	The activity shall be carried out in accordance with the Hydrogeological and Surface Water Risk Assessment for Load Test Piling Location 2 (Document no: 1MC05-ALJ-EV-NOT-CS01_CL01-100368) as received on 03/02/20.
Temporary or enabling works		
T1	Below groundwater construction and use or application of chemicals, additives or lubricants to works below the groundwater table.	The activity shall, unless otherwise agreed in writing by the Environment Agency, be commenced within 12 months of the date of the grant of the consent and completed within 6 months of commencement.
T2	Discharge 1: Discharge to surface water of trade effluent consisting of treated and settled site run-off via Outlet 1	The activity shall, unless otherwise agreed in writing by the Environment Agency, be commenced within 12 months of the date of the grant of the consent and completed within 6 months of commencement.

Colne Valley Viaduct Load Test Piles – Location 2 – PPA Form Phase 2

Table S1.2 Operating techniques			
Activity Reference	Description of documentation	Parts	Date Received
T1	Hydrogeological and Surface Water Risk Assessment for Load Test Piling Location 2 (Document no: 1MC05-ALJ-EV-NOT-CS01_CL01-100368)	All	03/02/20
T1 & T2	Water Monitoring Protocol - Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002)	All	03/02/20
T2	Colne Valley Viaduct Load Test Piles – Location 2 – PPA Form Phase 2 Active Treatment (Document no: 1MC05-ALJ-EV-APP-CS01_CL01-000006)	Part C – Water Discharge Activity and Groundwater (point source) Activity	03/02/20

Schedule 2 – Emissions and monitoring

Table S2.1 Discharge points			
Effluent Name	Discharge Point	Discharge point NGR	Receiving water/Environment
T2. Discharge 1: Discharge to surface water of trade effluent consisting of settled site run-off	Outlet 1	TQ 0587 8774	The Newyears Green Bourne

Table S2.2 Point Source emissions to water (other than sewer) – emission limits and monitoring requirements						
Effluent(s) and discharge point(s)	Parameter	Limit (including unit)	Reference Period	Limit of effective range	Monitoring frequency	Compliance Statistic
T2. Discharge 1: Discharge to surface water of trade effluent consisting of settled site run-off via Outlet 1	Maximum rate of discharge	6 litres per second	Instantaneous (spot sample)	N/A	N/A	Maximum
	Suspended solids (measured after drying at 105°C)	60 mg/l	Instantaneous (spot sample)	N/A	N/A	Maximum
	pH	6 to 9	Instantaneous (spot sample)	N/A	N/A	Minimum and maximum
	Visual appearance	The discharge must so far as is reasonably practicable have no significant adverse visible effect on the receiving water, the bed of the watercourse or any plants or animals within the watercourse	Instantaneous (visual examination)	N/A	N/A	N/A
	Visible oil or grease	No significant trace present so far as is reasonably practicable	Instantaneous (visual examination)	N/A	N/A	No significant trace

Table S2.2 Point Source emissions to water (other than sewer) – emission limits and monitoring requirements						
Effluent(s) and discharge point(s)	Parameter	Limit (including unit)	Reference Period	Limit of effective range	Monitoring frequency	Compliance Statistic
	As detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002) section 3.3	N/A	Instantaneous (spot sample)	N/A	As detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002) section 3.3	N/A

Table S2.3 Monitoring points			
Activity and point(s)	Monitoring type	Monitoring point reference	Monitoring point NGR
T2. Discharge 1: Discharge to surface water of trade effluent consisting of settled site run-off via Outlet 1	Effluent sampling	MP1	TQ 0586 8767

Table S2.4 Environmental monitoring requirements				
Location or description of monitoring points	Parameter	Monitoring frequency	Monitoring standard or method	Other specifications
Monitoring BH1 (ML026-CR406, TQ 0589 8768), BH2 (ML026-RC528, TQ 0591 8766), BH3 (ML026-RO425, TQ 0588 8770) and BH4 (ML026-RO426, TQ 0587 8767)	Water quality	As detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002) sections 2.3 and 2.4	British Standard ISO 5667	Laboratory analysis for suite as detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002) tables 2 and 3 Limits of detection as detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002) tables 2 and 3

Table S2.4 Environmental monitoring requirements				
Location or description of monitoring points	Parameter	Monitoring frequency	Monitoring standard or method	Other specifications
Monitoring BH1 (ML026-CR406, TQ 0589 8768), BH2 (ML026-RC528, TQ 0591 8766), BH3 (ML026-RO425, TQ 0588 8770) and BH4 (ML026-RO426, TQ 0587 8767)	Water level in centimetres	As detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002) section 2.5	British Standard ISO 14686	N/A

Schedule 3 – Reporting

Parameters, for which reports shall be made, in accordance with conditions of this permit, are listed below.

Table S3.1 Reporting of monitoring data			
Parameter	Monitoring point reference	Reporting period	Period begins
As detailed in Water Monitoring Protocol – Load Test Pile Location 2– (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002) section 3.3	MP1	Report to be submitted within 6 months of completion of the works unless otherwise specified in writing by the Environment Agency	Upon completion of activity T2 specified in schedule 1 table S1.1
Water quality	Monitoring BH1 (ML026-CR406), BH2 (ML026-RC528), BH3 (ML026-RO425) and BH4 (ML026-RO426)	Report to be submitted within 6 months of completion of the works unless otherwise specified in writing by the Environment Agency	Upon completion of activity T1 specified in schedule 1 table S1.1
Water levels in centimetres	Monitoring BH1 (ML026-CR406), BH2 (ML026-RC528), BH3 (ML026-RO425) and BH4 (ML026-RO426)	Report to be submitted within 6 months of completion of the works unless otherwise specified in writing by the Environment Agency	Upon completion of activity T1 specified in schedule 1 table S1.1

Table S3.2 Reporting forms	
Parameter	Reporting format
As detailed in Water Monitoring Protocol – Load Test Pile Location 2– (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002) section 3.3	Electronic format agreed by the Environment Agency
Water quality	Electronic format agreed by the Environment Agency
Water levels in centimetres	Electronic format agreed by the Environment Agency

Schedule 4 – Site Plan



©Crown Copyright. All rights reserved. Environment Agency, 100024198, 2020

Consent number
HS2/P10093/V001

Schedule 5 – Interpretation

“application” means the application for this consent, together with any additional information supplied by the operator as part of the application.

“Method of Work” means a document forming part of the operator’s management system, setting out the working methods for carrying out the activity and what measures will be taken to avoid or minimise the risks of environmental effects.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the consented activities, which are not controlled by an emission limit.

“environmental effects” means:

- (a) flooding or risk of flooding;
- (b) harm to the environment or risk of harm to the environment; and
- (c) detrimental impact on drainage or risk of detrimental impact on drainage.

“environmental harm” means a result of human activity which may:

- (a) cause harm to the conservation, protection and enhancement of any species and habitats designated under any enactment as having special protection or priority;
- (b) prevent the achievement of environmental objectives within the meaning of the Water Framework Directive 2000/60/EC;
- (c) cause pollution; or
- (d) otherwise adversely affect the protection and enhancement of the environment.

END OF CONSENT

Notice of variation with introductory note

The High Speed Rail (London - West Midlands) Act 2017

HIGH SPEED TWO (HS2) LIMITED

2 Snowhill

Queensway

Birmingham

England

B4 6GA

Variation application number

HS2/P10093/V003

Consent number

HS2/P10093

Introductory note

This introductory note does not form a part of the consent

The main features of the consent are as follows.

The consent covers below groundwater construction of test piles involving the use or application of chemicals, additives or lubricants to works below the groundwater table to validate and refine the design of the foundations of the Colne Valley Viaduct.

The consent includes the discharge of treated and settled site run-off to surface water via attenuation tank with chemical dosing.

Proposals for the use of Geobind to create a working platform were submitted with the application. This activity does not require consent under Schedule 33 of the HS2 Act or an Environmental Permit because the binder is a product that does not contain any waste process materials and it is to be used for stabilisation works to improve the engineering / structural quality of ground (as opposed to being used to remediate contamination).

Consent HS2/P10089 was issued separately to cover installation of fencing and temporary working platform in the floodplain.

Variation V001 was for revised piles (reduction from 3 to 1 pile using Bentonite as drilling fluid and increase from 1 to 3 piles using polymer as drilling fluid), two additional groundwater monitoring locations with monitoring during piling using both bentonite and polymer as drilling fluid. Treatment of discharges has also been varied to include dosing of flocculants and coagulants to improve solids settlement.

Variation V002 of the consent was for an additional monitoring borehole and additional monitoring of the jetty piles and surface water.

This variation of the consent is for a change in the type, diameter and depth of the jetty piles and to cover the possible use of non-hazardous additives for pH adjustment of the bentonite mix water (sodium carbonate and sodium bicarbonate), in the event that the bentonite becomes overly thick (Polythin), to keep the polymer support fluid stable (sodium hydroxide) and in the event that significant voids are encountered (Magma Fibre).

The status log of the consent does not form part of the consent. It sets out the consenting history, including changes to the consent or consent reference number.

Status log of the consent		
Description	Date	Comments
Application HS2/P10093	02/07/19	Application for construction of test piles; below groundwater construction and use or application of chemicals, additives or lubricants to works below the groundwater table
Additional information received	18/07/19	Details of water quality monitoring proposals
Additional information received	18/09/19	Water Monitoring Protocol and Revised Hydrogeological and Surface Water Risk Assessment
Consent determined HS2/P10093	11/10/19	Consent issued
Application HS2/P10093/V001	03/02/20	Application for revised pile types, additional groundwater monitoring and additional treatment of discharges
Variation determined HS2/P10093/V001	14/02/20	Varied consent issued
Application HS2/P10093/V002	11/03/20	Application for additional monitoring

Status log of the consent		
Description	Date	Comments
Additional information received	01/04/20	Confirmation of monitoring borehole locations
Variation determined HS2/P10093/V002	02/04/20	Varied consent issued
Application HS2/P10093/V003	12/05/20	Application for a change in the type of jetty piles
Additional information received	20/05/20	Jetty pile construction method
Additional information received	09/06/20	Confirmation of revised jetty piles and use of additives in bentonite and polymer
Variation determined HS2/P10093/V003	10/06/20	Varied consent issued

End of introductory note

Consent

The High Speed Rail (London - West Midlands) Act 2017

Consent number

HS2/P10093

The Environment Agency hereby authorises, under section 48 and part 5 of schedule 33 of the High Speed Rail (London – West Midlands) Act 2017

HIGH SPEED TWO (HS2) LIMITED

("the operator")

Whose registered office is

2 Snowhill

Queensway

Birmingham

England

B4 6GA

company registration number **06791686**

to operate the following activities:

Installation of 1 bored pile a maximum of 1.5 metres in diameter and 45 metres depth using Bentonite as drilling fluid, 1 bored pile a maximum of 1.5 metres in diameter and 60 metres depth using Bentonite as drilling fluid with a delayed set, 3 bored piles a maximum of 1.5 metres in diameter and 45 metres depth installed using polymer as drilling fluid, 2 driven steel jetty piles (one open tubular, one closed face) a maximum of 0.9 metres in diameter and 20 metres depth and 8 bored or CFA reaction piles a maximum of 1.2 metres in diameter and 30 metres depth.

Below groundwater construction (piling) and the use or application of chemicals, additives or lubricants to works below the groundwater table

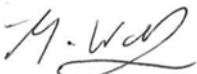
Discharge of settled site run-off to surface water via attenuation tank

at

Land adjacent to Harvil Road and Newyears Green Bourne, Ickenham, Uxbridge, Middlesex, UB9 6JL

National Grid Reference(s) TQ 0595 8768

to the extent authorised by and subject to the conditions of this consent.

Name	Date
 Matthew Wales Project Manager -Permitting	10/06/2020

Authorised on behalf of the Environment Agency

Conditions

1 Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of pollution, flooding, impact on drainage and environmental harm so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this consent shall have convenient access to a copy of the consent.

2 Operations

2.1 Consented activities

- 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

2.2 The site

- 2.2.1 For the activities P1 and T1 referenced in schedule 1, table S1.1 the activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 4 to this consent, centred on National Grid Reference TQ 0595 8768.
- 2.2.2 The activity T2 shall take place at the point listed in schedule 2 table S2.1 and as marked on the site plan in schedule 4 to this consent.

2.3 Operating techniques

- 2.3.1 The operator shall use appropriate measures, including but not limited to those in the Method of Work:
- (a) to minimise sediment mobilisation
 - (b) to minimise impact on biodiversity
 - (c) to ensure there is no increase to flood risk or detrimental impact on drainage;
 - (d) for the storage and disposal of waste produced; and
 - (e) to prevent and minimise environmental harm.
- 2.3.2 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.
- 2.3.3 Measures shall be taken to ensure that the activities do not cause the spread of invasive non-native species or plant or animal diseases.

- 2.3.4 The activities shall, subject to the conditions of this consent, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

3 Emissions and monitoring

3.1 Emissions to water

- 3.1.1 The limits given in schedule 2 table S2.2 shall not be exceeded.

3.2 Emissions of substances not controlled by emission limits

- 3.2.1 The operator shall take appropriate measures to minimise so far as reasonably practicable the polluting effects of the emissions of substances in the discharge not controlled by emission limits (excluding odour).
- 3.2.2 All oils or chemicals stored in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

3.3 Monitoring

- 3.3.1 The operator shall, unless otherwise agreed in writing by the Environment Agency, undertake the monitoring specified in the following tables in schedule 2 to this permit:
- (a) point source emissions specified in tables S2.2 and S2.3
 - (b) surface water or groundwater specified in table S2.4.
- 3.3.2 The operator shall maintain records of all monitoring required by this permit.
- 3.3.3 Accessible monitoring points shall be provided and maintained to enable monitoring to be carried out at the monitoring points specified in tables S2.3 and S2.4 of schedule 2 and shown marked on the site plan in schedule 4.

4 Information

4.1 Records

- 4.1.1 All records required to be made by this consent shall:
- (a) be legible;
 - (b) be made as soon as reasonably practicable;
 - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
 - (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made.
- 4.1.2 The operator shall maintain convenient access, in either electronic or hard copy, to the records, plan and management system required to be maintained by this consent.

4.2 Reporting

- 4.2.1 The operator shall send all reports and notifications required by the consent to the Environment Agency at hs2@environment-agency.gov.uk or using other contact details supplied in writing by the Environment Agency.
- 4.2.2 Within the time period after the end of the reporting period specified in schedule 3 table S3.1 the operator shall, unless otherwise agreed in writing by the Environment Agency, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:
- (a) in respect of the parameters and monitoring points specified in schedule 3 table S3.1;
 - (b) for the reporting periods specified in schedule 3 table S3.1 and using the forms specified in schedule 3 table S3.2; and
 - (c) giving the information from such results and assessments as may be required by the forms specified in those tables.

4.3 Notifications

- 4.3.1 The Environment Agency shall be notified no less than 14 days before the commencement of the activities.
- 4.3.2 The Environment Agency shall be notified no less than 7 days after the activities are completed.
- 4.3.3 The Environment Agency shall be notified without delay following the detection of any breach of a limit specified in the consent or any significant environmental effects resulting from the activities or of any breach of the consent.
- 4.3.4 Written confirmation of actual or potential incidents or effects and breaches referred to in 4.3.3 shall be submitted within 24 hours.
- 4.3.5 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

4.4 Interpretation

- 4.4.1 In this consent the expressions listed in schedule 5 shall have the meaning given in that schedule.
- 4.4.2 In this consent references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

Schedule 1 – Operations

Table S1.1 activities		
Activity reference	Description of activities	Limits of activities
Permanent Works		
P1	Installation of 1 bored pile a maximum of 1.5 metres in diameter and 45 metres depth using Bentonite as drilling fluid, 1 bored pile a maximum of 1.5 metres in diameter and 60 metres depth using Bentonite as drilling fluid with a delayed set, 3 bored piles a maximum of 1.5 metres in diameter and 45 metres depth installed using polymer as drilling fluid, 2 driven steel jetty piles (one open tubular, one closed face) a maximum of 0.9 metres in diameter and 20 metres depth and 8 bored or CFA reaction piles a maximum of 1.2 metres in diameter and 30 metres depth.	The activity shall be carried out in accordance with the Hydrogeological and Surface Water Risk Assessment for Load Test Piling Location 2 (Document no: 1MC05-ALJ-EV-NOT-CS01_CL01-100368) as received on 03/02/20 and the 'Revised Jetty Pile Construction Technique' as received on 20/05/20.
Temporary or enabling works		
T1	Below groundwater construction and use or application of chemicals, additives or lubricants to works below the groundwater table.	The activity shall, unless otherwise agreed in writing by the Environment Agency, be commenced within 12 months of the date of the grant of the consent and completed within 6 months of commencement.
T2	Discharge 1: Discharge to surface water of trade effluent consisting of treated and settled site run-off via Outlet 1	The activity shall, unless otherwise agreed in writing by the Environment Agency, be commenced within 12 months of the date of the grant of the consent and completed within 6 months of commencement.

Colne Valley Viaduct Load Test Piles – Location 2 – PPA Form Phase 2

Table S1.2 Operating techniques			
Activity Reference	Description of documentation	Parts	Date Received
T1	Hydrogeological and Surface Water Risk Assessment for Load Test Piling Location 2 (Document no: 1MC05-ALJ-EV-NOT-CS01_CL01-100368)	All	03/02/20
T1	Revised Jetty Pile Construction Technique	All	20/05/20
T1	Confirmation of Revised Jetty Piles & Use of Additives	All	09/06/20
T1 & T2	Water Monitoring Protocol - Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03)	All	11/03/20
T2	Colne Valley Viaduct Load Test Piles – Location 2 – PPA Form Phase 2 Active Treatment (Document no: 1MC05-ALJ-EV-APP-CS01_CL01-000006)	Part C – Water Discharge Activity and Groundwater (point source) Activity	03/02/20

Schedule 2 – Emissions and monitoring

Table S2.1 Discharge points			
Effluent Name	Discharge Point	Discharge point NGR	Receiving water/Environment
T2. Discharge 1: Discharge to surface water of trade effluent consisting of settled site run-off	Outlet 1	TQ 0587 8774	The Newyears Green Bourne

Table S2.2 Point Source emissions to water (other than sewer) – emission limits and monitoring requirements						
Effluent(s) and discharge point(s)	Parameter	Limit (including unit)	Reference Period	Limit of effective range	Monitoring frequency	Compliance Statistic
T2. Discharge 1: Discharge to surface water of trade effluent consisting of settled site run-off via Outlet 1	Maximum rate of discharge	6 litres per second	Instantaneous (spot sample)	N/A	N/A	Maximum
	Suspended solids (measured after drying at 105°C)	60 mg/l	Instantaneous (spot sample)	N/A	N/A	Maximum
	pH	6 to 9	Instantaneous (spot sample)	N/A	N/A	Minimum and maximum
	Visual appearance	The discharge must so far as is reasonably practicable have no significant adverse visible effect on the receiving water, the bed of the watercourse or any plants or animals within the watercourse	Instantaneous (visual examination)	N/A	N/A	N/A
	Visible oil or grease	No significant trace present so far as is reasonably practicable	Instantaneous (visual examination)	N/A	N/A	No significant trace

Table S2.2 Point Source emissions to water (other than sewer) – emission limits and monitoring requirements						
Effluent(s) and discharge point(s)	Parameter	Limit (including unit)	Reference Period	Limit of effective range	Monitoring frequency	Compliance Statistic
	As detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03) section 3.3	N/A	Instantaneous (spot sample)	N/A	As detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03) section 3.3	N/A

Table S2.3 Monitoring points			
Activity and point(s)	Monitoring type	Monitoring point reference	Monitoring point NGR
T2. Discharge 1: Discharge to surface water of trade effluent consisting of settled site run-off via Outlet 1	Effluent sampling	MP1	TQ 0586 8767

Table S2.4 Environmental monitoring requirements				
Location or description of monitoring points	Parameter	Monitoring frequency	Monitoring standard or method	Other specifications
Monitoring BH1 (ML026-CR406, TQ 0591 8769), BH2 (ML026-CR528, TQ 0591 8766), BH3 (ML026-RD425, TQ 0588 8770), BH4 (ML026-RD426, TQ 0587 8767) and BH5 (ML026-RD427, TQ 0589 8768)	Water quality	As detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03) sections 2.3, 2.4 and 2.5	British Standard ISO 5667	Laboratory analysis for suite as detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03) tables 2, 3 and 4 Limits of detection as detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03) tables 2, 3 and 4

Table S2.4 Environmental monitoring requirements				
Location or description of monitoring points	Parameter	Monitoring frequency	Monitoring standard or method	Other specifications
Monitoring BH1 (ML026-CR406, TQ 0591 8769), BH2 (ML026-CR528, TQ 0591 8766), BH3 (ML026-RD425, TQ 0588 8770), BH4 (ML026-RD426, TQ 0587 8767) and BH5 (ML026-RD427, TQ 0589 8768)	Water level in centimetres	As detailed in Water Monitoring Protocol – Load Test Pile Location 2 (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03) section 2.6	British Standard ISO 14686	N/A

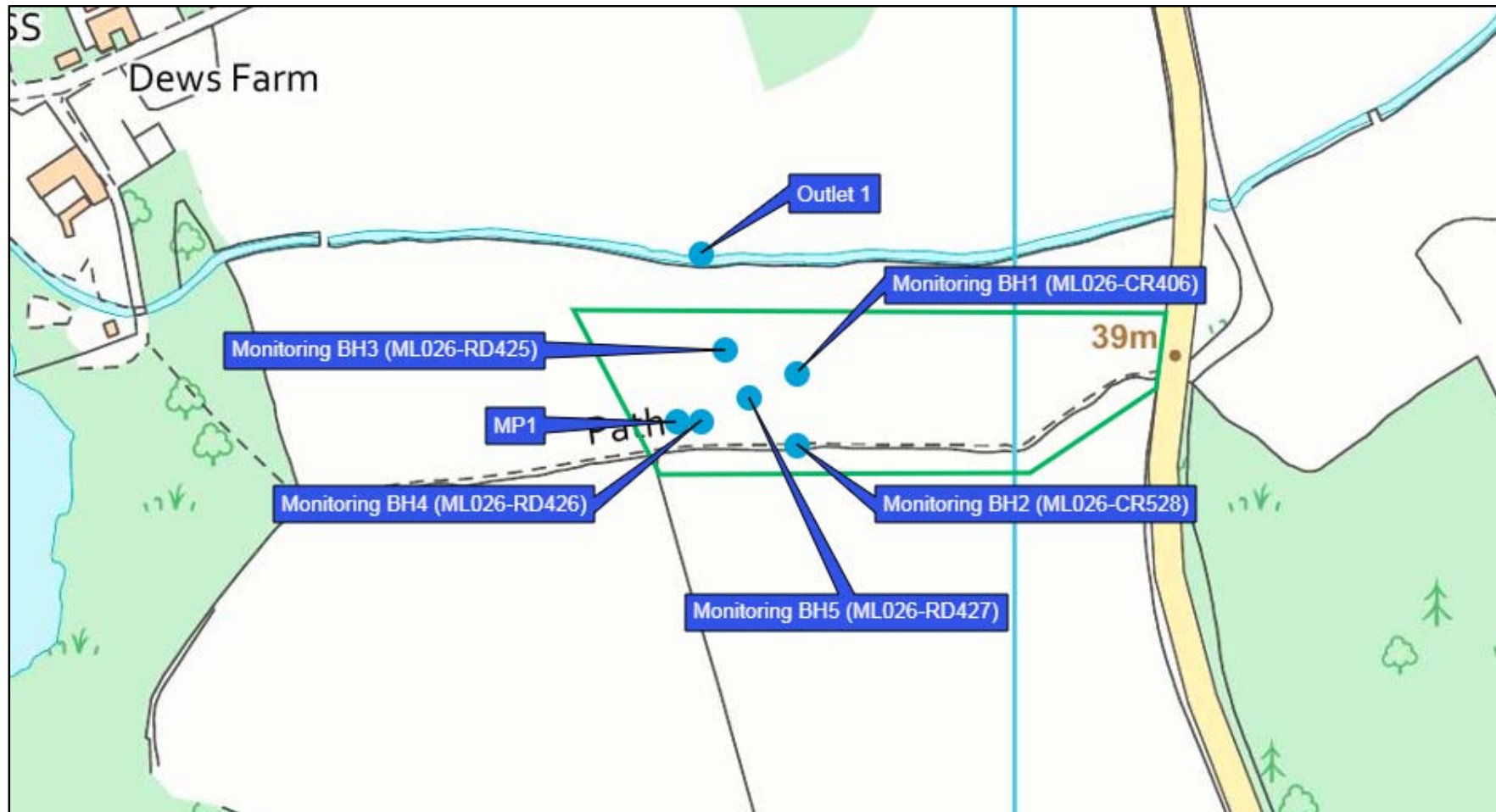
Schedule 3 – Reporting

Parameters, for which reports shall be made, in accordance with conditions of this permit, are listed below.

Table S3.1 Reporting of monitoring data			
Parameter	Monitoring point reference	Reporting period	Period begins
As detailed in Water Monitoring Protocol – Load Test Pile Location 2– (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03) section 3.3	MP1	Report to be submitted within 6 months of completion of the works unless otherwise specified in writing by the Environment Agency	Upon completion of activity T2 specified in schedule 1 table S1.1
Water quality	Monitoring BH1 (ML026-CR406), BH2 (ML026-CR528), BH3 (ML026-RD425), BH4 (ML026-RD426) and BH5 (ML026-RD427)	Report to be submitted within 6 months of completion of the works unless otherwise specified in writing by the Environment Agency	Upon completion of activity T1 specified in schedule 1 table S1.1
Water levels in centimetres	Monitoring BH1 (ML026-CR406), BH2 (ML026-CR528), BH3 (ML026-RD425), BH4 (ML026-RD426) and BH5 (ML026-RD427)	Report to be submitted within 6 months of completion of the works unless otherwise specified in writing by the Environment Agency	Upon completion of activity T1 specified in schedule 1 table S1.1

Table S3.2 Reporting forms	
Parameter	Reporting format
As detailed in Water Monitoring Protocol – Load Test Pile Location 2– (Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, C03) section 3.3	Electronic format agreed by the Environment Agency
Water quality	Electronic format agreed by the Environment Agency
Water levels in centimetres	Electronic format agreed by the Environment Agency

Schedule 4 – Site Plan



©Crown Copyright. All rights reserved. Environment Agency, 100024198, 2020

Schedule 5 – Interpretation

“application” means the application for this consent, together with any additional information supplied by the operator as part of the application.

“Method of Work” means a document forming part of the operator’s management system, setting out the working methods for carrying out the activity and what measures will be taken to avoid or minimise the risks of environmental effects.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the consented activities, which are not controlled by an emission limit.

“environmental effects” means:

- (a) flooding or risk of flooding;
- (b) harm to the environment or risk of harm to the environment; and
- (c) detrimental impact on drainage or risk of detrimental impact on drainage.

“environmental harm” means a result of human activity which may:

- (a) cause harm to the conservation, protection and enhancement of any species and habitats designated under any enactment as having special protection or priority;
- (b) prevent the achievement of environmental objectives within the meaning of the Water Framework Directive 2000/60/EC;
- (c) cause pollution; or
- (d) otherwise adversely affect the protection and enhancement of the environment.

END OF CONSENT

Butler, Jodie

From: Hobbs, Steven <Steven.Hobbs@jacobs.com>
Sent: 09 June 2020 17:18
To: Brodie, Alistair
Cc: Richard.crossland@affinitywater.co.uk; TUCKER Ben; Turner, Ryan; Elkins, Steve; ACOSTA Adriana; STRINGER Martin; Brace, John
Subject: RE: LTP2 - change to scope of work
Attachments: Magma Fiber SDS 04-12-2017-ggV5rel2[3].pdf; POLYTHIN Safety Data Rev 01.pdf

Alistair

Many thanks for your patience with this. I can confirm that the changes at LTP2 site are as follows:

1. Changes to monitoring regime as already included in Water Monitoring Protocol - Load Test Pile Location 2, Document no: 1MC05-ALJ-EV-ESH-CS01_CL01-000002, Version C03. The only change additional to this version is that the depths of monitoring boreholes RO427 and RO426 have been increased to 50m. All borehole locations, sampling depths, frequencies and analytical suites remain as per version C03 of the monitoring protocol.
2. One of the piles for the temporary jetty will now be closed at its lower end and the method of installation varied from the original proposals as detailed in my emails of 12 and 20 May (copies below). Both piles will be 0.9m diameter rather than 0.8m in the consent.
3. We may need to utilise some additives for the bored piles as follows. It is not certain that any of these will actually be used and if they are used it would likely be in small quantities but they could all be used below the water table:
 - For the bentonite piling we may require the use of sodium carbonate and sodium bicarbonate for pH adjustment of the mix water. If required the volumes used would be small (c. 25kg), although due to minimum order requirements 10no. 25kg bags would be delivered to site
 - For the bentonite piling we may need to use Polythin, an additive for thinning the bentonite in the event that it becomes overly thick. This substance is non hazardous and is comprised of sodium acrylate which is formed from sodium hydroxide and acrylic acid. It has a low toxicity, is partially degradable and if used would be in a low volume with only 25l stored on site. MSDS attached.
 - For the polymer piling we may need to use sodium hydroxide to keep the polymer support fluid stable. If this is required only small volumes would be used with only 1no. 25l drum stored on site
 - We may need to use Magma Fibre during polymer piling in the event that significant voids are encountered. This is a mixture of mineral fibres formed from a basalt / blast furnace slag mix. It is not soluble. MSDS attached.

Regarding programme the installation of the open steel jetty pile has commenced and the closed steel pile will commence on 11 June. The steel piles are anticipated to take around 3 weeks to complete, largely due to the time taken welding the sections of pile together.

The CFA piles were completed in February.

The bored piling will commence on 13 July with the polymer piles bored first and the bentonite piles second. The duration of the works will be about 4 weeks.

If you require any additional information do not hesitate to contact me.

Regards

Steve

From: Brodie, Alistair <Alistair.Brodie@environment-agency.gov.uk>
Sent: 03 June 2020 14:26
To: HOBBS Steven <s.hobbs@alignjv.com>; Hobbs, Steven <Steven.Hobbs@jacobs.com>
Subject: [EXTERNAL] RE: LTP2 - change to scope of work

Steve,

Just checking there are no further changes to the LTP2 works before I vary the consent. Is it worth me waiting until after Tuesday's AfW engagement meeting?

Regards,

Alistair

Alistair Brodie

Consenting Officer (Groundwater) – Environment Agency High Speed 2 Team

☎ Mobile: 07799 133067

✉ alistair.brodie@environment-agency.gov.uk

📍 Environment Agency, Sentinel House, 9 Wellington Crescent, Fradley Park, Lichfield, Staffordshire, WS13 8RR



From: HOBBS Steven [<mailto:s.hobbs@alignjv.com>]

Sent: 20 May 2020 17:28

To: Brodie, Alistair <Alistair.Brodie@environment-agency.gov.uk>; Crossland, Richard <richard.crossland@affinitywater.co.uk>

Cc: TUCKER Ben <b.tucker@alignjv.com>; Turner, Ryan <Ryan.Turner@jacobs.com>; Elkins, Steve <Steve.Elkins@jacobs.com>; ACOSTA Adriana <a.acosta@alignjv.com>; STRINGER Martin <m.stringer@alignjv.com>

Subject: RE: LTP2 - change to scope of work

Alistair / Richard

There is a further change to the procedure for the closed face pile at LTP2 as follows:

- At the location of the closed face pile the piling mat (350mm thick) and stabilised soil (400mm thick) would be removed.
- 1.2m diameter temporary casing will be installed into the drift and then the drift (3-4m thick) will be removed down to the top of the chalk using an auger.
- The closed face pile will then be inserted into the hole and driven into the chalk to its completion depth which remains unchanged at 18m. Initial driving will be by vibration to refusal and then by hammer.
- The open pile will be dipped to check for any water ingress through the welded closed face at the base of the pile, if there is none the pile will be left open. If there is any water ingress the bottom of the pile will be sealed with a 1m long concrete plug.
- The piles will be tested – a dynamic test immediately after reaching the design level followed by a static test, followed by a second dynamic test.
- At least 2 months after installation the pile will undergo a third dynamic test and will remain open during this time.
- Upon completion of all testing work at LTP2 the pile would be backfilled with sand through the chalk and then a concrete plug across the chalk / drift interface and up to ground level.

If you require any further information regarding the changes do not hesitate to contact me.

Regards

Steve

ALIGN

STEVE HOBBS Hydrogeologist

1st Floor, Euston House, 24 Eversholt Street, London NW1 1AD **Mob:** +44(0)7769 144963 **Email:**

s.hobbs@alignjv.com **Web:** www.alignjv.com

Please consider the environment before printing this email.

From: Hobbs, Steven <Steven.Hobbs@jacobs.com>
Sent: 12 May 2020 16:36
To: Brodie, Alistair <Alistair.Brodie@environment-agency.gov.uk>; Crossland, Richard <richard.crossland@affinitywater.co.uk>
Cc: TUCKER Ben <b.tucker@alignjv.com>; Turner, Ryan <Ryan.Turner@jacobs.com>; Elkins, Steve <Steve.Elkins@jacobs.com>; ACOSTA Adriana <a.acosta@alignjv.com>
Subject: LTP2 - change to scope of work

Alistair / Richard

There is a minor change to the scope of work at the LTP2 site. The original proposal included the installation of 2no. 0.8m diameter open tube piles to 30m depth. The revised proposal is to install two steel piles of 0.9m diameter. One of these will be installed to 20m depth and will be an open tubular pile as per the original scope. The second, also 0.9m diameter, will be installed to 18m depth but will have a closed face at its lower end. In order to limit the potential for formation of a vertical pathway from the closed end pile connecting the superficial deposits to the chalk due to long term pile degradation or weld failure, the closed face pile will be backfilled with a low permeability filling following completion of the test.

The monitoring would remain unchanged from the existing monitoring (i.e. turbidity twice daily during piling and for 1 week after).

In terms of varying the consent, please can you confirm if this email is sufficient, or whether you would prefer to see an updated version of the hydrogeological risk assessment (document no: 1MC05-ALJ-EV-NOT-CS01_CL01-100368) or whether an addendum to the assessment would be more appropriate.

Regards

Steve



STEVE HOBBS Hydrogeologist

1st Floor, Euston House, 24 Eversholt Street, London NW1 1AD **Mob:** +44(0)7769 144963 **Email:** s.hobbs@alignjv.com **Web:** www.alignjv.com

Please consider the environment before printing this email.

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

NOTICE - This communication may contain confidential and privileged information that is for the sole use of the intended recipient. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

SECTION 1. IDENTIFICATION OF SUBSTANCE/MIXTURE AND OF THE COMPANY/UNDERTAKING

1.1 Product Identifier:

Product or Trade Name: **Magma Fiber®**
Type of Product: Proprietary acid soluble extrusion-spun mineral fiber, vitreous fiber form blast furnace slag and/or basalt (mixture).

1.2 Relevant Identified Uses of the Substance or Mixture and Uses Advised Against:

Recommended Use(s)*: Viscosifier, Plugging Agent, Filtration Aid
Sector of Use: SU19 - Building and construction work
Product Category: PC20 - Products such as pH-regulators, flocculants, precipitants, neutralizing agents, other unspecified
Process Categories: PROC 26 - Handling of solid inorganic substances at ambient temperature
** The "Recommended Use" identified for this product is provided solely to comply with a US Federal requirement and is not part of the seller's published specification. The terms of this Safety Data Sheet (SDS) do not create or infer any warranty, express or implied, including by incorporation into or reference in the seller's sales agreement.*
Use Applications: Professional Use Only
Recommended Restrictions: No restrictions on use known.

1.3 Details of the Supplier of the Substance/Mixture and Safety Data Sheet:

Manufacturer/Supplier: **KB International LLC**
 735 Broad Street
 Suite 209
 Chattanooga, TN 37402
 USA
Telephone Number: +1 (423) 266-6964
E-mail: info@kbtech.com

1.4 Emergency Contact and Telephone Number:

Emergency Contact: ChemTel, Inc.
Emergency Telephone No.: +1 (800) 255-3924

1.5 OTHER MEANS OF IDENTIFICATION:

Primary Components: Vitreous fiber made from blast furnace slag and/or basalt (mixture).

SECTION 2. HAZARDS IDENTIFICATION

2.1 CLASSIFICATION OF THE SUBSTANCE OR MIXTURE:

Classification according to Regulation (EC) No 1272/2008:

The substance is not classified as hazardous according to the CLP regulation.

Classification according to Directive 67/548/EEC or Directive 1999/45/EC:

Hazard Warnings:

- The product does not require a hazard warning label in accordance with EC Directives.
(This substance has been classified in accordance with the hazard criteria of the CPR and the SDS contains all the information required by the CPR.)

Information Concerning Particular Hazards for Human and Environment:

- Heightened danger of slipping when the product is spilled on the floor.
- The product has to be labelled due to the calculation procedure of the "General Classification guideline for preparations of the EU" in the latest valid version.

Classification system:

- The classification is according to the latest editions of the EU-lists, and extended by company and literature data.
- The classification is in accordance with the latest editions of international substances lists, and is supplemented by information from technical literature and by information provided by the company.

According to Regulation 2012 OSHA Hazardous Communication Standard; 29 CFR Part 1910.1200:

Classification of the Product:

- No need for classification according to GHS criteria for this product.

2.2 LABEL ELEMENTS:**According to Regulation (EC) No. 1272/2008:**

- The product is classified and labelled according to the CLP regulation.

According to Globally Harmonized System, (GHS):

- This product does not require a hazard warning label in accordance with GHS criteria for this product.

Labeling of Special Preparation(s):

- This product is not combustible in the form in which it is shipped by the manufacturer, but may form a combustible dust through downstream activities (e.g., grinding, pulverizing) that reduce its particle size.
- High risk of slipping due to leakage/spillage of this product

According to Regulation 2012 OSHA Hazardous Communication Standard; 29 CFR Part 1910.1200:**Precautionary Statement(s):****General:**

- P101 If medical advice is needed, have product container or label at hand.
 P102 Keep out of reach of children.
 P103 Read label before use.

Prevention:

- P201 Obtain special instructions before use
 P202 Do not handle until all safety precautions have been read and understood
 P250 Do not subject to grinding or friction.
 P280 Wear protective gloves, clothing, and eye protection.
 P285 In case of inadequate ventilation wear respiratory protection.

Response:

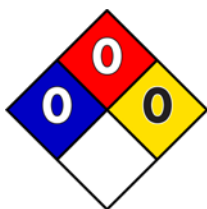
- P308 + P313 IF exposed or concerned: Get medical advice/attention
 P314 Get medical attention/advice if you feel unwell

Storage:

- P405 Store locked up

Disposal:

- P501 Dispose of contents or container in accordance with local, regional, national, and/or international regulations.

2.3 HAZARD DESCRIPTIONS:**NFPA Ratings (Scale 0 – 4):**

Health = 0
 Fire = 0
 Reactivity = 0

HMIS Ratings (Scale 0 – 4):

Vitreous Fiber [form blast furnace slag and/or basalt (mixture)] (Fibrous Material)	
HEALTH	0
FLAMMABILITY	0
PHYSICAL HAZARD	0
PERSONAL PROTECTION	E

Health = 0
 Flammability = 0
 Physical Hazard = 0
 Personal Protection = E

WHMIS 2015 - Symbols: Not hazardous under WHMIS.

Other Hazards: Not hazardous substance or mixture.

2.4 HAZARDS NOT OTHERWISE CLASSIFIED (HNOC) OR NOT COVERED BY GHS:**Results of PBT and vPvB Assessment:**

This substance/mixture contains no components considered to be either persistent, bioaccumulative and toxic (PBT), or very persistent and very bioaccumulative (vPvB) at levels of 0.1% or higher.

According to Regulation 1994 OSHA Hazard Communication Standard; 29 CFR Part 1910.1200:

If applicable information is provided in this section on other hazards which do not result in classification but which may contribute to the overall hazards of the substance or mixture.

Emergency Overview:**Caution:**

- This type of product has a tendency to create dust if roughly handled. It does not burn readily but as with many organic powders, flammable dust clouds may be formed in air.
- May cause some eye irritation which should cease after removal of the product.
- May cause some irritation to the respiratory system if dust is inhaled.
- Use NIOSH approved respirator as needed to mitigate exposure.
- Wear NIOSH-certified chemical goggles.
- Avoid dust formation.
- Avoid creating dusty conditions, dust build-up or formation of dust clouds.
- Organic powders may be capable of generating static discharges and creating explosive mixtures in air. Handle with caution.
- Wear protective clothing.
- Avoid all sources of ignition: heat, sparks, open flame.

Information Concerning Particular Hazards for Human and Environment:

- No Applicable

SECTION 3. COMPOSITION/INFORMATION ON INGREDIENTS**3.1 COMPONENTS OF SUBSTANCE OR MIXTURE:****SUBSTANCES:**

- Not Applicable

Substances	EINECS	CAS Number	Percent (w/w)	EEC Classification	EU – CLP Substance Classification	REACH No.
Mixture of Mineral Fiber	Not applicable	Not applicable	90% – 100%	Not applicable	Not applicable	No data available

Non-hazardous and other components below reportable levels > 0.1

1 – According to Regulation 2015 OSHA Hazard Communication Standard; 29 CFR Part 1910.1200

WHMIS CLASSIFICATION:

- Not WHMIS controlled.

This product has been classified in accordance with the hazard criteria of the CPR and the SDS contains all the information required by the CPR.

SECTION 4. FIRST-AID MEASURES**4.1 DESCRIPTION OF FIRST AID MEASURES:****After Clothing Contact:**

- Wash all soiled clothing before reuse.

After Inhalation:

- Remove person to fresh air and keep comfortable for breathing.
- No hazards which require special first aid measures.

After Skin Contact:

- Wash off immediately with soap and plenty of water while removing all contaminated clothes and shoes.
- If skin irritation or a rash occurs get medical advice or attention.
- Wash all soiled clothing before reuse.

After Eye Contact:

- Wear appropriate protective equipment.
- Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes.
- Remove contact lenses, if present and easy to do and continue rinsing.
- Alternatively, rinse immediately with Diphoterine®.
- Get prompt medical attention.

After Ingestion:

- Have victim rinse mouth and then drink plenty of water.
- Do not induce vomiting.
- Get medical attention immediately if symptoms occur.

4.2 MOST IMPORTANT SYMPTOMS AND EFFECTS, BOTH ACUTE AND DELAYED:**Symptoms:**

- None under normal use.

Hazards:

- No hazard is expected under intended use and appropriate handling.

4.3 INDICATION OF ANY IMMEDIATE MEDICAL ATTENTION AND SPECIAL TREATMENT NEEDED:

- None under normal use.

Note To Physician:**Treatment:**

- Treat according to symptoms (decontamination, vital functions), no known specific antidote.

Other Information:

- None under normal use.

4.3 INDICATION OF ANY IMMEDIATE MEDICAL ATTENTION AND SPECIAL TREATMENT NEEDED:**Note to Physician:****Treatment:**

- Treat symptomatically.

SECTION 5. FIRE-FIGHTING MEASURES**5.1 EXTINGUISHING MEDIA:****Suitable Extinguishing Media:**

- All standard fire fighting media.

Unsuitable Extinguishing Media:

- None known.

Additional Information:

- If water is used, restrict pedestrian and vehicular traffic in areas where slip hazard may exist.

5.2 SPECIAL HAZARDS ARISING FROM THE SUBSTANCE OR MIXTURE / CONDITIONS OF FLAMMABILITY:**Hazards During Fire-fighting:**

- Not applicable.

Flammability Classification (OSHA 29 CFR 1910.106):

- Not flammable.

Auto Ignition Temp:

- Non-combustible.

5.3 SPECIAL PROTECTIVE EQUIPMENT AND PRECAUTIONS FOR FIREFIGHTERS:**Protective Equipment for Firefighters:**

- Full protective clothing and approved self-contained breathing apparatus required for fighting personnel.

Special Fire-Fighting Procedures:

- The degree of risk is governed by the burning substance and the fire conditions.
- Contaminated extinguishing water must be disposed of in accordance with official regulations.

Further Information:

- Incompatible with acids, may give off H₂S under certain conditions.

5.4 IMPACT SENSITIVITY:**Assessment:**

- Not shock-sensitive.

SECTION 6. ACCIDENTAL RELEASE MEASURES**6.1 PERSONAL PRECAUTIONS, PROTECTIVE EQUIPMENT AND EMERGENCY PROCEDURES:****PERSONAL PRECAUTIONS:**

- Do not walk through spilled material.

PROTECTIVE EQUIPMENT:

- Wear adequate personal protective equipment (see Section 8 Exposure Controls/Personal Protection).

EMERGENCY PROCEDURES:

- Keep people away from spill/leak.

6.2 ENVIRONMENTAL PRECAUTIONS:

- Ensure spilled product does not enter drains, sewers, waterways, or confined spaces.
- Do not discharge into drains, water courses or onto the ground.
- If necessary, dike well ahead of the spill to prevent runoff into drains, sewers, or any natural waterway or drinking supply.

6.3 METHODS AND MATERIAL FOR CONTAINMENT AND CLEANING UP:**For Small Spills:**

- Do not flush with water.
- Sweep up and shovel into suitable containers for disposal.
- Dispose contaminated material as waste according to item 13.

For Large Spills:

- Do not flush with water.
- Clean up promptly by scoop or vacuum.
- Send for recovery or disposal in suitable receptacles.
- Dispose contaminated material as waste according to item 13.

Residues:

- Soak up with inert absorbent material. (sand, diatomite, acid binders, universal binders, sawdust).
- After cleaning, flush away traces with water.

6.4 FURTHER ACCIDENTAL RELEASE MEASURES:

- Avoid dispersal of dust in the air (i.e., clearing dust surfaces with compressed air).
- Avoid the formation and build-up of dust — danger of dust explosion.
- Dust in sufficient concentration can result in an explosive mixture in air.
- Non-sparking tools should be used.
- Handle to minimize dusting and eliminate open flame and other sources of ignition. Forms slippery surfaces with water.

SECTION 7. HANDLING AND STORAGE**7.1 PRECAUTIONS FOR SAFE HANDLING:**

- Avoid contact with skin and eyes.
- When using, do not eat, drink or smoke.
- Handle in accordance with good industrial hygiene and safety practice.
- Obey all label warnings, especially during container cleaning.
- Do not remove label until container is thoroughly cleaned.
- Do not use container for food, feed or drinking water.

7.2 CONDITIONS FOR SAFE STORAGE, INCLUDING ANY INCOMPATIBILITIES:**Storage:****Requirements to Be Met by Storerooms and Receptacles:**

- Store in cool, dry conditions in well sealed receptacles.
- Avoid storage near extreme heat, ignition sources or open flame.
- Freezing will affect the physical condition and may damage the material.

Information About Storage in One Common Storage Facility:

- Store away from foodstuffs.

Unsuitable Materials for Containers:

- None

Storage Stability:

- Avoid extreme heat.
- Avoid extreme cold and freezing temperatures.

Protect from Temperatures Above:

- 70 °C (158 °F)

Protect from Temperatures Below:

- 2 °C (35 °F)

7.3 SPECIFIC END USE(S):

- Apart from the uses mentioned in section 1.2, no further relevant information available.

SECTION 8. EXPOSURE CONTROLS / PERSONAL PROTECTION**ADDITIONAL INFORMATION ABOUT DESIGN OF TECHNICAL SYSTEMS:****Appropriate Engineering Controls:****Advice on System Design:**

- No further data; see section 7.

8.1 CONTROL PARAMETERS:

Components with Occupational Exposure Limit Values that Require Monitoring at the Workplace: None

Components with Occupational Exposure Limits

Substances	PEL	TLV	CAS No.
Mineral Fiber	15 mg/M3 (total) 5 mg/M3 (respirable)	10 mg/M3 (total) 5 mg/M3 (respirable)	None Assigned

EXPOSURE CONTROLS:**Appropriate Engineering Controls:**

- Use local exhaust if dusting occurs.
- Natural ventilation is adequate in absence of dusting.

Personal Protective Equipment:**General Protective and Hygienic Measures:**

- The usual precautionary measures for handling chemicals should be followed.
- Keep away from foodstuffs, beverages and feed.
- Do not inhale dust.
- Avoid contact with the eyes.
- Avoid long term contact with the skin.
- Ensure that washing facilities are available at the work place.

Respiratory Protection:

- No personal respiratory protective equipment normally required.
- When applicable suitable respiratory protection for lower concentrations or short-term effect: Particle filter with medium efficiency for solid and liquid particles (e.g., EN 143, Type P2).
- For spills, respiratory protection may be advisable.

Body Protection:

- Light protective work clothing.
- Wear coveralls and/or chemical apron.
- Wear rubber footwear where physical contact can occur.

Hand Protection:

- *Chemical resistant protective gloves (EN 374).*
- * Suitable materials also with prolonged, direct contact (Recommended: Protective index 6, corresponding > 480 minutes of permeation time according to EN 374): e.g. nitrile rubber (0.4 mm), chloroprene rubber (0.5 mm), polyvinyl chloride (0.7 mm) and other Supplementary note: The specifications are based on tests, literature data and information of glove manufacturers or are derived from similar substances by analogy. Due to many conditions (e.g. temperature) it must be considered, that the practical usage of a chemical-protective glove in practice may be much shorter than the permeation time determined through testing. Manufacturer's directions for use should be observed because of great diversity of types.

Eye / Face Protection:

- Safety glasses with side-shields (frame goggles) (e.g. EN 166).

Other Protective Equipment:

- An eyewash station and safety shower should be made available in the immediate working area.
- Other equipment may be required depending on workplace standards.

8.3 GENERAL SAFETY AND HYGIENE CONSIDERATIONS:

- Handle in accordance with good industrial hygiene and safety practice. Ensure adequate ventilation.
- Wearing of closed work clothing is recommended.
- No eating, drinking, smoking or tobacco use at the place of work.
- Wash hands and face before breaks and immediately after handling the product.
- Wash hands before breaks and at the end of workday.

Limitation and Supervision of Exposure into the Environment:

- Do not allow uncontrolled discharge of product into the environment.

Risk Management Measures:

- See Section 7 for additional information.

SECTION 9. PHYSICAL AND CHEMICAL PROPERTIES**INFORMATION ON BASIC PHYSICAL AND CHEMICAL PROPERTIES:****Appearance:****Physical State:**

Solid.

Form:

Fibers.

Color:

White top grey.

Odor:

Odorless.

Odor Threshold (ppm):

N/Ap

Molecular Formula:

Trade Secret

Molecular Weight:

Trade Secret

Specific Gravity (water = 1):

2.6

Bulk Density:Approx. 0.26 g/cm³ (2600 kg/m³) – 162 lb/ft³ – 21.7 lb/gal**pH (Value):**

N/Ap

Melting/Freezing Point:

N/Ap

Initial Boiling Point:

N/Ap

Flash Point (°C) [Closed cup]:

N/Ap

Evaporation Rate:

The product is a non-volatile solid.

Flammability (solid):

Not highly flammable.

Explosive Properties:**Lower Explosion Limit:**

For solids not relevant for classification and labelling.

Upper Explosion Limit:

For solids not relevant for classification and labelling.

Autoignition:

No data available.

Oxidizing Properties:

Not fire-propagating.

Vapor Pressure (mm Hg):

No data available.

Vapor Density (Air=1):

No data available.

Relative Density (g/ml):

No data available.

Solubility (Water):

Insoluble in water.

Solubility (Quantitative):

No data available.

Solubility (Qualitative):

No data available.

Partition Coefficient:***n*-octanol/water:**

Study scientifically not justified.

Auto-ignition Point (°C):

Not self-igniting

Decomposition Temperature (°C):

No decomposition if used as directed.

Viscosity (mPa.s):

N/Ap

Volatiles (% by weight):

Not determined.

Volatile Organic Compounds (VOC's):

N/Ap

Absolute Pressure of Container:

N/Ap

Flame Projection Length:

N/Ap

Other Physical/Chemical Comments:

If necessary, information on other physical and chemical parameters is indicated in this section.

SECTION 10. STABILITY AND REACTIVITY**10.1 REACTIVITY:**

- No hazardous reactions if stored and handled as prescribed/indicated.

Corrosion to Metals:

- No corrosive effect on metal.

Oxidizing Properties:

- Not fire-propagating.

Formation of Flammable Gases:**Start Temperature:**

- 220 °C (428 °F)

Specific Decomposition Gas Volume:

- > 5 L/kg (> 0.6 gal/lb)

10.2 CHEMICAL STABILITY:

- The product is stable if stored and handled as prescribed/indicated.

10.3 POSSIBILITY OF HAZARDOUS REACTIONS:

- The product is not a dust explosion risk as supplied; however the build-up of fine dust can lead to a risk of dust explosions.
- Stable under normal conditions.
- No hazardous reactions known.

10.4 CONDITIONS TO AVOID:

- Avoid extreme temperatures.
- Avoid humidity.
- Avoid sources of ignition.

10.5 INCOMPATIBLE MATERIALS:**Substances to Avoid:**

- Acids, may give off H₂S under certain conditions when mixed with acid.

10.6 HAZARDOUS DECOMPOSITION PRODUCTS:**Decomposition Products:****Hazardous Decomposition Products:**

- No hazardous decomposition products if stored and handled as prescribed/indicated.

Thermal Decomposition:

- No decomposition if used as directed.

SECTION 11. TOXICOLOGICAL INFORMATION**PRIMARY ROUTES OF EXPOSURE:**

- Routes of entry for solids and dispersions are ingestion and inhalation, but may include eye or skin contact.
- Routes of entry for gases include inhalation and eye contact.
- Skin contact may be a route of entry for liquefied gases.

ACUTE TOXICITY EFFECTS:**Acute Toxicity:**

Inhalation: May cause respiratory irritation.

Eye Contact: May cause mechanical irritation to eye.

Skin Contact: May cause mechanical skin irritation.

Ingestion: None known.

Chronic Effects/Carcinogenicity: No data available to indicate product or components present at greater than 1% are chronic health hazards.

TOXICOLOGICAL DATA FOR THE COMPONENTS:

Substances	CAS No.	LD50 Oral	LD50 Dermal	LD50 Inhalation
Contains no hazardous substances	Mixture	Not data applicable	Not data applicable	No data applicable

CHRONIC TOXICITY EFFECTS:**Repeated Dosage Toxicity:****Assessment of Repeated Dose Toxicity:**

- Based on our experience and the information available, no adverse health effects are expected if handled as recommended with suitable precautions for designated uses.
- The product has not been tested.
- The statement has been derived from the properties of the individual components.

Genetic Toxicity:**Assessment of Mutagenicity:**

- Based on the ingredients, there is no suspicion of a mutagenic effect.

Carcinogenicity:**Assessment of Carcinogenicity:**

- The whole of the information assessable provides no indication of a carcinogenic effect.
- None of the components in this product at concentrations greater than 0.1% are listed by IARC; NTP, OSHA or ACGIH as a carcinogen.

Reproductive Toxicity:**Assessment of Reproduction Toxicity:**

- Based on the ingredients, there is no suspicion of a toxic effect on reproduction.

Teratogenicity:**Assessment of Teratogenicity:**

- Based on the ingredients, there is no suspicion of a teratogenic effect.

Aspiration Hazard:

- No aspiration hazard expected.

Other Information:

- The product has not been tested.
- The statements on toxicology have been derived from products of a similar structure and composition.

SYSTEMS OF EXPOSURE:

- The most important known symptoms and effects are described in the labelling (see section 2) and/or in section 11.
- Further important symptoms and effects are so far not known.

SECTION 12. ECOLOGICAL INFORMATION**12.1 TOXICITY:****Ecotoxicity Effects**

Substances	CAS No.	Toxicity to Algae	Toxicity to Fish	Toxicity to Microorganisms	Daphnia Magna (Water Flea)
Contains no hazardous substances	Mixture	Not information available	Not information available	No information available	No information available

12.2 PERSISTENCE AND DEGRADABILITY:**Assessment Biodegradation and Elimination (H2O):**

- The methods for determining biodegradability are not applicable to inorganic substances. (by OECD criteria).

12.3 BIOACCUMULATIVE POTENTIAL:**Assessment Bioaccumulation Potential:**

- No information available.

12.4 MOBILITY IN SOIL:**Information On:**

- No information available.

Assessment Transport Between Environmental Compartments:**Adsorption to Soil:**

- Adsorption to solid soil phase is expected.

12.5 RESULTS OF PBT AND VPVB ASSESSMENT:**According to Annex XIII of Regulation (EC) No.1907/2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH):**

- No information available

12.6 OTHER ADVERSE EFFECTS:

- The product does not contain substances that are listed in Annex I of Regulation (EC) 2037/2000 on substances that deplete the ozone layer.

ADDITIONAL INFORMATION:**Endocrine Disruptor Information:**

- This product does not contain any known or suspected endocrine disruptors.

SECTION 13. DISPOSAL CONSIDERATIONS**Unused Material and Residue:****Recommendations:**

- Must not be disposed together with household garbage. Do not allow product to reach sewage system. Can be burned with household garbage after consulting with the waste disposal facility operator and the pertinent authorities and adhering to the necessary technical regulations.
- The user of this material has the responsibility to dispose of unused material, residues and containers in compliance with all relevant local, state and federal laws and regulations regarding treatment, storage and disposal for hazardous and nonhazardous wastes. Residual materials should be treated as hazardous.

Uncleaned (Contaminated) Packaging Disposal:**Recommendations:**

- Rinse empty containers with water and use the rinse-water to prepare the working solution.
- If recycling is not practicable, dispose of in compliance with local regulations.
- Recommend crushing, puncturing or other means to prevent unauthorized use of used containers.
- Disposal must be made according to official regulations.

Recommended Cleansing Agents:

- Water, if necessary together with cleansing agents.

Recycling:**Recommendations:**

- Store containers and offer for recycling of material when in accordance with the local regulations.

RCRA:

- Not a hazardous waste under RCRA (40 CFR 261).

SECTION 14. TRANSPORTATION INFORMATION

14.1 UN Number: (DOT, ADR, ADN, IMDG, IATA)	Not classified as a dangerous good under transport regulations.
14.2 UN Proper Shipping Name: (DOT, ADR, ADN, IMDG, IATA)	Not classified as a dangerous good under transport regulations.
14.3 Transport Hazard Class(es): (DOT, ADR, ADN, IMDG, IATA)	Not classified as a dangerous good under transport regulations.
14.4 Packing Group: (DOT, ADR, IMDG, IATA)	Not classified as a dangerous good under transport regulations.
14.5 Environmental Hazard(s): Marine Pollutant:	Not classified as a dangerous good under transport regulations.
14.6 Special Precautions for User:	No
14.7 Transport in Bulk According to Annex II of MARPOL73/78 & the IBC Code: UN "Model Regulation":	Not classified as a dangerous good under transport regulations.

Special Precautions for User:

- None reported by the manufacturer.

Environmental Hazards:

- See ECOLOGICAL INFORMATION, Section 12.

SECTION 15. REGULATORY INFORMATION**15.1 SAFETY, HEALTH AND ENVIRONMENTAL REGULATIONS/LEGISLATION SPECIFIC FOR THE SUBSTANCE OR MIXTURE UNITED STATES (USA) COMPONENTS LISTED BELOW ARE PRESENT ON THE FOLLOWING U.S. FEDERAL CHEMICAL LISTS:****SARA:**

Section 302 (Extremely Hazardous Substances Listings):	None of the chemical substances in this product are subject to reporting.
Section 311/312 (Hazardous Chemical Inventory):	No SARA Hazards
Section 355 (Extremely Hazardous Substances Listing):	None of the chemical substances in this product are listed.
Section 313 (Specific Toxic Chemical Listings):	None of the chemical substances in this product are listed.
TSCA (Toxic Substances Control Act):	All chemical substances in this product are either listed on the TSCA Inventory or in compliance with a TSCA Inventory exemption.

Clean Air Act:

Section 12 (40 CFR 61):	This product does not contain any hazardous air pollutants (HAP)
Section 112(r) for Accidental Release Prevention (40 CFR 68.130, Subpart F):	None of the chemical substance(s) in this product are listed.

Clean Water Act:

Section 311, Table 116.4A (List of Hazardous Substances):	This product does not contain any hazardous substance(s) listed.
Section 311, Table 117.3 (Reportable Quantities of Hazardous Substances List):	None of the chemical substance(s) in this product are listed.
Section 307 (Toxic and Priority Pollutants):	This product does not contain any toxic or priority pollutants.

Proposition 65 (California):

Chemicals Known to Cause Cancer:	This product does not contain any hazardous substance(s) listed.
Chemicals Known to Cause Reproductive Toxicity for Females:	None of the chemical substance(s) in this product are listed.
Chemicals Known to Cause Reproductive Toxicity for Males:	None of the chemical substance(s) in this product are listed.
Chemicals Known to Cause Developmental Toxicity:	None of the chemical substance(s) in this product are listed.

State RTKHS (Right to Know Hazardous Substance List):

State	CAS Number	Chemical Name
Massachusetts	Mixture	Mineral Fiber
New Jersey	Mixture	Mineral Fiber
Pennsylvania	Mixture	Mineral Fiber

Carcinogenic Categories:

EPA (Environmental Protection Agency):	None of the chemical substance(s) in this product are listed.
IARC (International Agency for Research on Cancer):	None of the chemical substance(s) in this product are listed.
TLV (Threshold Limit Value Established by ACGIH):	None of the chemical substance(s) in this product are listed.
NIOSH-CA (National Institute for Occupational Safety and Health):	None of the chemical substance(s) in this product are listed.

Canada:

DSL (Canadian Domestic Substances List):	All of the chemical substance(s) in this product are either listed on the DSL Inventory or in compliance with a DSL exemption.
WHMIS (Workplace Hazardous Materials Information System)	None of the chemical substance(s) in this product are listed.
NPRI (The National Pollutant Release Inventory)	None of the chemical substances in this product are listed.
CEPA (Canadian Environmental Protection Act)	None of the chemical substances in this product are listed.
Canadian Ingredient Disclosure list (limit 0.1%)	None of the ingredients is listed.
Canadian Ingredient Disclosure list (limit 1%)	None of the ingredients is listed.

Other Regulations, Limitations and Prohibitive Regulations:

Substances of Very High Concern (SVHC) According to REACH, Article 57	None of the chemical substances in this product are listed.
---	---

Switzerland:

CH INV (New Notified Substances and Declared Preparations):	None of the chemical substances in this product are listed.
---	---

Germany:

MAK (German Maximum Workplace Concentration):	None of the chemical substances in this product are listed.
---	---

Australia:

AICS (Australia Inventory of Chemical Substance):	None of the chemical substances in this product are listed.
---	---

New Zealand:

NZIoC (New Zealand Inventory of Chemical Substances):	None of the chemical substances in this product are listed.
---	---

Japan:

ENCS (Existing and New Chemical Substances Inventory):	None of the chemical substances in this product are listed.
ISHL - (Inventory of Chemical):	None of the chemical substances in this product are listed.

Korea:

KECI (Korean Existing Chemicals Inventory):	None of the chemical substances in this product are listed.
---	---

Philippines:

PICCS (Philippines Inventory of Chemicals and Chemical Substances):	None of the chemical substances in this product are listed.
---	---

China

IECSC (Inventory of Existing Chemical Substances in China):	None of the chemical substances in this product are listed.
---	---

For explanation of abbreviation see section 16.

Further Information:

- This product is to be considered as a preparation according to EU-legislation.

15.2 CHEMICAL SAFETY ASSESSMENT:

- A Chemical Safety Assessment has not been carried out.

SECTION 16. OTHER INFORMATION, INCLUDING DATE OF PREPARATION OR LAST REVISION**Legend:**

ADRADR:	Accord Européen sur le Transport des Marchandises Dangereuses par Route (European Agreement concerning the International Carriage of Dangerous Goods by Road)
AICS:	Australia Inventory of Chemical Substances
CA:	California
CAS:	Chemical Abstract Services (division of the American Chemical Society)
CERCLA:	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR:	Code of Federal Regulations
CH INV:	Switzerland. New Notified Substances and Declared Preparations
CSA:	Canadian Standards Association
DNEL:	Derived No-Effect Level (REACH)
DOT:	Department of Transportation
DSL:	Canadian Domestic Substance List
ECHA:	European Chemical Agency
ENCS:	Japanese Existing and New Chemical Substances Inventory
EPA:	Environmental Protection Agency
GHS:	Globally Harmonized System of Classification and Labelling of Chemicals
HMIS:	Hazardous Materials Identification System
HSDB:	Hazardous Substances Data Bank
IARC:	International Agency for Research on Cancer
IATA:	International Air Transport Association
ICAO:	International Civil Aviation Organisation
IECSC:	Inventory of Existing Chemical Substances in China
IMDG:	International Maritime Dangerous Goods
Inh:	Inhalation
ISHL:	Japanese Inventory of Chemical Substances
KECI:	Korean Existing Chemicals Inventory
LC:	Lethal Concentration
LD:	Lethal Dose
MA:	Massachusetts
MAK:	German Maximum Workplace Concentration
MN:	Minnesota
NFPA:	National Fire Protection Association
NIOSH:	National Institute of Occupational Safety and Health
NJ:	New Jersey
NTP:	National Toxicology Program
NZIoC:	New Zealand Inventory of Chemical Substances
OSHA:	Occupational Safety and Health Administration
PA:	Pennsylvania
PEL:	Permissible Exposure Limit
PICCS:	Philippines Inventory of Chemicals and Chemical Substances
PNEC:	Predicted No-Effect Concentration (REACH)
RCRA:	Resource Conservation and Recovery Act
REACH:	EC 1907/2006
RI:	Rhode Island
RTECS:	Registry of Toxic Effects of Chemical Substances
SARA:	Superfund Amendments and Reauthorization Act
STEL:	Short Term Exposure Limit
TDG:	Canadian Transportation of Dangerous Goods Act & Regulations
TLV:	Threshold Limit Values
TSCA:	Toxic Substance Control Act
TWA:	Time Weighted Average
WHMIS:	Workplace Hazardous Materials Identification System

References:

Canadian Centre for Occupational Health and Safety, CCInfoWeb Databases, 2015 (Chempendium, RTECs, HSDB, INCHEM).
European Chemicals Agency, Classification Legislation, 2015
Material Safety Data Sheet from Manufacturer/Distributor.
OECD: Organization for Economic Co-operation and Development, 2015



SAFETY DATA SHEET

Magma Fiber®

Version 1.0	For the New GHS SDS Standard	Revision Date: 12/15/2014
Version 1.1	Hazard and Precautionary Statements	Revision Date: 02/04/2015
Version 1.2	Updated Graphics	Revision Date: 03/09/2015
Version 1.3	UN#, ICC GHS Edits	Revision Date: 05/20/2015
Version 1.4	Edits in Section 9	Revision Date: 05/21/2015
Version 1.5	Edits to Section 5	Revision Date: 06/02/2015
Version 1.6	Additions to Section 9	Revision Date: 06/25/2015

Other Special Considerations for Handling:

- Provide adequate information, instruction and training for operators.

Miscellaneous Hazard Classes:

Canadian Carcinogenicity Hazard Class: Not Applicable.

Physical Hazards Not Otherwise Classified (PHNOC): Not Applicable.

Health Hazards Not Otherwise Classified (HHNOC): Not Applicable.

KB International LLC

735 Broad Street, Suite 300

Chattanooga, TN 37402

United States of America

Telephone: +1 (423) 266-6964 info@kbtech.com

Main Fax: +1 (832) 202-0231 www.kbtech.com

Magma Fiber Safety Data Sheet	Supersedes Document Titled: Magma Fiber SDS 04/11/2017ggV5
Current SDS Code: "Magma Fiber SDS 04/11/2017ggV5rel2"	Previous Document Date of Release: April 11, 2017
Revision Date: 04/12/2017	Revision No. 5 Release No. 2
Prepared By: K. Gifford Goodhue, Jr.	Verified By: Mark Walters on 04/12/2017
Issue Date: 04/12/2017	Print Date: 04/12/2017

KB, Technology to Build On! are both registered trademark of KB International LLC. For more information on our products and services please visit: www.kbtech.com.

DISCLAIMER:

The information in this material safety data sheet should be provided to all who will use, handle, store, transport or otherwise be exposed to this product. The user must determine the appropriate measures that need to be implemented for the use and handling of this product in the context of the user's operations and use of this product. The information contained herein supersedes all previously issued bulletins on the subject matter covered. If the date on this document is more than three years old, call to make certain that this sheet is current. No warranty is made as to the product's merchantability or fitness for any particular purpose, or that any suggested use will not infringe any patent. User must determine for himself, by preliminary tests or otherwise, the suitability of this product for his purposes, including mixing with other products. Nothing contained herein shall be construed as granting or extending any license under any patent.

The information provided in this Material Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text.

End of Safety Data Sheet



Safety Data Sheet

According to Regulation (EU) No. 453/2010

Section 1: Identification of the substance/mixture and of the company/undertaking

1.1 Product Identifier

Product Name: POLYTHIN

1.2 Relevant identified uses of the substance or mixture and uses advised against

Use: Dispersing agent

1.3 Details of the supplier of the safety data sheet

Company name: Pigott Shaft Drilling Limited
Address: Hollowforth Hall
Hollowforth Lane
Woodplumpton
Preston
PR4 0BD
Web address: www.solidseparation.com
Tel: 01772 690076
Fax: 01772 690840
E-mail: enquiries@psdmud.co.uk

1.4 Emergency telephone number

Tel: +44 (0)1772 690076 (Mon-Fri 8am-5.30pm)
+44 (0)7879 883510 or +44 (0)7967 600938 at other times

Section 2: Hazards identification

2.1 Classification of the substance or mixture

CLASSIFICATION ACCORDING TO REGULATION (EC) NO. 1272/2008

This product is not classified as hazardous to health or to the environment in accordance with this regulation.

2.2 Label elements

LABELLING ACCORDING TO REGULATION (EC) NO. 1272/2008

This product does not require a hazard warning label in accordance with this regulation.

2.3 Other hazards

Spilled product is slippery underfoot.

This product does not contain any substance that meets the criteria for PBT or vPvB in accordance with Annex XIII of Regulation (EC) No. 1907/2006.

Section 3: Composition/Information on ingredients**3.2 Mixtures**

Chemical nature: An aqueous solution based on acrylic polymer

HAZARDOUS INGREDIENTS ACCORDING TO REGULATION (EC) 1272/2008

<u>Ingredient name</u>	<u>EC No</u> <u>CAS No</u> <u>Annex VI No</u> <u>REACH Reg. No</u>	<u>Classification</u> <u>(EC) No. 1272/2008</u>	<u>Content %</u>
Sodium Acrylate	231-209-7 7446-81-3 n/a 01-2119513204-55	Aquatic Acute 1: H400 Aquatic Chronic 1: H410	0.3 – 1.0

For full text of Hazard Statements see section 16.

Section 4: First aid measures**4.1 Description of first aid measures**

Skin contact:	Remove all contaminated clothing and wash before wearing again. Wash affected area with soap and plenty of water. If any irritation or symptoms persist, seek medical attention.
Eye contact:	Remove contact lenses if worn and rinse eye with plenty of water for at least 10 minutes holding eye open. If any irritation or symptoms persist, seek medical attention.
Ingestion:	If confined to mouth, wash out with plenty of water taking care not to swallow, and seek medical advice if there is any ill effect. If swallowed, DO NOT INDUCE VOMITING, give one or two glasses of water to drink, seek medical attention and show this safety data sheet or label.
Inhalation:	Under normal conditions of use Inhalation not expected.

4.2 Most important symptoms and effects, both acute and delayed

Skin contact:	There is a slight possibility of irritation on prolonged contact.
Eye contact:	There may be temporary irritation.
Ingestion:	May cause irritation to digestive system.

4.3 Indication of any immediate medical attention and special treatment needed

Treat symptomatically.
No specific antidote known.

Section 5: Fire-fighting measures**5.1 Extinguishing media**

Use dry powder, foam or water spray if appropriate to material involved.
The product is slippery underfoot therefore it is preferable not to use a water jet.

5.2 Special hazards arising from the substance or mixture

Harmful vapours including oxides of carbon may be emitted in fire conditions.
Floor is likely to be slippery underfoot.

5.3 Advice for fire-fighters

Wear full protective clothing and self-contained breathing apparatus.

Section 6: Accidental release measures**6.1 Personal precautions, protective equipment and emergency procedure**

Wear suitable equipment for protection of eyes and skin.
Take care; floor is likely to be slippery underfoot.

6.2 Environmental precautions

Prevent product from entering drains and prevent further spillage if safe to do so.
Advise local authorities if large spills cannot be contained.

6.3 Clean-up procedures

Absorb with inert absorbent material and transfer to a suitable labelled plastic container for disposal.
If only traces remain the area may then be flushed with water.

6.4 Reference to other sections

Suitable equipment for eye/face and skin protection is quoted in section 8.
Suitable methods for disposal are quoted in section 13.

Section 7: Handling and storage**7.1 Precautions for safe handling**

Avoid contact with eyes and skin.
Wear suitable protective equipment for eyes and skin.
Do not eat or drink in working area and wash hands after use.

7.2 Conditions for safe storage, including any incompatibilities

Store in original containers and keep well sealed.
Store in well-ventilated area at normal room temperature.

7.3 Specific end use

There is no specific end use in addition to that shown in section 1.

Section 8: Exposure controls/personal protection**8.1 Control parameters****WORKPLACE EXPOSURE LIMIT EH40**

The product does not have a Workplace Exposure Limit.

8.2 Exposure controls

Engineering controls:	Ensure adequate ventilation of the working area. Eyewash facilities should be provided in the working area.
Eye /face protection:	Safety goggles (EN166)
Skin protection:	Chemical resistant gloves (EN 374), lightweight protective overalls and protective footwear.
Respiratory protection:	Not deemed necessary.

Section 9: Physical and chemical properties**9.1 Information on basic physical and chemical properties**

Appearance:	Yellow liquid
Odour:	Mild
Odour threshold:	n/a
pH:	7.0 - 9.0
Melting point/freezing point:	0°C
Boiling point or boiling range:	Approx. 100°C
Flash point:	n/a
Evaporation rate:	n/a
Flammability:	n/a
Upper/lower flammability or explosive limits:	n/a
Vapour pressure:	n/a
Vapour density:	n/a
Relative density:	Approx. 1.3 g/cm ³ @20°C
Solubility:	Soluble in water
Partition coefficient: n-octanol/water:	n/a
Auto-ignition temperature:	n/a
Decomposition temperature:	n/a
Viscosity:	Approx. 700 mPa.s @20°C
Explosive properties:	None.
Oxidising properties:	None.

9.2 Other information

None available

Section 10: Stability and reactivity**10.1 Reactivity**

No reactivity is likely if stored and handled as prescribed.

10.2 Chemical stability

Stable under normal conditions.

10.3 Possibility of hazardous reactions

No hazardous reactions are likely if stored and handled as prescribed.

10.4 Conditions to avoid

Temperature extremes.

10.5 Incompatible materials

Strong oxidizing agents.

10.6 Hazardous decomposition products

Evolution of oxides of carbon is possible when exposed to excessive heat.

Section 11: Toxicological information**11.1 Information on toxicological effects**

Acute toxicity: Toxicity by ingestion and skin contact is expected to be very low

Oral toxicity: LD50 (rat) >5000 mg/kg

Dermal toxicity: LD50 (rat) >2000 mg/kg

Toxicity by inhalation: LC 50 >5 mg/l

Irritation: Not irritating to eyes and skin.

Corrosivity: Will not cause serious damage to eyes or skin:

Sensitisation: Not reported.

Repeated dose toxicity: Not reported.

Carcinogenicity: Not reported.

Mutagenicity: Not reported.

Toxicity for reproduction: Not reported.

Section 12: Ecological information**12.1 Toxicity**

It is very probable that the product is not acutely harmful to the aquatic organisms.

Toxicity to fish: Leuciscus idas LC50 (96h) >100 mg/l

12.2 Persistence and degradability

Partially biodegradable.

12.3 Bioaccumulative potential

No significant bioaccumulation is expected.

12.4 Mobility in soil

Not known.

12.5 Results of PBT and vPvB assessment

Not applicable.

12.6 Other adverse effects

Does not contain any ingredient that is listed in Regulation (EC) 1005/2009 on substances that deplete the ozone layer.

Section 13: Disposal considerations**13.1 Waste treatment methods**

Disposal of product: Must be disposed of in accordance with local and national regulations.

Disposal of packaging: Packaging should be sent for recycling or disposed of as for the product.

Section 14: Transport information

This product is not classified as dangerous for carriage by, road, sea or air.

Section 15: Regulatory information

Regulation (EC) No. 1272/2008 on Classification, Labelling and Packaging of substances and mixtures.
Regulation (EC) No. 1907/2006 on Registration, Evaluation, Authorisation and Restriction of Chemicals.

15.2 Chemical safety Assessment

A Chemical Safety Assessment has not been carried out on this product.

Section 16: Other information

This data sheet is produced in accordance with Commission Regulation (EU) No. 453/2010 which amends Regulation (EC) No. 1907/2006.

It is revision 01 and replaces the original version, revision 00, compiled on 11/02/2012.

Changes have been made to sections 2, 3, 11, 12 and 15.

Text for hazard statements not written in full in section 3:

H400 – Very toxic to aquatic life.

H410 – Very toxic to aquatic life with long lasting effects.

The abbreviation n/a = not applicable or not available.

The information given in this document is based on current knowledge and experience and is given in good faith. No warranty expressed or implied is made, and data is only relevant to the use for which the product is supplied.

ORGANISATIONAL LICENCE

Issued to: **HS2 Ltd**

Badgers – HS2, Phase 1 London to West Midlands



OVERVIEW

This organisational licence is issued to **HS2 Ltd** to permit disturbance, interference with and closure of badger (*Meles meles*) setts along the Phase One route: between London and the West Midlands.

HS2 Ltd ('the Licensee') is responsible for all activities performed under the authority of this licence.

Reference	WML-OR24
Organisational Licence	The following Annex is an integral part of this licence: <ul style="list-style-type: none">• WML – OR24 Annex A
Issued under	The Protection of Badgers Act 1992 (the "1992 Act")

IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above.

Failure to comply with its terms and conditions:

- i. may be an offence against the Protection of Badgers Act 1992 or mean that the licence cannot be relied upon. The maximum penalty available for failing to comply with a condition of a licence under the 1992 Act is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- ii. may result in this licence being revoked and/or the refusal to grant future licences.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then you will need to apply to Natural England for an individual licence.

This licence is not a consent or assent for the purposes of Part II of the Wildlife and Countryside Act 1981 (as amended) ("the 1981 Act") in respect to Sites of Special Scientific Interest. It is your responsibility to get consent or assent if required (see Information & Advice note n, below).

Code 1 - Accepted

Natural England hereby authorises¹ anyone named on Annex B of this licence and employed by HS2 Ltd (hereafter referred to as the 'Licensee') or employed as a contractor working for HS2 Ltd

Address: 2 Snowhill, Queensway, Birmingham B4 6GA

under section 10(1)(d) of the 1992 Act.

To Carry out the activities detailed in Annex WML – OR24 Annex A

For the purpose of Any development as defined in section 55(1) of the Town and Country Planning Act 1990

Between (and inclusive) 1 May 2019 and 28 February 2021 (inclusive)

On land Within the consolidated construction boundary of the proposed rail route and land upon which the Licensee has the permission of the owner to operate, within the counties and unitary authorities of: Greater London, Hertfordshire, Buckinghamshire, Oxfordshire, Northamptonshire, Warwickshire, Staffordshire, Solihull and Birmingham. It may also be used on land in the aforementioned counties and unitary authorities where a third party or contractor of a third party owns or has permission to operate, to undertake works which are directly related to the construction of the rail route.

Subject to The Licence Conditions specified below and the terms and conditions in Annex WML-OR24(A).

Definitions used in this licence

Badger "sett" Defined in the 1992 Act as "*any structure or place which displays signs indicating current use by a badger*". See 'Information and Advice' a. below, for further guidance.

Appointed Person An employee of the Licensee who is nominated to act as a single point of contact for Natural England with regard to this licence. The Appointed Person is expected to oversee use of the licence, including authorising contractors to act under the licence, training, record keeping, reporting and compliance.

Additional Authorised Person An employee of the Licensee or employee of a contractor of the Licensee who is named in Annex B and who has received appropriate training and/or instruction and is competent to undertake activities permitted by the licence and who is authorised in writing to act under the licence.

Assistant A person assisting an Additional Authorised Person. Assistants are only authorised to act under this licence whilst they are under the direct supervision of an Additional Authorised Person.

Terms and requirements of this licence that express conditionality are conditions of this licence whether so called or not.

The headings used in this licence and its Annex are for convenience only and shall have no effect upon the interpretation of this licence or its conditions.

¹ Natural England is authorised to exercise this power in accordance with an agreement made with the Secretary of State under section 78 of the Natural Environment and Rural Communities Act 2006

LICENCE CONDITIONS

Who may use this licence

1. The Licensee shall nominate an Appointed Person whose details will be provided to Natural England to oversee use of this licence.
2. The following persons (see Definitions) are authorised to use this licence whilst engaged in official business of the Licensee:
 - a. Additional Authorised Persons: employees and contractors of the Licensee who are authorised to use the licence by being named on the list of licensees at Annex B (see 3. below); or
 - b. Assistants acting under the direct supervision of an Additional Authorised Person.
3. The list of Additional Authorised Persons at Annex B will be held and maintained by HS2 Ltd, and will be made available to Natural England at reasonable notice during working hours.
4. Any Additional Authorised Person must be named on Annex B prior to undertaking any work under this licence.

Working under the licence

5. Any person acting under this licence must abide by the conditions of WML-OR24(A), Annex A of this licence.
6. It is the responsibility of the Licensee to ensure that all persons using this licence possess appropriate knowledge and experience and /or instruction to undertake licensed activities in accordance with the terms and conditions of this licence and accepted best practice.
7. Anyone acting under the licence must abide by the most up to date iteration of HS2's Ecology Technical Standards (HS2-HS2-EV-STD-000-000017), and guidance referred to in this licence, including WML-OR24(A) Annex A.
8. Any Additional Authorised Person engaged in activity under the terms and conditions of this licence shall at all times carry a form of identification and authorisation and produce it on demand to any Police or Natural England officer (see Information and Advice note e).
9. The Licensee is responsible for **all** activities carried out under this licence, including activities carried out by Additional Authorised Persons and their Assistants.

Recording and reporting requirements

10. It is a condition of this licence that the Licensee maintains:
 - a. the information required for each Annual Report to Natural England using report form WML-OR24(R);
 - b. a record of the names, and organisation / consultancy, of all persons authorised to use this licence, including Assistants; and
 - c. a record of all incidents where an activity has not been conducted in accordance with this licence and any remedial or corrective action taken.

Records are to be kept for at least two years after the licence expires and are to be made available for inspection by Natural England at any reasonable time.

11. An Annual Report of activities conducted under this licence must be sent by the Licensee to Natural England (at the address given below) for the reporting period 1 January (or date of issue, whichever is sooner) to 31 December (inclusive) no later than 31 January of each subsequent reporting year, even if the licence is not used (see Information and Advice note h).

Licence compliance

12. Any person authorised by this licence shall permit an officer of Natural England, accompanied by such persons as he/she considers necessary for the purpose, on production of his/her identification on demand, reasonable access to work being undertaken for monitoring purposes and to be present during any operations carried out under the authority of this licence for the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with. The additional authorised person(s) shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
13. Failure to comply with the terms and conditions of this licence (including the recording and reporting requirements) will, by default, render this licence null and void and it may not be relied upon until such time that Natural England confirms in writing that its use may resume.
14. Natural England must be informed of all breaches to this licence within 48 hours of it becoming apparent to the Licensee that a breach has occurred. Unless advised otherwise by Natural England, the licensed organisation must take the necessary steps to address any breaches or poor practice identified as quickly as possible.

Issued by and on behalf of Natural England on

1 May 2019

Code 1 - Accepted

INFORMATION AND ADVICE specific to this licence

Badger setts

- a. The 1992 Act defines a badger sett as “any structure or place which displays signs indicating current use by a badger”. Examples of signs that may indicate ‘current use’ include entrances that are >25cm in diameter with a flattened oval appearance, entrances that are clear of debris and vegetation, entrances with smoothed sides (due to the passage of badgers), large spoil heaps (sometimes fresh) outside entrances, fresh bedding outside entrances, fresh badger footprints in spoil heaps, and well trampled runs leading to and from entrances. Further guidance (WMLG17) on interpretation of ‘current use’ of a badger sett is available at http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf
- b. Main setts usually have a large number of entrances with large spoil heaps, and look well used. They usually have well used paths to and from the sett and between sett entrances. Although normally the breeding sett, and in continual use all year round, it is possible to find a main sett that has become disused because of excessive disturbance or for some other reason.

General Information

- c. The licence can be extended, terminated or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so.
- d. Any requests for information in a licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.
- e. Additional Authorised Persons are advised to carry a copy of this licence at all times when acting under this licence.
- f. An individual licence will be required for any activities that are not covered by this licence. Contact HS2wildlifelicencing@naturalengland.org.uk for further information

Training and experience requirements

- g. It is the responsibility of Proothe Licensee to ensure that each Additional Authorised Person has the appropriate level of expertise and experience to undertake the activities which they are permitted to undertake under this licence. It is also the Additional Authorised Person’s responsibility to ensure that Assistants have appropriate training, experience and instruction to act under this licence.

Reporting

- h. The Report of action taken under licence (WML-OR24(R) must be completed annually (see Condition 10).
- i. Reports should be emailed to Natural England, but they may also be posted (please mark ‘Licence Returns’ send to the licensing email or postal address given below in ‘Contact Details’).

Compliance and enforcement

- j. The Licensee is expected to monitor compliance with the licence and to take action in the event that poor practice and/or non-compliance are identified. A person may be barred from using this licence by Natural England, for example, if that person breaches the conditions of this licence. In these circumstances Natural England will notify the Licensee.
- h. Natural England will consider reporting any non-compliance, or concerns over standards, to the professional body of which a Consultant is a member.

INFORMATION AND ADVICE for all Licences

General Information

- i. The common name of the species given in licences and annexes to licences is included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of the species only that will be taken into account.
- j. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 (all as amended) may use this licence without the permission of Natural England unless, in respect of that offence, either:
 - i. they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
 - ii. a court has made an order discharging them absolutely.

Any request to use the licence by a person to whom this note applies will be considered on its merits.

The limits of licences

- k. Licences permit action only for the purposes specified on that licence.
- l. Licences do not permit actions prohibited under any other legislation, nor do they confer any right of entry upon land.

- m. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.

Protected sites

- n. With the exception of WML-CL25 (*To permit the diversionary feeding of hen harrier (Circus cyaneus) on grouse moors in northern England*), a licence does not give permission from Natural England to carry out a licensed activity on a Site of Special Scientific Interest (SSSI). The notification documents for each SSSI contain a list of operations that require Natural England's prior consent. Owners and occupiers of land notified as SSSIs are required to give written notice to Natural England before either beginning any of these operations, or allowing someone else to carry out those operations. SSSI consent can only be given to a SSSI owner or occupier. It may be given with or without conditions, or in some cases, consent may not be granted. A similar process applies to public bodies and statutory undertakers (as defined under Section 28G of the Wildlife and Countryside Act 1981 (as amended)) and this obligation applies even where the operations are carried out on land outside of the SSSI.

Please note that as the licensee you will not be able to undertake the licensed activity on a SSSI until the owner or occupier of the SSSI has applied for, and received, Natural England's written SSSI consent. If you do so, you may be at risk of committing an offence. As the licensee, if you wish to exercise this licence on a SSSI you must contact the relevant owners or occupiers of the SSSI and ensure they give written notice to Natural England of their proposal to permit you to carry out licensed activity on their SSSI. You should wait until a SSSI consent decision has been received by the SSSI owner/occupier before you begin to exercise this licence on a SSSI. See [Gov.uk](http://gov.uk) for further information on how to get SSSI consent from Natural England.

In considering whether to issue consent or assent for activities likely to affect a SSSI that is a European Site, in other words a Special Protection Area (SPA) or Special Area of Conservation (SAC), Natural England will carry out a Habitats Regulations Assessment, as required by the 2017 Regulations to ensure there will be no adverse effects on the European Site.

To identify the location of SSSIs and European Sites, refer to the [Magic map system](http://magicmap.naturalengland.org.uk). You can search for and view details about all SSSIs by using Natural England's [Designated Sites system](http://designatedsites.naturalengland.org.uk), including the citation and the list of operations requiring Natural England's consent for each site.

Contact details for Natural England

For licensing enquiries (& Reporting):

Telephone 020 802 61089

Email HS2wildlifelicencing@naturalengland.org.uk

Postal address

Wildlife Licensing, Natural England, Horizon House, Deanery Road, Bristol BS1 5AH

For other enquiries use the Enquiry Service:

Telephone 0300 060 3900

Email enquiries@naturalengland.org.uk

Web [Natural England - GOV.UK](http://NaturalEngland.gov.uk)

Other useful contacts

Local Record Centres: to find out where your nearest Local Record Centre is visit the Association of Local Environmental Record Centres website at: <http://www.alerc.org.uk/find-an-lrc.html>

Legislation: to view the full text of the legislation referred to in this licence visit <http://www.legislation.gov.uk>

Feedback and Complaints: we welcome and value your compliments, complaints, suggestions and comments about our services. Please see our 'Contact us' section for more details.
<https://www.gov.uk/government/organisations/natural-england#org-contacts>

Code 1 - Accepted

**Who is collecting my data?**

The data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; foi@naturalengland.org.uk.

Any questions about how we are using your personal data and your associated rights should be sent to the above contact. The Data Protection Officer responsible for monitoring that Natural England is meeting the requirements of the legislation is: Defra group Data Protection Officer, Department for Environment, Food and Rural Affairs, SW Quarter, 2nd floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. DefraGroupDataProtectionOfficer@defra.gsi.gov.uk.

What of my data is being collected and how is it used? What is the legal basis for the processing?

The information on the licence application form and any supporting material will be used by Natural England to undertake our licensing functions. This will include, but is not limited to assessing your application, issuing a licence if applicable, monitoring compliance with licence conditions and collating licence returns and reports. The personal information we will process will include, but is not limited to your name and contact details, customer type and reasons for wanting a licence.

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. That task is to conduct the licensing functions as delegated by Defra to Natural England under Part 8 Agreement under section 78 of the Natural Environment and Rural Communities Act 2006

Who will my data be shared with?

Your personal data may be shared by us with the Department for Food, Environment and Rural Affairs and its executive agencies including the Rural Payments Agency and the Environment Agency. This will be used to monitor and evaluate the effectiveness of our work.

It may also be shared with Police.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

If you are relying on my consent to process my data, can I withdraw my consent?

No, because the processing is not based on consent.

How long will my data be held for?

Your personal data will be kept by us for 7 years after the expiry of your licence or longer if stated in the licence conditions.

What will happen if I don't provide the data?

Failure to provide this information will mean that Natural England will not be able process your licence application.

Will my data be used for automated decision-making or profiling?

The information you provide is not connected with individual decision making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal data to evaluate certain things about an individual).

Will my data be transferred outside of the EEA?

The data you provide will not be transferred outside the European Economic Area.

What are my rights?

A list of your rights under the General Data Protection Regulation, the Data Protection Act 2018, is accessible at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

How do I complain?

You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

Natural England's Information Charter can be found here: <https://www.gov.uk/government/organisations/natural-england/about/personal-information-charter>

Code 1 - Accepted

WML – OR24(A) Annex A

HS2 Ltd

Badgers – HS2, Phase 1

London to West Midlands



Additional licence conditions for exclusion of badgers from their setts by means of one-way gates, and closure/destruction of setts

OVERVIEW

This annex to the licence permits persons authorised under this licence to disturb badgers (*Meles meles*) whilst occupying setts, interfere with badger setts, exclude badgers from setts and close and destroy badger setts located in the route of High Speed Two, Phase One: between London and the West Midlands.

The activities permitted by this licence:

To interfere with badger setts (see Information and Advice note a in main licence WML-OR24) by means of:

- a) Soft blocking of sett entrances
- b) Insertion of inspection equipment into a sett
- c) Use of vehicles, machinery and power tools in the vicinity of a badger sett
- d) Clearance of vegetation near a badger sett
- e) Installation of one-way badger gate(s) in sett entrances
- f) Obstructing access to setts using fencing installed with one-way gate(s)
- g) Closure and destruction of a badger sett

Subject to the Terms and Licence Conditions set out in the main licence and the Annex Licence Conditions below.

IMPORTANT

This licence is to be used only where licensed activities cannot be reasonably or practicably be avoided.

The conduct of the activities and operations listed in the table below are subject to the Additional Licence Conditions and to the terms and conditions contained in the main body of the licence.

Code 1 - Accepted

Additional Conditions

- A1 Any works undertaken using this licence shall comply with the requirements set out in the most up to date iteration of the HS2 Ecology Technical Standards HS2-HS2-EV-STD-000-000017 and detailed design developed for the site.
- A2 Work may only be undertaken at any location after the detailed design of mitigation has been approved by HS2 Ltd.
- A3 This licence can only be relied upon in situations where alternative measures that have a lower level of impact on badgers have been considered and proved to be either ineffective or impractical to implement.
- A4 The Licensee or Additional Authorised Person must ensure, before any works commence on site, that all those involved with the licensable works understand by way of an induction and instruction ('tool box talk'):
- that badgers may be present and the basics of the legislation;
 - the measures that will be used to avoid harm to badgers;
 - good working practices;
 - licensable activities;
 - what to do should a live badger be found.
- A5 A written record of persons inducted and instructed must be made and maintained and be made available to Natural England or any police officer on request within two working days of the request being made.
- A6 The Licensee or Additional Authorised Person is responsible for ensuring that all reasonable precautions are taken to ensure that unnecessary suffering or cruel ill treatment of any badger is avoided.

Use of machinery and vehicles near a sett and vegetation clearance around/over a sett (Conditions relevant to where the action will disturb badgers whilst occupying a sett, but where the sett will not be damaged/closed or destroyed)

- A7 Prior to the start of operations, an area within a minimum distance of 10 metres (11 yards) of any known badger sett entrances that display signs indicating current use by a badger must be clearly marked using coloured tape, string, paint, or other markers. Any further setts which are discovered during the operation must be similarly marked as soon as their presence becomes known.
- A8 Within the marked area as above ('exclusion zone') no heavy machinery is to be used, no burning is to be carried out, no timber or brash piles are to be created and no stumps are to be removed. Fuel, oil, and chemicals must not be stored or applied within the marked area (the only exception is where conifer stumps must be treated against attack by the fungus *Heterobasidion annosum* (Fomes)).
- A9 Vehicles must not drive directly or park over badger sett entrances.
- A10 Trees/stumps/shrubs/hedges within 20 metres (22 yards) of the sett must not be uprooted.
- A11 Trees may be felled or vegetation cleared within the exclusion zone using hand-held tools and hand held machinery such as chainsaws or brushcutters.
- A12 Trees may also be felled using a purpose-built machine, where the boom and cutting head can safely reach into the exclusion zone, provided the body of the machine remains parked outside the exclusion zone.
- A13 Trees must be felled to fall away from, or be lifted away from, badger sett entrances.
- A14 Any badger sett entrances which become blocked must be unblocked and left unobstructed at the end of each day's work.

- A15 Timber or brash may be extracted or removed from inside the exclusion zone using a tractor and winch or a purpose-built machine, provided the body of these machines remains parked outside the exclusion zone.
- A16 Where works involve pile driving, rock boring, dynamic compaction or a similar activity with the potential to cause ground vibration that could disturb badgers occupying a sett or damage a sett by causing tunnel collapse, the impact on that sett must be evaluated prior to commencement (See Recommendations and Information notes h and i).
- A17 If disturbance is reasonably expected to result in a longer term impact (e.g. more than 4-6 weeks) on the badgers occupying that sett or cause tunnel collapse, in accordance with Licence conditions A23 - A31, badgers must be excluded from the sett and the sett closed and proofed against re-entry by badgers before that operation begins and for its duration. Activities with the potential to cause such a level of disturbance must therefore not be carried out between 1st December and 30th June.

Determining use of a sett entrance by means of soft blocking. (Conditions relevant to determining if a sett, e.g. outlier or subsidiary, is currently being used. It should not be used for closure of a sett which displays signs of current activity, which should be undertaken in accordance with conditions A24 to A32)

- A18 In order to determine the activity status of certain sett entrances, sett entrances must be lightly blocked using loose soil or untainted straw, hay, bracken or leaf litter not harmful to badgers. Monitoring must be carried out for a minimum of twenty-one (21) consecutive days at intervals of no more than three (3) days to determine whether badgers have used the sett entrances.
- A19 If monitoring demonstrates that badgers have not unblocked these sett entrances during the minimum twenty-one (21) day period, then steps must be taken immediately to hard-block and proof these sett entrance(s) to prevent badgers from reusing them.
- A20 Lightly blocked sett entrances which become unblocked by badgers during the twenty-one (21) day period must have one-way badger-gates installed, in accordance with Licence Conditions A23 - A31.

Insertion of inspection equipment (e.g. endoscope camera) into the sett (if required)

- A21 Any inspection equipment inserted into the sett must be done in such a way so as not to damage the sett entrance or any tunnel or chamber.
- A22 Any inspection equipment must be immediately retracted if the presence of badger(s) in the sett is confirmed.

Exclusion of badgers by means of one-way gates

- A23 The exclusion of badgers from their setts by means of one-way gates and destruction of the sett may only be carried out between 1st July and 30th November (inclusive) in any one year.
- A24 At the start of the operation, vegetation around the sett must be removed down to ground level only.
- A25 Un-gated entrances to tunnels which have been shown not to be occupied by badgers must be blocked or proofed against re-entry by badgers.
- A26 One-way badger gates, opening outwards, must be securely installed in all sett entrances displaying signs of possible occupation by badgers to allow badgers to exit from but not enter the sett.
- A27 The sett must be visited at intervals of no more than three (3) days to inspect the gate(s) to ensure that they open and close freely, and to check for signs of badgers having regained access to the sett.
- A28 The badger gate(s) must remain continuously in position for a minimum period of twenty-one (21) days following the last sign indicating possible access by badgers into the sett and until immediately before action is taken to destroy the sett or securely close access to it.
- A29 Measures to exclude badgers must remain in place until immediately before sett destruction or further measures to securely close access are carried out. In situations where the sett is

to be kept closed until works in the area are complete and then re-opened, monitoring must be undertaken at intervals of no more than thirty (30) days throughout the period of closure (see Recommendation c.). In the event badgers regain access to the sett after 30th November in any year the licence user must contact Natural England licensing team for advice on how to proceed.

A30 Where for safety or other practical reasons it is not possible to install a one-way gate in every sett entrance, the sett must be enclosed by a badger-proof electric or wire mesh fence incorporating at least one (1) one-way badger gate(s), opening outwards, to allow badgers to exit from but not enter the fenced area. The gate(s) must be monitored in accordance with Licence Conditions A27-29.

A31 Where operations have started prior to 9th November in any calendar year and it is found that badgers breach the proofing and an extension to the exclusion period is required, then the licence user must contact the Natural England licensing team for advice on how to proceed. An extension to the exclusion period up to 15 December may be granted in writing by Natural England.

Provision of artificial setts

A32 An artificial sett must be provided where closure or destruction of a sett (usually a main sett) results in there being no suitable alternative sett for the excluded badgers within their existing territory (such as an outlier or annex sett).

A33 Any artificial sett must be constructed in a suitable location within the existing territory of the badgers which are being excluded and to the standard set out in HS2 Ecology Technical Standards (see Recommendation g). Construction must be completed in advance of starting the exclusion of badgers from their main sett.

A34 Where an artificial sett has been constructed, action to exclude badgers from their sett may only begin once there is evidence that badgers have discovered the artificial sett (see Recommendation g).

A35 At least 20% (rounded up to the nearest whole number) of artificial setts constructed must be monitored for use by badgers at least twice a year for up to 2 (two) years following the closure and destruction of the original sett. The results of the monitoring must be provided to Natural England.

Emergency operations – excavation of a sett or part thereof without prior exclusion (referred hereafter to as ‘live digging’)

A36 This licence permits the live digging of badger setts only under the following circumstances:

- Where the closure of a single tunnel or small part of a sett with limited activity is sufficient to allow works to proceed and avoid the need for full sett closure. Such works may involve the installation of a fence line or utility diversion/connection via a trench.
- Other circumstances include where it is found that part of a sett has become damaged either by accident or unforeseen circumstances and it is necessary to take action to prevent harm to badgers.

A37 This licence does not permit the live digging of badger setts to undertake works which are necessary but have been programmed incorrectly.

A38 As soon as it becomes known that a ‘live dig’ is required, the Natural England licensing officer and HS2 area ecology lead must be informed. This must be in writing via email. In urgent, emergency situations, a request via telephone and verbal agreement is permissible so long as this is confirmed in writing as soon as possible afterwards, and in no more than 72 hours.

A39 Digging into the sett may be undertaken with hand tools, or machinery with close supervision of the tunnel by a suitably experienced person.

A40 The bucket on any mechanical excavator should be no wider than 60 cm (2 feet).

A41 Where the operator is approaching a chamber and/or bedding material is visible, the excavation should be carried out by hand where possible.

A42 The excavated site should be regularly inspected for any signs of badger digging and if any

evidence is found action should be taken immediately to prevent additional setts from being excavated.

- A43 Tunnels must be dug back, starting from their entrance, only as far as necessary to complete the operation. All tunnels discovered during the excavation must be either dug back to their ends or have access holes left open so as to avoid trapping badgers.
- A44 Provision must be made to allow any badgers which may be trapped in blind-ending tunnels to escape.
- A45 If the live-dig is not completed within one (1) day then the following measures must be put in place overnight to determine whether badgers have used the sett entrances prior to the next day of live-digging:
- a) trail cameras covering all sett entrances and/or
 - b) sett entrances must be lightly blocked using loose soil or untainted straw, hay, bracken or leaf litter overnight.
- A46 Any pipe used to reinstate part of the tunnel system must have an internal diameter no less than 30 centimetres (12 inches).
- A47 A suitable cage or similar equipment must be available at the site of work to retain any injured badgers for veterinary attention. Any uninjured badger found must be allowed to escape unless it is a dependent cub and there is good reason to believe that it will not survive. Provision must be made to ensure the welfare of any such cub.
- A48 Provision must be made for prompt veterinary assistance to deal with any injured badger.

LICENCE ANNEX RECOMMENDATIONS AND INFORMATION NOTES

- a. In order to prevent badgers from digging into the ground surrounding the sett, material capable of preventing access by badgers, such as heavy gauge chain-link netting, should be pegged down over the surface of the ground surrounding the gated entrances. Chain-link netting (if used) should be galvanised wire of 2.5mm gauge.
- b. Badger activity at the one-way badger gates should be monitored; for example, by placing small sticks in front of and/or behind the gate, tying a fine thread across the front of the gate, and/or smoothing the soil or sand in front of the gate in order to detect badger footprints. If sticks are used, care must be taken that they do not obstruct access to the sett or prevent closure of the gate if disturbed.
- c. A written monitoring schedule of badger activity at all sett entrances should be maintained and made available to Natural England upon request.
- d. The sett should be destroyed by digging back all tunnels as far as possible and backfilling with materials appropriate for the particular site, e.g. soil /concrete /expanding foam /rubble.
- e. After the sett has been destroyed or tunnels have been blocked, the area should be proofed against re-entry by badgers using material capable of preventing access by badgers. For example, chain-link netting or similar material laid on the surface of the ground and/or as a vertical barrier (buried to a depth of at least 1.5 metres below ground) and secured to prevent further access by badgers. If there is a delay before works are undertaken, the sett and proofing should be checked for signs of re-entry at least a month prior to works commencing. This would allow exclusion to be repeated prior to works taking place if badgers are found to have re-occupied the sett.
- f. Badger proof fencing should be constructed to a specification that prevents badgers from climbing over, pushing through and/or digging beneath it. Where possible, any badger gate(s) within the fence should be located over an existing badger path.
- g. Artificial setts should be constructed on dry ground within the affected social group's existing (pre-interference) territory and away from main roads, public rights of way or sources of danger to badgers. Artificial setts should provide a dry and well-ventilated (but not draughty) refuge for badgers, ideally with vegetative cover immediately around the

structure. Confirmation that badgers have found an artificial sett can be achieved through monitoring signs of badger activity such as: uptake of an attractive food such as peanuts and syrup, sand traps for paw prints, hair traps around the entrance and camera traps.

- h. For boring, piling etc activities it will be necessary to consider the impact using engineering impact reports and the knowledge of a suitably experienced ecologist. Likely impacts should be considered according to the circumstances of the site. Where suitable barriers exist between the sett and the works (e.g. a water body) or the topography of the land between the sett and works is such that vibration will not cause an issue, then sett closure should not be necessary.
- i. As a general guide, impacts are likely to be negligible where they occur >100m from the sett, but very likely to occur for the activities stated above within 30m of a sett. Between these guide distances expert engineering and ecological opinion will be required to determine likely impacts.

Code 1 - Accepted

Issued to Fusion Joint Venture

OVERVIEW

This organisational licence is issued to Fusion Joint Venture and permits suitably experienced employees and staff of contractors to undertake certain activities affecting Barbastelle bat *Barbastella barbastellus*, Nathusius' Pipistrelle *Pipistrellus nathusii*, Common pipistrelle bat *Pipistrellus pipistrellus*, Soprano pipistrelle bat *Pipistrellus pygmaeus*, Noctule bat *Nyctalus noctula*, Leisler's bat *Nyctalus leisleri*, Brown long-eared bat *Plecotus auritus*, Natterer's bat *Myotis nattereri*, Daubenton's bat *Myotis daubentonii*, Whiskered bat *Myotis mystacinus*, Brandt's bat *Myotis brandtii* (all of which are European Protected Species (EPS)) which would otherwise be unlawful. The licence facilitates the enabling and construction works for a high speed rail line between London and Birmingham (Phase 1).

Fusion Joint Venture is responsible for the conduct of all activities performed under the authority of this licence.

Natural England Ref: WML-OR57

Organisational Licence

The following annexes form part of this licence:

- WML – OR57(A) (Map of area covered by this licence)
- WML – OR57(B) (permitted activities and licensed methods for bats)

The following documents are also integral to this licence:

- Colne Valley Work Schedule
- Colne Valley Method Statement
- Colne Valley Bat Impacts Maps
- Colne Valley Bat Mitigation Licence Location Map
- Colne Valley Habitat Creation Map
- Colne Valley Master Plan
- Colne Valley Master Plan Maps1-3
- HS2 Environmental Minimum Requirements
- Ecological Site Management Plans

Issued under

Conservation of Habitats and Species Regulations 2017 (as amended) ("the 2017 Regulations")

IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above.

Failure to comply with its terms and conditions:

- may be an offence under the 2017 Regulations or mean that the licence cannot be relied upon. The maximum penalty available for failing to comply with a condition of a licence under the 2017 Regulations is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- may result in this licence being revoked and/or the refusal to grant future licences.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then the Licensee will need to apply to Natural England for an amendment to this licence or you need to apply for a separate licence.

This licence is not a consent or assent for the purposes of Part II of the Wildlife and Countryside Act 1981 (as amended) (“the 1981 Act”) in respect to Sites of Special Scientific Interest. It is your responsibility to get consent if required (see Information & Advice note c).

Under the Conservation of Habitats and Species Regulations 2017 Natural England has granted this licence to affect Barbastelle bat *Barbastella barbastellus*, Nathusius’ Pipistrelle *Pipistrellus nathusii*, Common pipistrelle bat *Pipistrellus pipistrellus*, Soprano pipistrelle bat *Pipistrellus pygmaeus*, Noctule bat *Nyctalus noctula*, Leisler’s bat *Nyctalus leisleri*, Brown long-eared bat *Plecotus auritus*, Natterer’s bat *Myotis nattereri*, Daubenton’s bat *Myotis daubentonii*, Whiskered bat *Myotis mystacinus*, Brandt’s bat *Myotis brandtii* for the purpose of:

Imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, under regulation 55(2)(e) of the 2017 Regulations, being satisfied that as regards the purpose specified in this licence that there is no satisfactory alternative and that the actions authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

to: **Fusion Joint Venture** (hereafter referred to as the “Licensee”) of Floor 5, Cornerblock, Two Cornwall Street, Birmingham, West Midlands, B3 2DX

To: Carry out the activities detailed in

- Annex WML – OR57(B)

Between the dates of: 20 April 2020 and 31st December 2030

Project Description: Licensed activities associated with enabling and construction works for a high speed rail line between London and Birmingham (Phase 1).

At: The Licensed Area as shown hatched in blue on the map in Annex WML– OR57(A).

This licence is granted subject to the Licensee, including its servants and named agents, adhering to:

- the licence terms and conditions specified below and in the Annexes to this licence:
and
- the Colne Valley Method Statement, the Colne Valley Work Schedule, the Colne Valley Bats Impacts Map, the Colne Valley Bat Compensation Maps, and the HS2 Environmental Minimum Requirements.

Terms and requirements that express conditionality are conditions of this licence whether so called or not.

The headings used in this licence and its Annexes are for convenience only and shall have no effect upon the interpretation of this licence or its conditions.

DEFINITIONS used in this licence

Accredited Agent(s)	A suitably trained and experienced person who has been appointed by the Named Ecologist (in accordance with Condition 3) and who is able to carry out work under this licence without the personal supervision of the Named Ecologist.
Appointed Person	An employee of the Licensee who is nominated to act as a single point of contact for Natural England with regard to this licence and is responsible for overseeing use of the licence, including record keeping, reporting and compliance.

Assistant(s)	A person assisting a Named Ecologist or Accredited Agent who has been appointed by the Named Ecologist (in accordance with Condition 3) and who is only authorised to act under this licence whilst they are under the direct supervision of the Named Ecologist or an Accredited Agent.
HS2 Environmental Minimum Requirements	The environmental minimum requirements set out the government's high level environmental and sustainability commitments that accompany the High Speed Rail (London - West Midlands) Act 2017.
Ecological Site Management Plans (ESMPs)	HS2 Ltd Contractors are required to produce ESMPs for habitat creation areas, designated sites and ancient woodlands, as prescribed by paragraph 4.8.3 of the Environmental Minimum Requirements (EMRs). These plans set out the site-specific control measures for HS2 contractors working within local authorities along the Phase One route.
Licensed Area	The area covered by this licence including Colne Valley extending between TQ04118881 - TQ05748758, as shown hatched in blue on the map in Annex WML-OR57(A).
Named Ecologist	Ian Davidson-Watts (NE Customer Number C136201), being a professional ecological consultant who has satisfied Natural England that he has the relevant skills, knowledge and experience of the species concerned (or such other person as approved in writing by Natural England) and who is authorised by the Licensee to act on its behalf for the purposes of this licence.
Colne Valley Bat Impacts Maps	The two impact maps, given reference numbers Figure Da and Figure Db, of the Licenced Area submitted to Natural England on 19 March 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Bat Mitigation Licence Location Map	The map, given reference number C5a, of the Licenced Area submitted to Natural England on 19 March 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Colne Valley Bat Habitat Creation Map	The habitat creation map, given reference number Figure E3, of the Licenced Area submitted to Natural England on 19 March 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Colne Valley Master Plan Maps	The Master Plan maps, given reference number Maps 1-3, of the Licenced Area submitted to Natural England on 19 March 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Colne Valley Master Plan	The Master Plan document for bats at the Licensed Area and future licence applications for this phased or multi-plot development, submitted to Natural England on 15 April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Colne Valley Method Statement	The Method Statement for bats at the Licensed Area, submitted to Natural England using template WML-A13.3, on 09 April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.

References to specific sections, figures or other parts of a document apply to the relevant section, figure or part in the revised and approved version unless otherwise stated.

LICENCE CONDITIONS

1. This licence includes Annex WML-OR57(A) and Annex WML-OR57(B), which contain additional terms and conditions of use.

People authorised to use this licence

2. Licensed activities may only be carried out under this licence by:
 - a) the Named Ecologist;
 - b) Accredited Agents; and
 - c) Assistants.
3. An Accredited Agent or Assistant must carry a signed copy of the authorisation letter from the Named Ecologist, appointing them by name for the purpose of this licence, while carrying out licensed activities in the Licensed Area and must produce this authorisation letter to any police or Natural England officer on request.

Working under this licence

4. The Licensee has primary responsibility for ensuring that all activities carried out in the Licensed Area comply with the terms and conditions of the licence.
5. Before commencing activities under this licence, the Licensee shall nominate an Appointed Person whose details will be provided to Natural England in writing to oversee use of this licence. The Licensee shall promptly update Natural England in writing of a replacement Appointed Person if that person changes.
6. The Named Ecologist is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The Named Ecologist is responsible for checking the suitability and competence of any Accredited Agents or Assistants employed in the Licensed Area to undertake the required duties.
7. The Licensee and all persons acting under this licence must comply with:
 - a) the terms and conditions of this licence and its Annexes WML – OR57(A) and WML – OR57(B); and
 - b) the Colne Valley Method Statement, Bat Mitigation Licence, Colne Valley Location Map, the Colne Valley Work Schedule, the Colne Valley Bat Impacts Map, the Colne Valley Compensation Maps and the Colne Valley Master Plan and Master Plan Maps; and
 - c) HS2 Environmental Minimum Requirements.
8. If there are conflicts or inconsistencies between commitments in the documents in condition 7(b) and the terms and conditions of this licence and its annexes, the licence and annexes will prevail. Any other conflicts or inconsistencies between the documents in condition 7(b) will be interpreted on a precautionary basis to ensure the protection of bats.
9. While engaged in licensed activities, the Licensee shall make a copy of the licence and its

Annexes available for inspection on each site in the Licensed Area where the activities are taking place and shall produce it on demand to any constable or an officer of Natural England.

10. All reasonable precautions must be taken to ensure that unnecessary suffering and harm to the species covered by this licence is avoided.

Where the licence may be used

11. This licence may only be used within the Licensed Area and for the activities specified in Annex WML-OR57(B).

Surveying and Monitoring

12. Pre felling surveys must be appropriately resourced and undertaken at suitable times and in accordance with Annex WML-OR57(B).
13. Monitoring must be undertaken in accordance with section E4.2b of the Colne Valley Method Statement. Any relevant amendments to monitoring will be agreed with Natural England through a licence modification request.

Recording and reporting requirements

14. The Licensee must maintain a record of all bat-related activities carried out under the authority of this licence necessary for reporting to Natural England, including (as a minimum):
 - a) a list of all persons authorised to act under the licence and in what capacity (i.e. Accredited Agent or Assistant);
 - b) any action undertaken under this licence;
 - c) any mitigation or compensation provision;
 - d) any surveying and monitoring conducted;
 - e) any dead or injured bat found in the Licensed Area; and
 - f) any incidents or reports of activities in breach of this licence, including details of steps taken, and any disciplinary, remedial or corrective action.

These records are to be kept until two years after the final licensed action is undertaken and are to be made available for inspection by Natural England at any reasonable time.

15. Survey and monitoring records for bats must be submitted to the Local Biological Record Centre and to the relevant national recording scheme (or National Biodiversity Network (NBN) Atlas if there is no appropriate scheme) every other year.
16. An annual report of activities conducted under this licence must be sent by the Licensee to Natural England (at the address given below) for the first reporting year of 20 April 2020 – 31 December 2020 and submitted by 14 January 2020, and thereafter by 14 January for each subsequent reporting year of 01 January – 31 December, even if the licence is not used.

Future management

17. The Colne Valley Master Plan and the Colne Valley Master Plan Maps must be updated as necessary and re-submitted to Natural England in support of any application to modify this licence or any future licence application.
18. All ESMPs applicable to the Licensed Area, or any part of it, must be updated by or on behalf of the Licensee in line with the licensing requirements of the Colne Valley Statement. The Licensee shall ensure compliance with the requirements of all ESMPs applicable to the Licensed Area, or any part of it, for the full period of the licence and will consult with Natural England in relation to

any amendment or proposed amendment to any such ESMP.

Licence compliance

19. For the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with, the Licensee, the Named Ecologist and each Accredited Agent, Appointed Person and Assistant shall permit an officer of Natural England reasonable access to land where operations are being undertaken under this licence. Officers of Natural England shall also be permitted to be present during any operations carried out under the authority of this licence. Any such officer of Natural England may be required to produce his/her identification on demand and will be permitted to be accompanied by such persons as he/she considers necessary for the purpose of the visit. The Named Ecologist and each Accredited Agent, Appointed Person and Assistant shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
20. Failure to comply with the terms and conditions of this licence (including the recording and reporting requirements) will, by default, render this licence null and void and it may not be relied upon until such time that Natural England confirms in writing that its use may resume.
21. Natural England must be informed of all breaches to this licence within 48 hours of the Licensee becoming aware of a breach occurring. Unless advised otherwise by Natural England, the Licensee must take the necessary steps to address any breaches or poor practice identified as soon as practicable.

Issued by and on behalf of Natural England on: 20 April 2020

INFORMATION and ADVICE

- a. Any requests for information in a licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.
- b. The licence may be modified, extended, terminated or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so.
- c. This licence conveys no authority for actions prohibited by any other legislation. For example, anyone acting under this licence is not exempt from the provisions of Section 28E of the 1981 Act. This means that owners/occupiers are obliged to give notice to Natural England if they propose to carry out an operation likely to damage a Site of Special Scientific Interest (SSSI). To identify SSSIs and the features for which they are designated, refer to www.magic.gov.uk. For further advice or to request consent for an activity please contact the Natural England 'Responsible Officer' for the relevant site(s). Contact details are available from the Natural England Enquiry Service (see below).
- d. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the 1981 Act, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 (all as amended) may use this licence without the permission of Natural England unless, in respect of that offence, either:
 - i. they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
 - ii. a court has made an order discharging them absolutely.Any request to use the licence by a person to whom this note applies will be considered on its merits.
- e. The common name or names of species given in the Licence, Annexes, and associated documents are included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species that will be taken into account.

Training requirements

- f. Training must be relevant to the conditions and the activities permitted by the licence and should be undertaken at regular intervals. This should include: identification of European and other protected species, and non-native species relevant to the activities authorised by this licence and signs indicating they may be

present; surveying techniques; best practice guidance and reasonable avoidance measures; mitigation techniques and methods, and a working knowledge of the relevant law.

General Welfare Considerations

- g. Persons acting under this licence may photograph any protected species named in this licence in connection with licensed work provided that this causes no additional disturbance or any other harm.
- h. Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4). This applies to the treatment of animals (including non-target species) held in nets, traps, etc.

The limits of licences

- i. Licences permit action only for the purposes specified on that licence.
- j. Licences do not permit actions prohibited under any other legislation (unless it is clearly stated that the licence does), nor do they confer any right of entry upon land.
- k. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.
- l. No work shall be carried out under this licence on a National Nature Reserve except with the prior written permission of Natural England's 'SSSI Adviser' for the relevant site(s) (contact details available from Enquiry Service – see below).

Compliance and enforcement

- m. The Licensee is expected to monitor compliance with the licence and to take action in the event that poor practice and/or non-compliance are identified. A person may be barred from using this licence by Natural England, for example, if that person breaches the conditions of this licence. In these circumstances Natural England will notify the Licensee.
- n. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.

Contact details for Natural England

For licensing enquiries (& Reporting):

Telephone 020 802 61089

Email HS2wildlifelicensing@naturalengland.org.uk

Postal address

Wildlife Licensing, Natural England, Horizon House,
Deanery Road, Bristol BS1 5AH

For other enquiries use the Enquiry Service:

Telephone 0300 060 3900

Email enquiries@naturalengland.org.uk

Web [Natural England - GOV.UK](http://NaturalEngland.gov.uk)

Other useful contacts

Local Record Centres: to find out where your nearest Local Record Centre is visit the Association of Local Environmental Record Centres website at: <http://www.alerc.org.uk/find-an-lrc.html>

Legislation: to view the full text of the legislation referred to in this licence visit <http://www.legislation.gov.uk>

Feedback and Complaints: we welcome and value your compliments, complaints, suggestions and comments about our services. Please see our 'Contact us' section for more details. <https://www.gov.uk/government/organisations/natural-england#org-contacts>

Using and Sharing Your Information



Who is collecting my data?

The data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; foi@naturalengland.org.uk.

Any questions about how we are using your personal data and your associated rights should be sent to the above contact. The Data Protection Officer responsible for monitoring that Natural England is meeting the requirements of the legislation is: Defra group Data Protection Officer, Department for Environment, Food and Rural Affairs, SW Quarter, 2nd floor, Seacole Block, 2 Marsham Street, London SW1P 4DF.

DefraGroupDataProtectionOfficer@defra.gsi.gov.uk.

What of my data is being collected and how is it used? What is the legal basis for the processing?

The information on the licence application form and any supporting material will be used by Natural England to undertake our licensing functions. This will include, but is not limited to assessing your application, issuing a licence if applicable, monitoring compliance with licence conditions and collating licence returns and reports. The personal information we will process will include, but is not limited to your name and contact details, customer type and reasons for wanting a licence.

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. That task is to conduct the licensing functions as delegated by Defra to Natural England under Part 8 Agreement under section 78 of the Natural Environment and Rural Communities Act 2006

Who will my data be shared with?

Your personal data may be shared by us with the Department for Food, Environment and Rural Affairs and its executive agencies including the Rural Payments Agency and the Environment Agency. This will be used to monitor and evaluate the effectiveness of our work.

It may also be shared with:

- Police.
- HS2 LTD.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

If you are relying on my consent to process my data, can I withdraw my consent?

No, because the processing is not based on consent.

How long will my data be held for?

Your personal data will be kept by us for 7 years after the expiry of your licence or longer if stated in the licence conditions.

What will happen if I don't provide the data?

Failure to provide this information will mean that Natural England will not be able process your licence application.

Will my data be used for automated decision-making or profiling?

The information you provide is not connected with individual decision making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal data to evaluate certain things about an individual).

Will my data be transferred outside of the EEA?

The data you provide will not be transferred outside the European Economic Area.

What are my rights?

A list of your rights under the General Data Protection Regulation, the Data Protection Act 2018, is accessible at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

How do I complain?

You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

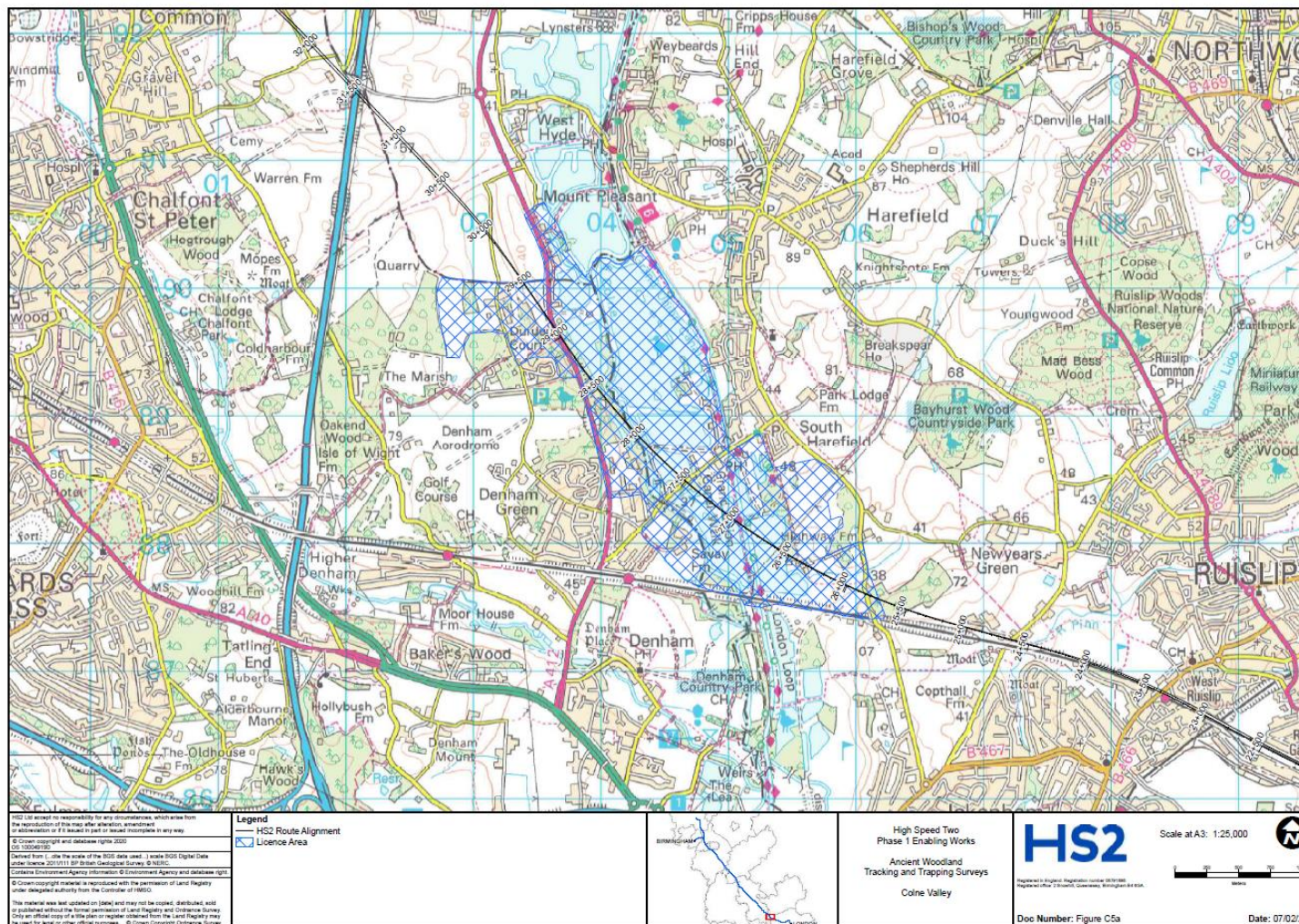
Natural England's Information Charter can be found here:

<https://www.gov.uk/government/organisations/natural-england/about/personal-information-charter>

ANNEX WML – OR57(A)

This Annex defines the boundaries and areas of the Licensed Area –
As shown on Figure C5a

NATURAL
ENGLAND



ANNEX WML – OR57(B)

Permitted activities and licensed methods for bats within the Licensed Area



OVERVIEW

This Annex specifies the activities and operations affecting bats that are permitted within the Licensed Area and includes relevant conditions.

Surveys and inspections for bats in trees identified as having bat roost potential must be undertaken to establish whether bats are present prior to undertaking tree works. This Annex does not permit works to trees where a species of bat or roost types not covered by this licence is present.

Activities permitted

- I. Capture
- II. Transport
- III. Disturb
- IV. Damage or destroy the resting places
- V. Damage or destroy breeding places of specified bat species (See Table 1 and Table 2 below).

This licence permits activities affecting the following roost types only: Feeding roosts; Day roosts; Night roosts; Transitional/occasional roosts; Satellite roosts; Maternity roosts, and Hibernation roosts (see Definitions at Condition B27).

Purpose(s) for which these activities may be conducted

Imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

IMPORTANT

These activities are subject to the terms and conditions set out in the main licence in addition to those in this Annex. All terms and conditions in this Annex must be fully adhered to whether or not they are identified in Table 1. Terms and conditions that have a particular relevance to an activity are identified in Table 1 for ease of reference only.

Definitions in the main licence also apply to this Annex and further definitions specific to this Annex are set out at Conditions B27 and B28.

Interpreting the table of permitted activities and operations

- *Permitted activities and operations*: a brief description of each activity or operation permitted under the licence.
- *Actions made lawful by this licence*: for each activity or operation listed the presence of a corresponding 'X' indicates which acts are made lawful if conducted in accordance with the terms and conditions of this licence.

Table 1: Permitted activities and operations

Permitted activities and operations	Actions made lawful by this licence							Additional condition No. especially relevant to the action	Permitted methods	Species permitted
	Capture	Transport	Disturb	Damage resting place	Damage breeding sites	Destroy resting place	Destroy breeding sites			
Noise, lighting and vibration caused by construction related activities			X	X	X			B1, B2, B3, B4, B10	Disturbance by noise, lighting and vibration	Barbastelle bat, Nathusius Pipistrelle, Brandt's bat, Brown long-eared bat, Common pipistrelle bat, Daubenton's bat, Leisler's bat, Natterer's bat, Noctule bat, Soprano pipistrelle bat, Whiskered bat
Pre-works inspection of trees	X	X	X	X	X			B1, B2, B3, B4, B5, B6, B15	By hand; Endoscope; Torch illumination; Static hand-held net;	
Roost loss through tree felling	X	X	X	X	X	X	X	B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, B11, B12, B13, B14, B15, B16, B17, B18	Exclusion by one way door or valve; Permanent exclusion; Destructive Search by Soft Demolition; Destructive Search by Soft Felling; Mechanical Demolition	

Table 2: Licensable activities and maximum numbers:

Species	Licensable activities and maximum numbers:						
	Capture	Transport	Disturb	Damage resting place	Damage breeding sites	Destroy resting place	Destroy breeding sites
Barbastelle bat	5	5	Not Specified	0	0	16	0
Brandt's bat	5	5	Not Specified	0	0		0
Brown long-eared bat	10	10	Not Specified	0	0		0
Common pipistrelle bat	10	10	Not Specified	0	0		0
Daubenton's bat	10	10	Not Specified	0	0		0
Leisler's bat	5	5	Not Specified	0	0		0
Natterer's bat	10	10	Not Specified	0	0		0
Noctule bat	5	5	Not Specified	0	0		0
Soprano pipistrelle bat	25	25	Not Specified	0	0		1
Nathusius' Pipistrelle bat	10	10	Not Specified	0	0		0
Whiskered bat	5	5	Not Specified	0	0		0

The maximum number(s) stated in the above table refers to the maximum number of individuals of the stated species that can be captured or transported under the terms of this licence and the maximum number/s of resting places (see definition B27) or breeding sites that can be damaged or destroyed under this licence (if applicable).

ANNEX B LICENCE CONDITIONS

Working under this licence:

- B1. This licence is only to be used in connection with the Project Description and only when alternatives recognised by the Named Ecologist or an Accredited Agent are not appropriate to the conservation of bats.
- B2. The Licensee, the Named Ecologist, Accredited Agents, the Appointed Person and Assistants must adhere to the activities and timescales agreed in the Colne Valley Work Schedule.
- B3. The Named Ecologist or an Accredited Agent must ensure that all those involved with the licensed works understand by way of a 'tool box talk' that bats are present; the legislation relating to bats; measures that will be used to protect them; good working practices; licensed activities and what to do should bats be found. This information must be provided before any licensed works commence on site. A written record that this has been undertaken, and that it covers the above points, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.

Methodology:

- B4. All relevant animal welfare legislation must be complied with at all times.
- B5. All works must be undertaken using best practice methodology to ensure minimal risk to bats. Persons acting under this licence must abide by the advice on excluding bats, handling bats and working in bat roosts in the most up to date edition of the ["Bat Mitigation Guidelines"](#) and the ["Bat Workers Manual"](#). ["The Bat Survey - Good Practice Guidelines"](#) are available from the BCT website. You are expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version. In addition to this:
 - a) The use of endoscopes, artificial light from torches, Destructive Search by Soft Demolition (see Definition in Annex Condition B28) temporary obstruction of roost access, temporary or permanent exclusion methods (including installation) and use of static hand held nets must only be undertaken or directly supervised by the Named Ecologist, or an Accredited Agent.
 - b) Where capture and/or handling of bats are necessary, only the Named Ecologist, Accredited Agent, or an Assistant may do so. Capture/handling/exclusion of bats must only be undertaken in conditions suitable for bats to be active.
 - c) Where bats are discovered and taken under this licence they must either be relocated to a suitable roost for the species, or where bats are held this must be done safely and bats released on site at dusk in, or adjacent to, suitable foraging/ commuting habitat in safe areas within or directly adjacent to the pre-works habitat. Where a bat is unexpectedly discovered in adverse weather conditions, condition B14 must be followed.
 - d) Endoscopes and hand held nets are only to be used to assist with the locating and capture of bats.
 - e) Temporary and permanent exclusion must be carried out using techniques specified in the most up to date edition of the *'Bat Workers Manual'*. If one-way exclusion devices are to be used, each device must remain in position for a period of at least 5 consecutive days/ nights throughout a spell of suitable weather conditions, or longer until these conditions prevail.
 - f) Prior to destructive works, an inspection using torches and/or an endoscope must be performed internally to search for the presence of bats. If any bat species covered by this licence is found and is accessible, each will be captured by gloved hand or

hand-held net, given a health check and then each placed carefully inside a draw-string, calico cloth holding bag or similar for transport.

- g) Following inspection and exclusion operations, the removal of any feature with bat roost potential, will be only performed by hand and under direct ecological supervision. Where applicable, materials will be removed carefully away and not rolled or sprung to avoid potential harm to bats. The undersides of materials will be checked by the Named Ecologist or Accredited Agent for bats that may be clung to them before removal.

- B6. For trees that are safe to climb and that possess Potential Roosts Features (PRFs) that can be accessed, pre-felling climbing inspections will be undertaken no more than three days prior to tree felling. For known roosts and PRFs consisting of cavities (or similar), Destructive Search by Soft Felling (see Definition in Annex Condition B28) will take place on the same day as the pre-felling inspection.
- B7. For PRFs confirmed as containing no bats, the PRF will be immediately felled or made unsuitable for bats. Materials used for soft blocking must be appropriate for intended purpose and not risk entrapping or capturing bats or other wildlife.
- B8. For PRFs that contain bats, bats will be removed in line with the procedures specified in Condition B5 above.
- B9. Should bats be discovered inside a tree and cannot be successfully captured due to the nature of the roost feature, climbers will withdraw. In this circumstance, during the active bat season (April-October), an emergence survey followed by dawn re-entry survey in suitable weather conditions will be undertaken in relation to the confirmed roost (using infrared (IR) cameras) to identify when bats have left the roost and not re-entered. This will be followed by tree climbing and soft blocking of the roost prior to felling. If tree climbing is not possible the tree must undergo a Destructive Search by Soft Felling (see Definition in Annex Condition B28).

Impacts:

- B10. Disturbance of bats and damage and/or destruction of bat roosts will be limited to those trees shown on the Colne Valley Bat Impacts Maps.

Undertaking works on roosts under this licence:

- B11. A written record must be kept of capture and exclusion efforts undertaken, including weather conditions (including over-night minimum temperature and rainfall), numbers and species of bats captured/taken and duration of exclusion process.
- B12. Destructive Searches by soft felling (see Definition in Annex Condition B28) may only be carried out when it is dry and mild and after temperatures have not dropped below 8°C for 4 days.
- B13. Licensable activities impacting satellite, maternity and hibernation roosts (see Definitions at Condition B27) must not be undertaken while the roost is in use for these purposes. Where the roosts are excluded ahead of seasonal use, appropriate compensation (if required) must be in place and available for use prior to exclusions taking place.
- B14. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:
- a. Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.

- b. Do not expose the bat or cause it to fly out of the roost on its own accord.
- c. The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
- d. Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.
- e. The Named Ecologist must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incident must also be reported on the licence return form.
- f. Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

B15. Natural England must be notified in writing, to HS2wildlifelicensing@naturalengland.org.uk, within the relevant period identified in Table 3 below depending on the species and number of bats encountered.

Table 3. Notification periods based on species and number encountered

Species	Number of bats encountered per roost	Notification period to NE	Number of bats encountered per roost	Notification period to NE
Barbastelle	1 or more	48 hours	N/A	N/A
Leisler's	1 or more	48 hours	N/A	N/A
Nathusius' Pipistrelle	1 or more	48 hours	N/A	N/A
Daubenton's	Less than 5	within 5 working days	5 or more	48 hours
Brown long-eared	Less than 5	within 5 working days	5 or more	48 hours
Brandt's	Less than 5	within 5 working days	5 or more	48 hours
Whiskered	Less than 5	within 5 working days	5 or more	48 hours
Natterer's	Less than 5	within 5 working days	5 or more	48 hours
Noctule	Less than 5	within 5 working days	5 or more	48 hours
Common Pipistrelle	Less than 10	within 5 working days	10 or more	48 hours
Soprano Pipistrelle	Less than 10	within 5 working days	10 or more	48 hours

- B16. Provision must be made for prompt assistance to deal with any injured bat. Any injured or dead bats must be reported to Natural England on the licence return form.
- B17. Mechanical Demolition (see Definition in Annex Condition B28) of a structure must only take place after the structure been declared free of bats by the Named Ecologist or Accredited Agent.
- B18. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:
- Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.
 - Do not expose the bat or cause it to fly out of the roost on its own accord.
 - The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
 - Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.
 - The Named Ecologist or an Accredited Agent must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incident must also be reported on the licence return form.
 - Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

Compensation and mitigation:

- B19. All roost mitigation features as shown on Figure E3 must be erected or created in woodlands adjacent to the impacted areas under the direct supervision of the Named Ecologist or Accredited Agent
- B20. Bat roost mitigation features must be provided in accordance with the ratios set out in Table 4 below.

Table 4. Provision of bat roost mitigation features

Roost feature type (Existing confirmed roost or Potential Roost Feature (PRF))	Minimum replacement ratio (roost mitigation feature: roost or tree lost)
Annex 2 species (any roost type)	4:1 (4 roost mitigation features per confirmed roost)
Maternity / hibernation / mating roost (any species) or unknown type roost	4:1 (4 roost mitigation features per confirmed roost)
Non-Annex 2 species (any roost other than maternity, mating or hibernation)	2:1 (2 roost mitigation features per confirmed roost)
Trees classified as having 'High' PRFs	3:1 (3 roost mitigation feature per tree with high PRFs)

- B21. A roost mitigation feature may comprise either a suitable bat box, an existing PRF on a felled tree which has been relocated to an adjacent enhancement area (i.e. a 'monolith' if laid on the ground or a 'totem' if stood upright within a pit) or a new 'veteranised' feature created within either a retained tree or on a felled and relocated monolith or totem.

Post-development site maintenance and habitat management requirements:

- B22. Maintenance of bat boxes must comply with the HS2 Technical Standard - Ecological Monitoring Strategy (ECMS) (ref: HS2-HS2-EV-STR-000-000029 C01 dated October 2018).
- B23. In accordance with the Environmental Minimum Requirements (see Definitions) for HS2 Phase One, the licensee must submit to Natural England the Ecology Site Management Plan (ESMP) for Colne Valley 1EWO3-AEC-EV-REP-CS01_CL01-011100 for 'Colne Valley Viaduct Wetlands' and all ESMPs applicable to the Licensed Area for review and approval, at draft stage and any future versions.

Post-development monitoring and reporting requirements:

- B24. Post-impact bat population monitoring must be implemented, in accordance with section E4.2b of the Colne Valley Method Statement and E5b of the Colne Valley Work Schedule.
- B25. An annual monitoring report outlining the results of monitoring and an assessment of any significant impacts must be submitted annually to Natural England following the completion of all specified methods in each calendar year for the duration of monitoring works (see Condition 16 of the licence).
- B26. It is a condition of this licence that the following reports are completed and returned to Natural England as specified:
- I. Report of action within 14 days (two weeks) after the expiry of the licence;
 - II. Interim annual reports.
 - III. Report on the Conservation Status of the bats species present within Colne Valley during the pre-operational testing phase to be submitted to Natural England for review. This should be after the monitoring in years 8, 9 or 10 has been completed and prior to the end of the licence.

Definitions used in this annex:

- B27. For the purpose of this licence the following roost types are defined as:
- a. **Day roost:** a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.
 - b. **Night roost:** a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.
 - c. **Feeding roost:** a place where individual bats or a few individuals feed during the night but are rarely present by day.

- d. **Transitional / occasional roost:** used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.
- e. **Maternity roost:** where female bats give birth and raise their young to independence.
- f. **Satellite roost:** an alternative roost found in close proximity to the main nursery colony used by a few individual breeding females or small groups of breeding females throughout the breeding season.
- g. **Hibernation roost:** where bats may be found individually or together during winter. They have a constant cool temperature and high humidity.
- h. **Potential Roost Feature (PRF):** features that bats could use for roosting. PRFs that may be used by bats are listed in [The BCT Bat Surveys for Professional Ecologists: Good Practice Guidelines \(3rd edition\)](#)
- i. **Resting Place:** A tree in which bats rest is defined as a resting place.

B28. For the purpose of this licence the following licensed methods are defined as:

- a. **Destructive Search by Soft Demolition:** the taking apart of a bat structure in a controlled and careful manner by hand, or in some instances with the assistance of hand-held tools and machinery, under direct ecological supervision. Only the Named Ecologist, Accredited Agent or Assistant may take any bats found.
- b. **Destructive Search by Soft Felling:** the felling of a tree in a controlled and careful manner, with the assistance of hand-held tools and machinery, under direct ecological supervision. Only the Named Ecologist, Accredited Agent or Assistant may take any bats found.
- c. **Mechanical Demolition:** destruction of a structure that previously supported a bat roost using mechanical means after the structure has been declared free of bats by the Named Ecologist or Accredited Agent. Mechanical demolition usually is preceded by Destructive Search by Soft Demolition or other soft demolition exercise or completion of an exclusion process.

ORGANISATIONAL LICENCE WML-OR74



Issued to National Grid Electricity
Transmission plc

OVERVIEW

This organisational licence is issued to National Grid Electricity Transmission plc and permits suitably experienced employees and staff of contractors to undertake certain activities affecting, Brown long-eared bat *Plecotus auritus*, Common pipistrelle bat *Pipistrellus pipistrellus*, Daubenton's bat *Myotis daubentonii*, Nathusius' Pipistrelle *Pipistrellus nathusii*, Natterer's bat *Myotis nattereri*, Soprano pipistrelle bat *Pipistrellus pygmaeus* (all of which are European Protected Species (EPS)) which would otherwise be unlawful. The licence facilitates the enabling and construction works for a high speed rail line between London and Birmingham (Phase 1).

National Grid Electricity Transmission plc is responsible for the conduct of all activities performed under the authority of this licence.

Natural England Ref: WML-OR74

Organisational Licence

The following annexes form part of this licence:

- WML – OR74(A) (Map of area covered by this licence)
- WML – OR74(B) (permitted activities and licensed methods for bats)

The following documents are also integral to this licence:

- National Grid Work Schedule
- National Grid Method Statement
- National Grid Bat Impacts Maps
- National Grid Bat Mitigation Licence Location Map
- National Grid Habitat Creation Map
- Colne Valley Master Plan
- Colne Valley Master Plan Maps1-3
- HS2 Environmental Minimum Requirements
- Ecological Site Management Plans

Issued under Conservation of Habitats and Species Regulations 2017 (as amended) ("the 2017 Regulations")

IMPORTANT

This licence authorises acts that would otherwise be offences under the legislation referred to above. Failure to comply with its terms and conditions:

- may be an offence under the 2017 Regulations or mean that the licence cannot be relied upon. The maximum penalty available for failing to comply with a condition of a licence under the 2017 Regulations is, at the time of the issue of this licence, an unlimited fine and/or a six month custodial sentence; and
- may result in this licence being revoked and/or the refusal to grant future licences.

If the activity that you wish to undertake is not covered by this licence, or if you are unable to comply with any of the terms and conditions which apply to the use of this licence, then the Licensee will need to apply to Natural England for an amendment to this licence or you need to apply for a separate licence.

This licence is not a consent or assent for the purposes of Part II of the Wildlife and Countryside Act 1981 (as amended) ("the 1981 Act") in respect to Sites of Special Scientific Interest. It is your responsibility to get consent if required (see Information & Advice note c).

Under the Conservation of Habitats and Species Regulations 2017 Natural England has granted this licence to affect Brown long-eared bat *Plecotus auritus*, Common pipistrelle bat *Pipistrellus pipistrellus*, Daubenton's bat *Myotis daubentonii*, Nathusius' Pipistrelle *Pipistrellus nathusii*, Natterer's bat *Myotis nattereri*, Soprano pipistrelle bat *Pipistrellus pygmaeus* for the purpose of:

Imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, under regulation 55(2)(e) of the 2017 Regulations, being satisfied that as regards the purpose specified in this licence that there is no satisfactory alternative and that the actions authorised will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

to: **National Grid Electricity Transmission plc** (hereafter referred to as the "Licensee") of National Grid House, Warwick Technology Park, Gallows Hill, Warwick, Warwickshire, CV34 6DA.

To: Carry out the activities detailed in

- Annex WML – OR74(B)

Between the dates of: 20 July 2020 and 31st December 2030

Project Description: Licensed activities associated with enabling and construction works for a high speed rail line between London and Birmingham (Phase 1).

At: The Licensed Area as shown in orange with blue outline on the map in Annex WML– OR74(A).

This licence is granted subject to the Licensee, including its servants and named agents, adhering to:

- the licence terms and conditions specified below and in the Annexes to this licence:
and
- the National Grid Method Statement, the National Grid Work Schedule, the National Grid Bats Impacts Map, the National Grid Bat Compensation Maps, and the HS2 Environmental Minimum Requirements.

Terms and requirements that express conditionality are conditions of this licence whether so called or not.

The headings used in this licence and its Annexes are for convenience only and shall have no effect upon the interpretation of this licence or its conditions.

DEFINITIONS used in this licence

Accredited Agent(s)	A suitably trained and experienced person who has been appointed by the Named Ecologist (in accordance with Condition 3) and who is able to carry out work under this licence without the personal supervision of the Named Ecologist.
Appointed Person	An employee of the Licensee who is nominated to act as a single point of contact for Natural England with regard to this licence and is responsible for overseeing use of the licence, including record keeping, reporting and compliance.
Assistant(s)	A person assisting a Named Ecologist or Accredited Agent who has been appointed by the Named Ecologist (in accordance with Condition 3) and

	who is only authorised to act under this licence whilst they are under the direct supervision of the Named Ecologist or an Accredited Agent.
HS2 Environmental Minimum Requirements	The environmental minimum requirements set out the government's high level environmental and sustainability commitments that accompany the High Speed Rail (London - West Midlands) Act 2017.
Ecological Site Management Plans (ESMPs)	HS2 Ltd Contractors are required to produce ESMPs for habitat creation areas, designated sites and ancient woodlands, as prescribed by paragraph 4.8.3 of the Environmental Minimum Requirements (EMRs). These plans set out the site-specific control measures for HS2 contractors working within local authorities along the Phase One route.
Licensed Area	The area covered by this licence extending between TQ04958649 (south west) to TQ05918863 (north east), as shown hatched in blue on the map in Annex WML-OR74(A).
Named Ecologist	Tim Bradford (NE Customer Number C136320), being a professional ecological consultant who has satisfied Natural England that he has the relevant skills, knowledge and experience of the species concerned (or such other person as approved in writing by Natural England) and who is authorised by the Licensee to act on its behalf for the purposes of this licence.
National Grid Bat Impacts Maps	The impact map, given reference numbers Figure D, of the Licenced Area submitted to Natural England on 16 July 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Bat Mitigation Licence Location Map	The map, given reference number C5a, of the Licenced Area submitted to Natural England on 02 April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
National Grid Bat Habitat Creation Map	The habitat creation map, given reference number Figure E3, of the Licenced Area submitted to Natural England on 02 April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Colne Valley Master Plan Maps	The master plan maps, given reference number Maps 1-3, of the Licenced Areas submitted to Natural England on 19 March 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
Colne Valley Masterplan	The master plan document for bats at the Licensed Area and future licence applications for this phased or multi-plot development, submitted to Natural England on 15 April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
National Grid Method Statement	The method statement for bats at the Licensed Area, submitted to Natural England using template WML-A13.3, on 02 April 2020, or the latest revised version that has been submitted by the Licensee and approved in writing by Natural England.
National Grid Work Schedule	The schedule of works at the Licensed Area, submitted to Natural England using template WML-A13a-E5a&b, 16 July 2020 or the latest

revised version that has been submitted by the Licensee and approved in writing by Natural England.

References to specific sections, figures or other parts of a document apply to the relevant section, figure or part in the revised and approved version unless otherwise stated.

LICENCE CONDITIONS

1. This licence includes Annex WML-OR74(A) and Annex WML-OR74(B), which contain additional terms and conditions of use.

People authorised to use this licence

2. Licensed activities may only be carried out under this licence by:
 - a) the Named Ecologist;
 - b) Accredited Agents; and
 - c) Assistants.
3. An Accredited Agent or Assistant must carry a signed copy of the authorisation letter from the Named Ecologist, appointing them by name for the purpose of this licence, while carrying out licensed activities in the Licensed Area and must produce this authorisation letter to any police or Natural England officer on request.

Working under this licence

4. The Licensee has primary responsibility for ensuring that all activities carried out in the Licensed Area comply with the terms and conditions of the licence.
5. Before commencing activities under this licence, the Licensee shall nominate an Appointed Person whose details will be provided to Natural England in writing to oversee use of this licence. The Licensee shall promptly update Natural England in writing of a replacement Appointed Person if that person changes.
6. The Named Ecologist is responsible for undertaking and/or overseeing the work undertaken in respect of the licensed species. The Named Ecologist is responsible for checking the suitability and competence of any Accredited Agents or Assistants employed in the Licensed Area to undertake the required duties.
7. The Licensee and all persons acting under this licence must comply with:
 - a) the terms and conditions of this licence and its Annexes WML – OR74(A) and WML – OR74(B); and
 - b) the National Grid Method Statement, Bat Mitigation Licence, National Grid Location Map, the National Grid Work Schedule, the National Grid Bat Impacts Map, the National Grid Compensation Maps and the Colne Valley Master Plan and Master Plan Maps; and
 - c) HS2 Environmental Minimum Requirements.
8. If there are conflicts or inconsistencies between commitments in the documents in condition 7(b) and the terms and conditions of this licence and its annexes, the licence and annexes will prevail. Any other conflicts or inconsistencies between the documents in condition 7(b) will be interpreted on a precautionary basis to ensure the protection of bats.
9. While engaged in licensed activities, the Licensee shall make a copy of the licence and its Annexes available for inspection on each site in the Licensed Area where the activities are taking place and shall produce it on demand to any constable or an officer of Natural England.

10. All reasonable precautions must be taken to ensure that unnecessary suffering and harm to the species covered by this licence is avoided.

Where the licence may be used

11. This licence may only be used within the Licensed Area and for the activities specified in Annex WML-OR74(B).

Surveying and Monitoring

12. Pre felling surveys must be appropriately resourced and undertaken at suitable times and in accordance with Annex WML-OR74(B).
13. Monitoring must be undertaken in accordance with section E4.2b of the National Grid Method Statement. Any relevant amendments to monitoring will be agreed with Natural England through a licence modification request.

Recording and reporting requirements

14. The Licensee must maintain a record of all bat-related activities carried out under the authority of this licence necessary for reporting to Natural England, including (as a minimum):
- a) a list of all persons authorised to act under the licence and in what capacity (i.e. Accredited Agent or Assistant);
 - b) any action undertaken under this licence;
 - c) any mitigation or compensation provision;
 - d) any surveying and monitoring conducted;
 - e) any dead or injured bat found in the Licensed Area; and
 - f) any incidents or reports of activities in breach of this licence, including details of steps taken, and any disciplinary, remedial or corrective action.

These records are to be kept until two years after the final licensed action is undertaken and are to be made available for inspection by Natural England at any reasonable time.

15. Survey and monitoring records for bats must be submitted to the Local Biological Record Centre and to the relevant national recording scheme (or National Biodiversity Network (NBN) Atlas if there is no appropriate scheme) every other year.
16. An annual report of activities conducted under this licence must be sent by the Licensee to Natural England (at the address given below) for the first reporting year of 20 July 2020 – 31 December 2020 and submitted by 14 January 2021, and thereafter by 14 January for each subsequent reporting year of 01 January – 31 December, even if the licence is not used.

Future management

17. Master Plan reference 'Colne Valley Masterplan' and its associated maps must be re-submitted, and updated if necessary, with any modifications to this licence and any future licence applications for this phased or multi-plot development.
18. All ESMPs applicable to the Licensed Area, or any part of it, must be updated by or on behalf of the Licensee in line with the licensing requirements. The Licensee shall ensure compliance with the requirements of all ESMPs applicable to the Licensed Area, or any part of it, for the full period of the licence and will consult with Natural England in relation to any amendment or proposed amendment to any such ESMP.

Licence compliance

19. For the purpose of ascertaining whether the conditions of this licence are being, or have been, complied with, the Licensee, the Named Ecologist and each Accredited Agent, Appointed Person and Assistant shall permit an officer of Natural England reasonable access to land where operations are being undertaken under this licence. Officers of Natural England shall also be permitted to be present during any operations carried out under the authority of this licence. Any such officer of Natural England may be required to produce his/her identification on demand and will be permitted to be accompanied by such persons as he/she considers necessary for the purpose of the visit. The Named Ecologist and each Accredited Agent, Appointed Person and Assistant shall give all reasonable assistance to an officer of Natural England and any persons accompanying him/her.
20. Failure to comply with the terms and conditions of this licence (including the recording and reporting requirements) will, by default, render this licence null and void and it may not be relied upon until such time that Natural England confirms in writing that its use may resume.
21. Natural England must be informed of all breaches to this licence within 48 hours of the Licensee becoming aware of a breach occurring. Unless advised otherwise by Natural England, the Licensee must take the necessary steps to address any breaches or poor practice identified as soon as practicable.

Issued by and on behalf of Natural England on: 20 July 2020

INFORMATION and ADVICE

- a. Any requests for information in a licence will be considered under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 as appropriate.
- b. The licence may be modified, extended, terminated or revoked at any time by Natural England or the Secretary of State, but this will not be done unless there are good reasons for doing so.
- c. This licence conveys no authority for actions prohibited by any other legislation. For example, anyone acting under this licence is not exempt from the provisions of Section 28E of the 1981 Act. This means that owners/occupiers are obliged to give notice to Natural England if they propose to carry out an operation likely to damage a Site of Special Scientific Interest (SSSI). To identify SSSIs and the features for which they are designated, refer to www.magic.gov.uk. For further advice or to request consent for an activity please contact the Natural England 'Responsible Officer' for the relevant site(s). Contact details are available from the Natural England Enquiry Service (see below).
- d. No person convicted on or after 1 January 2010 of an offence under the Conservation of Habitats and Species Regulations 2017, the 1981 Act, the Protection of Badgers Act 1992, the Deer Act 1991, the Hunting Act 2004, the Wild Mammals (Protection) Act 1996, the Animal Welfare Act 2006 or the Protection of Animals Act 1911 (all as amended) may use this licence without the permission of Natural England unless, in respect of that offence, either:
 - i. they are a rehabilitated person for the purposes of the Rehabilitation of Offenders Act 1974 and their conviction is treated as spent; or
 - ii. a court has made an order discharging them absolutely.Any request to use the licence by a person to whom this note applies will be considered on its merits.
- e. The common name or names of species given in the Licence, Annexes, and associated documents are included by way of guidance only; in the event of any dispute or proceedings, it is the scientific name of a species that will be taken into account.

Training requirements

- f. Training must be relevant to the conditions and the activities permitted by the licence and should be undertaken at regular intervals. This should include: identification of European and other protected species, and non-native species relevant to the activities authorised by this licence and signs indicating they may be present; surveying techniques; best practice guidance and reasonable avoidance measures; mitigation techniques and methods, and a working knowledge of the relevant law.

General Welfare Considerations

- g. Persons acting under this licence may photograph any protected species named in this licence in connection with licensed work provided that this causes no additional disturbance or any other harm.
- h. Under the Animal Welfare Act 2006 it is an offence to cause any unnecessary suffering to an animal under the control of man (section 4). This applies to the treatment of animals (including non-target species) held in nets, traps, etc.

The limits of licences

- i. Licences permit action only for the purposes specified on that licence.
- j. Licences do not permit actions prohibited under any other legislation (unless it is clearly stated that the licence does), nor do they confer any right of entry upon land.
- k. Unless otherwise stated the provisions of Natural England licences only apply landward of the mean low water mark in England. The Marine Management Organisation is responsible for all licensing seaward of the mean low water mark.
- l. No work shall be carried out under this licence on a National Nature Reserve except with the prior written permission of Natural England's 'SSSI Adviser' for the relevant site(s) (contact details available from Enquiry Service – see below).

Compliance and enforcement

- m. The Licensee is expected to monitor compliance with the licence and to take action in the event that poor practice and/or non-compliance are identified. A person may be barred from using this licence by Natural England, for example, if that person breaches the conditions of this licence. In these circumstances Natural England will notify the Licensee.
- n. Natural England checks compliance with licences and the attached conditions. Where breaches are identified, these may be subject to enforcement action.

Contact details for Natural England

For licensing enquiries (& Reporting):

Telephone 020 802 61089

Email HS2wildlifelicensing@naturalengland.org.uk

Postal address

Wildlife Licensing, Natural England, Horizon House,
Deanery Road, Bristol BS1 5AH

For other enquiries use the Enquiry Service:

Telephone 0300 060 3900

Email enquiries@naturalengland.org.uk

Web [Natural England - GOV.UK](http://NaturalEngland.gov.uk)

Other useful contacts

Local Record Centres: to find out where your nearest Local Record Centre is visit the Association of Local Environmental Record Centres website at: <http://www.alerc.org.uk/find-an-lrc.html>

Legislation: to view the full text of the legislation referred to in this licence visit <http://www.legislation.gov.uk>

Feedback and Complaints: we welcome and value your compliments, complaints, suggestions and comments about our services. Please see our 'Contact us' section for more details. <https://www.gov.uk/government/organisations/natural-england#org-contacts>

Using and Sharing Your Information



Who is collecting my data?

The data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; foi@naturalengland.org.uk.

Any questions about how we are using your personal data and your associated rights should be sent to the above contact. The Data Protection Officer responsible for monitoring that Natural England is meeting the requirements of the legislation is: Defra group Data Protection Officer, Department for Environment, Food and Rural Affairs, SW Quarter, 2nd floor, Seacole Block, 2 Marsham Street, London SW1P 4DF.

DefraGroupDataProtectionOfficer@defra.gsi.gov.uk.

What of my data is being collected and how is it used? What is the legal basis for the processing?

The information on the licence application form and any supporting material will be used by Natural England to undertake our licensing functions. This will include, but is not limited to assessing your application, issuing a licence if applicable, monitoring compliance with licence conditions and collating licence returns and reports. The personal information we will process will include, but is not limited to your name and contact details, customer type and reasons for wanting a licence.

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. That task is to conduct the licensing functions as delegated by Defra to Natural England under Part 8 Agreement under section 78 of the Natural Environment and Rural Communities Act 2006

Who will my data be shared with?

Your personal data may be shared by us with the Department for Food, Environment and Rural Affairs and its executive agencies including the Rural Payments Agency and the Environment Agency. This will be used to monitor and evaluate the effectiveness of our work.

It may also be shared with:

- Police.
- HS2 LTD.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

If you are relying on my consent to process my data, can I withdraw my consent?

No, because the processing is not based on consent.

How long will my data be held for?

Your personal data will be kept by us for 7 years after the expiry of your licence or longer if stated in the licence conditions.

What will happen if I don't provide the data?

Failure to provide this information will mean that Natural England will not be able process your licence application.

Will my data be used for automated decision-making or profiling?

The information you provide is not connected with individual decision making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal data to evaluate certain things about an individual).

Will my data be transferred outside of the EEA?

The data you provide will not be transferred outside the European Economic Area.

What are my rights?

A list of your rights under the General Data Protection Regulation, the Data Protection Act 2018, is accessible at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

How do I complain?

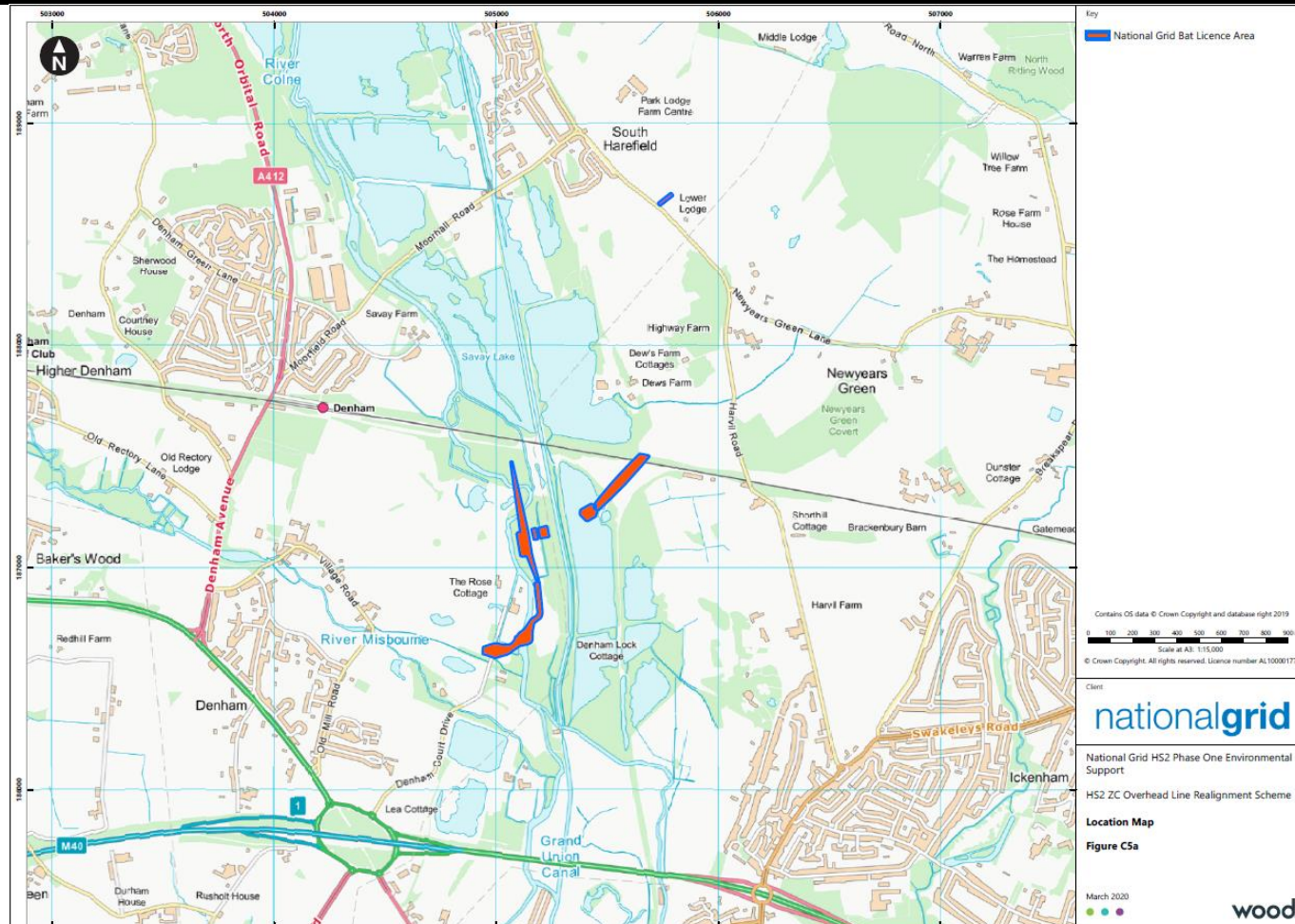
You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

Natural England's Information Charter can be found here:

<https://www.gov.uk/government/organisations/natural-england/about/personal-information-charter>

ANNEX WML – OR74(A)

This Annex defines the boundaries and areas of the Licensed Area –
As shown on Figure C5a



ANNEX WML – OR74(B)

Permitted activities and licensed methods for bats within the Licensed Area



OVERVIEW

This Annex specifies the activities and operations affecting bats that are permitted within the Licensed Area and includes relevant conditions.

Surveys and inspections for bats in trees identified as having bat roost potential must be undertaken to establish whether bats are present prior to undertaking tree works. This Annex does not permit works to trees where a species of bat or roost types not covered by this licence is present.

Activities permitted

- I. Capture
- II. Transport
- III. Disturb
- IV. Damage or destroy the resting places
- V. Damage or destroy breeding places of specified bat species (See Table 1 and Table 2 below).

This licence permits activities affecting the following roost types only: Feeding roosts; Day roosts; Night roosts; Transitional/occasional roosts; Satellite roosts; Maternity roosts, and Hibernation roosts (see Definitions at Condition B27).

Purpose(s) for which these activities may be conducted

Imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

IMPORTANT

These activities are subject to the terms and conditions set out in the main licence in addition to those in this Annex. All terms and conditions in this Annex must be fully adhered to whether or not they are identified in Table 1. Terms and conditions that have a particular relevance to an activity are identified in Table 1 for ease of reference only.

Definitions in the main licence also apply to this Annex and further definitions specific to this Annex are set out at Conditions B27 and B28.

Interpreting the table of permitted activities and operations

- *Permitted activities and operations*: a brief description of each activity or operation permitted under the licence.
- *Actions made lawful by this licence*: for each activity or operation listed the presence of a corresponding 'X' indicates which acts are made lawful if conducted in accordance with the terms and conditions of this licence.

Table 1: Permitted activities and operations

Permitted activities and operations	Actions made lawful by this licence							Additional condition No. especially relevant to the action	Permitted methods	Species permitted
	Capture	Transport	Disturb	Damage resting place	Damage breeding sites	Destroy resting place	Destroy breeding sites			
Noise, lighting and vibration caused by construction related activities			X	X				B1, B2, B3, B4, B10	Disturbance by noise, lighting and vibration	Brown long-eared bat, Common pipistrelle bat, Daubenton's bat, Natterer's bat, Nathusius Pipistrelle, Soprano pipistrelle bat,
Pre-works inspection of trees	X	X	X	X				B1, B2, B3, B4, B5, B6, B15	By hand; Endoscope; Torch illumination; Static hand-held net;	
Roost loss through tree felling	X	X	X	X	X	X		B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, B11, B12, B13, B14, B15, B16, B17, B18	Exclusion by one way door or valve; Permanent exclusion; Destructive Search by Soft Demolition; Destructive Search by Soft Felling; Mechanical Demolition	

Table 2: Licensable activities and maximum numbers:

Species	Licensable activities and maximum numbers:						
	Capture	Transport	Disturb	Damage resting place	Damage breeding sites	Destroy resting place	Destroy breeding sites
Brown long-eared bat	20	20	Not Specified	2	0	16	1
Common pipistrelle bat	3	3	Not Specified		0		0
Daubenton's bat	2	2	Not Specified		0		1
Natterer's bat	2	2	Not Specified		0		0
Nathusius' Pipistrelle bat	1	1	Not Specified		0		0
Soprano pipistrelle bat	10	10	Not Specified		0		1

The maximum number(s) stated in the above table refers to the maximum number of individuals of the stated species that can be captured or transported under the terms of this licence and the maximum number/s of resting places (see definition B27) or breeding sites that can be damaged or destroyed under this licence (if applicable).

ANNEX B LICENCE CONDITIONS

Working under this licence:

- B1. This licence is only to be used in connection with the Project Description and only when alternatives recognised by the Named Ecologist or an Accredited Agent are not appropriate to the conservation of bats.
- B2. The Licensee, the Named Ecologist, Accredited Agents, the Appointed Person and Assistants must adhere to the activities and timescales agreed in the National Grid Work Schedule.

- B3. The Named Ecologist or an Accredited Agent must ensure that all those involved with the licensed works understand by way of a 'tool box talk' that bats are present; the legislation relating to bats; measures that will be used to protect them; good working practices; licensed activities and what to do should bats be found. This information must be provided before any licensed works commence on site. A written record that this has been undertaken, and that it covers the above points, must be kept by the Named Ecologist or Accredited Agent and made available to Natural England or any police officer on request.

Methodology:

- B4. All relevant animal welfare legislation must be complied with at all times.
- B5. All works must be undertaken using best practice methodology to ensure minimal risk to bats. Persons acting under this licence must abide by the advice on excluding bats, handling bats and working in bat roosts in the most up to date edition of the ["Bat Mitigation Guidelines"](#) and the ["Bat Workers Manual"](#). ["The Bat Survey - Good Practice Guidelines"](#) are available from the BCT website. You are expected to check whether this guidance has been updated and if so, to ensure that you act in accordance with the most up to date version. In addition to this:
- a) The use of endoscopes, artificial light from torches, Destructive Search by Soft Demolition (see Definition in Annex Condition B28) temporary obstruction of roost access, temporary or permanent exclusion methods (including installation) and use of static hand held nets must only be undertaken or directly supervised by the Named Ecologist, or an Accredited Agent.
 - b) Where capture and/or handling of bats are necessary, only the Named Ecologist, Accredited Agent, or an Assistant may do so. Capture/handling/exclusion of bats must only be undertaken in conditions suitable for bats to be active.
 - c) Where bats are discovered and taken under this licence they must either be relocated to a suitable roost for the species, or where bats are held this must be done safely and bats released on site at dusk in, or adjacent to, suitable foraging/ commuting habitat in safe areas within or directly adjacent to the pre-works habitat. Where a bat is unexpectedly discovered in adverse weather conditions, condition B14 must be followed.
 - d) Endoscopes and hand held nets are only to be used to assist with the locating and capture of bats.
 - e) Temporary and permanent exclusion must be carried out using techniques specified in the most up to date edition of the '[Bat Workers Manual](#)'. If one-way exclusion devices are to be used, each device must remain in position for a period of at least 5 consecutive days/ nights throughout a spell of suitable weather conditions, or longer until these conditions prevail.
 - f) Prior to destructive works, an inspection using torches and/or an endoscope must be performed internally to search for the presence of bats. If any bat species covered by this licence is found and is accessible, each will be captured by gloved hand or hand-held net, given a health check and then each placed carefully inside a draw-string, calico cloth holding bag or similar for transport.
 - g) Following inspection and exclusion operations, the removal of any feature with bat roost potential, will be only performed by hand and under direct ecological supervision. Where applicable, materials will be removed carefully away and not rolled or sprung to avoid potential harm to bats. The undersides of materials will be checked by the Named Ecologist or Accredited Agent for bats that may be clung to them before removal.
- B6. For trees that are safe to climb and that possess Potential Roosts Features (PRFs) that can be accessed, pre-felling climbing inspections will be undertaken no more than three days prior to tree felling. For known roosts and PRFs consisting of cavities (or similar), Destructive Search by Soft Felling (see Definition in Annex Condition B28) will take place on the same day as the pre-felling

inspection.

- B7. For PRFs confirmed as containing no bats, the PRF will be immediately felled or made unsuitable for bats. Materials used for soft blocking must be appropriate for intended purpose and not risk entrapping or capturing bats or other wildlife.
- B8. For PRFs that contain bats, bats will be removed in line with the procedures specified in Condition B5 above.
- B9. Should bats be discovered inside a tree and cannot be successfully captured due to the nature of the roost feature, climbers will withdraw. In this circumstance, during the active bat season (April-October), an emergence survey followed by dawn re-entry survey in suitable weather conditions will be undertaken in relation to the confirmed roost (using infrared (IR) cameras) to identify when bats have left the roost and not re-entered. This will be followed by tree climbing and soft blocking of the roost prior to felling. If tree climbing is not possible the tree must undergo a Destructive Search by Soft Felling (see Definition in Annex Condition B28).

Impacts:

- B10. Disturbance of bats and damage and/or destruction of bat roosts will be limited to those trees shown on the National Grid Bat Impacts Maps.

Undertaking works on roosts under this licence:

- B11. A written record must be kept of capture and exclusion efforts undertaken, including weather conditions (including over-night minimum temperature and rainfall), numbers and species of bats captured/taken and duration of exclusion process.
- B12. Destructive Searches by soft felling (see Definition in Annex Condition B28) may only be carried out when it is dry and mild and after temperatures have not dropped below 8°C for 4 days.
- B13. Licensable activities impacting satellite, maternity and hibernation roosts (see Definitions at Condition B27) must not be undertaken while the roost is in use for these purposes. Where the roosts are excluded ahead of seasonal use, appropriate compensation (if required) must be in place and available for use prior to exclusions taking place.
- B14. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:
 - a. Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.
 - b. Do not expose the bat or cause it to fly out of the roost on its own accord.
 - c. The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
 - d. Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.

- e. The Named Ecologist must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incident must also be reported on the licence return form.
- f. Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

B15. Natural England must be notified in writing, to HS2wildlifelicensing@naturalengland.org.uk, within the relevant period identified in Table 3 below depending on the species and number of bats encountered.

Table 3. Notification periods based on species and number encountered

Species	Number of bats encountered per roost	Notification period to NE	Number of bats encountered per roost	Notification period to NE
Nathusius' Pipistrelle	1 or more	48 hours	N/A	N/A
Daubenton's	Less than 5	within 5 working days	5 or more	48 hours
Brown long-eared	Less than 5	within 5 working days	5 or more	48 hours
Natterer's	Less than 5	within 5 working days	5 or more	48 hours
Common Pipistrelle	Less than 10	within 5 working days	10 or more	48 hours
Soprano Pipistrelle	Less than 10	within 5 working days	10 or more	48 hours

B16. Provision must be made for prompt assistance to deal with any injured bat. Any injured or dead bats must be reported to Natural England on the licence return form.

B17. Mechanical Demolition (see Definition in Annex Condition B28) of a structure must only take place after the structure been declared free of bats by the Named Ecologist or Accredited Agent.

B18. If individual bats are discovered unexpectedly, including during periods of adverse weather, then the following steps must be taken:

- a. Works to that building/structure must stop immediately. If the Named Ecologist or an Accredited Agent is not on site, he/she must be contacted immediately to attend the site.
- b. Do not expose the bat or cause it to fly out of the roost on its own accord.
- c. The bat must only be handled by the Named Ecologist or an Accredited Agent unless it is in immediate danger. The bat must be carefully placed in a lidded ventilated box with a piece of clean cloth and a small shallow container with some water. The box must be kept in a safe, quiet location.
- d. Care must be taken to avoid rousing the bat during transfer to a suitable location – which may be a suitable hibernation box or other alternative roost constructed, providing a safe, quiet environment with stable, suitable temperature and relatively high humidity, safe from further disturbance.

- e. The Named Ecologist or an Accredited Agent must re-assess the structure and determine whether works can continue under this licence, or whether a modification to the licence is required before works re-commence. A written record must be kept of this decision and made available to Natural England or any police officer on request. This incident must also be reported on the licence return form.
- f. Any underweight or injured bats must be taken into temporary care by an experienced bat carer and looked after until such time that the bat can be transferred to a suitable replacement roost at the same site, or weather conditions are suitable for release at the same site.

Compensation and mitigation:

- B19. All roost mitigation features as shown on Figure E3 must be erected or created in woodlands adjacent to the impacted areas under the direct supervision of the Named Ecologist or Accredited Agent
- B20. Bat roost mitigation features must be provided in accordance with the ratios set out in Table 4 below.

Table 4. Provision of bat roost mitigation features

Roost feature type (Existing confirmed roost or Potential Roost Feature (PRF))	Minimum replacement ratio (roost mitigation feature: roost or tree lost)
Annex 2 species (any roost type)	4:1 (4 roost mitigation features per confirmed roost)
Maternity / hibernation / mating roost (any species) or unknown type roost	4:1 (4 roost mitigation features per confirmed roost)
Non-Annex 2 species (any roost other than maternity, mating or hibernation)	2:1 (2 roost mitigation features per confirmed roost)
Trees classified as having 'High' PRFs	3:1 (3 roost mitigation feature per tree with high PRFs)

- B21. A roost mitigation feature may comprise either a suitable bat box, an existing PRF on a felled tree which has been relocated to an adjacent enhancement area (i.e. a 'monolith' if laid on the ground or a 'totem' if stood upright within a pit) or a new 'veteranised' feature created within either a retained tree or on a felled and relocated monolith or totem.

Post-development site maintenance and habitat management requirements:

- B22. Maintenance of bat boxes must comply with the HS2 Technical Standard - Ecological Monitoring Strategy (ECMS) (ref: HS2-HS2-EV-STR-000-000029 C01 dated October 2018).
- B23. In accordance with the Environmental Minimum Requirements (see Definitions) for HS2 Phase One, the licensee must submit to Natural England the Ecology Site Management Plan (ESMP) for Colne Valley 1EWO3-AEC-EV-REP-CS01_CL01-011100 for 'Colne Valley Viaduct Wetlands' and all ESMPs applicable to the Licensed Area for review and approval, at draft stage and any future versions.

Post-development monitoring and reporting requirements:

- B24. Post-impact bat population monitoring must be implemented, in accordance with section E4.2b of the National Grid Method Statement and E5b of the National Grid Work Schedule.
- B25. An annual monitoring report outlining the results of monitoring and an assessment of any significant impacts must be submitted

annually to Natural England following the completion of all specified methods in each calendar year for the duration of monitoring works (see Condition 16 of the licence).

B26. It is a condition of this licence that the following reports are completed and returned to Natural England as specified:

- I. Report of action within 14 days (two weeks) after the expiry of the licence;
- II. Interim annual reports.

Definitions used in this annex:

B27. For the purpose of this licence the following roost types are defined as:

- a. **Day roost:** a place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.
- b. **Night roost:** a place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.
- c. **Feeding roost:** a place where individual bats or a few individuals feed during the night but are rarely present by day.
- d. **Transitional / occasional roost:** used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.
- e. **Maternity roost:** where female bats give birth and raise their young to independence.
- f. **Satellite roost:** an alternative roost found in close proximity to the main nursery colony used by a few individual breeding females or small groups of breeding females throughout the breeding season.
- g. **Hibernation roost:** where bats may be found individually or together during winter. They have a constant cool temperature and high humidity.
- h. **Potential Roost Feature (PRF):** features that bats could use for roosting. PRFs that may be used by bats are listed in [The BCT Bat Surveys for Professional Ecologists: Good Practice Guidelines \(3rd edition\)](#)
- i. **Resting Place:** A tree in which bats rest is defined as a resting place.

B28. For the purpose of this licence the following licensed methods are defined as:

- a. **Destructive Search by Soft Demolition:** the taking apart of a bat structure in a controlled and careful manner by hand, or in some instances with the assistance of hand-held tools and machinery, under direct ecological supervision. Only the Named Ecologist, Accredited Agent or Assistant may take any bats found.

- b. **Destructive Search by Soft Felling:** the felling of a tree in a controlled and careful manner, with the assistance of hand-held tools and machinery, under direct ecological supervision. Only the Named Ecologist, Accredited Agent or Assistant may take any bats found.
- c. **Mechanical Demolition:** destruction of a structure that previously supported a bat roost using mechanical means after the structure has been declared free of bats by the Named Ecologist or Accredited Agent. Mechanical demolition usually is preceded by Destructive Search by Soft Demolition or other soft demolition exercise or completion of an exclusion process.