

# **A46 Coventry Junctions (Walsgrave) Scheme number: TR010066**

## **6.3 Environmental Statement Appendix 8.14 Natural England Letter of No Impediment**

APFP Regulations 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009

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Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed  
Forms and Procedure)  
Regulations 2009**

**A46 Coventry Junctions (Walsgrave)**  
Development Consent Order 202[x]

**ENVIRONMENTAL STATEMENT APPENDICES**  
**Appendix 8.14 Natural England Letter of No Impediment**

<b>Regulation Number</b>	Regulation 5(2)(a)
<b>Planning Inspectorate Scheme Reference</b>	TR010066
<b>Application Document Reference</b>	TR010066/APP/6.3
<b>Author</b>	A46 Coventry Junctions (Walsgrave), Project Team & National Highways

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	November 2024	Application Issue

Date: 25 June 2024  
Our ref: 477919 (27593) – A46 Walsgrave



**Wildlife licensing**  
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**BY EMAIL ONLY**

Dear [REDACTED]

**DRAFT MITIGATION LICENCE APPLICATION STATUS:** Draft Licence Application

**LEGISLATION:** The Protection of Badgers Act 1992 (as amended)

**NSIP/TWAO/PROJECT:** A46 Walsgrave

**SPECIES:** European Badger (*Meles meles*)

Thank you for your draft badger mitigation licence application in association with the above NSIP site, received in this office on the 7 May 2024.

This advice is provided in accordance with the Undefined Scope Contract covering Natural England's advice for the A46 Walsgrave Project, reference 477919 (27593).

As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

The following information is based upon the information within A46 Coventry Junctions (Walsgrave) Supporting Information for a Badger Licence 17/04/24 - HE604820-OIL-EBD-00-MS-LB-00001.

### **Assessment**

Following our assessment of the draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the method statement that will need to be addressed before the licence application is formally submitted. Please ensure that the Method Statement is revised to include these changes prior to formal submission. These include:

## Ecologist Experience

- The formal licence application will require the named ecologist to demonstrate that they hold suitable experience and have previously acted as a named ecologist on projects of a similar scope and nature. Alternatively, this can be evidenced through the provision of references and case studies if required.

## Survey

- Surveys will need to be updated in 2026. A walk-over survey is to be undertaken within three months of the application and before the start of works to identify any changes in use or classification of the setts. Furthermore, it may be appropriate to conduct updated surveys across the wider scheme to identify any additional setts not previously found, that may be impacted by the proposed works.
- A further figure containing updated survey results and badger field signs should be plotted on an updated survey map for the formal application.
- If updated surveys indicate there is a change to the classification of the sett, a further assessment on the impacts to badgers will need to be completed to determine whether additional mitigation or compensation is required.

## Methodology

- Alternative exclusion methods are outlined. Natural England would welcome confirmation in the formal application of which exclusion method is to be used. From the information provided, the installation of one-way gates in all sett entrances would be the preferred method of sett exclusion. If that method is unsuccessful in excluding badgers from the sett, we would advise contacting Natural England to review the licence.
- Soft blocking, as outlined in section 4.2 of the Method Statement, would obstruct access to the sett entrances and therefore must be carried out under licence. Monitoring by methods which do not impede badger movements in and out of the sett can be undertaken without a licence however, these should only be used as a guide and cannot be relied upon to confirm absence of badgers.
- Further information will be required about the location of tree felling operations in relation to the setts. It is currently unclear whether this is intended to be included on the licence or if disturbance/sett damage can be avoided.
- Plans to cut holes in the mesh to avoid the entrapment of rabbits are outlined, further information will be required to establish what measures are in place to ensure the mesh will not be compromised, allowing badgers to gain access to the sett.
- In section 4.2.14 it is written '*After the initial seven-day period, the gates will be set to open one way*' although it has not been written that the gates will be initially set in the two-way position. However, it is recommended that badger gates are set in the one-way position from day one.
- The possibility of not visiting the sett every three days during the exclusion period has been suggested however, this would not be licensed as it may lead to gates being stuck (in the open or closed position) or signs of badgers re-entering the sett being missed.

## Work Schedule

- The formal licence application should include a detailed schedule of works for all proposed sett interference. This should state how and when each badger sett will be affected, indicate the type of machinery or tools to be used and the working distance from the setts. It would be helpful to include all activities relevant to badgers within the detailed schedule, including installation of fencing, tunnel construction etc.

## Figures

- It would aid assessment of the formal application to include figures which only contain information pertaining specifically to badger mitigation and compensation.

- It is noted several 'zoned' figures are included within the method statement. It would be beneficial to include a figure showing an entire overview of the proposed badger mitigation and compensation, illustrating the location of the badger tunnel in relation to the overpasses.
- It would be beneficial to amend appendix D (page 42) to clearly show overpass 1.

## Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

[Redacted Signature]

Higher Wildlife Licensing Officer  
Natural England Wildlife Licensing Service (Delivery Team)

[Redacted Contact Information]

## **Annex - Guidance for providing further information or formally submitting the licence application.**

**Important note:** when submitting your formal application please mark all correspondence 'FOR THE ATTENTION OF Claudia Sephton'.

### **Submitting Documents.**

Documents must be sent to the Natural England Wildlife Licensing Service (postal and email address at the top of this letter).

### **Changes to Documents –Reasoned Statement/Method Statement.**

Changes must be identified using one or more of the following methods:

- underline new text/strikeout deleted text;
- use different font colour;
- block-coloured text, or all the above.

### **Method Statement**

When submitting a revised Method Statement please send us one copy on CD, or by e-mail if less than 5MB in size, or alternatively three paper copies. The method statement should be submitted in its entirety including all figures, appendices, supporting documents. Sections of this document form part of the licence; please do not send the amended sections in isolation.