# Background

Licences issued for development under Regulation 53(2) of the Conservation of Habitats and Species Regulations 2010 (as amended) for European Protected Species (EPS) have a standard condition that the works be carried out in accordance with the method statement provided with the licence application. It is an offence to breach a licence condition under Regulation 58(1). NRW requires evidence that the licence holder has complied with the method statement submitted with their application when implementing their licence.

Where formal compliance audit is required, a series of performance indicators will need to be agreed together with the evidence required to demonstrate compliance. An example structure for a compliance audit for development works affecting otters is provided below.

**This template should be adapted according to the requirements of individual schemes.**

# Example licence compliance audit report template for developments affecting otters

|  |  |  |  |
| --- | --- | --- | --- |
| **Natural Resources Wales licence reference number:** |  | Site name:  |  |
| Site grid reference: |  |
| Name of licence holder: |  | Name of developer if different from licence holder: |  |
| Name of ecological consultant: |  | Date/s of audit (dd/mm/yy): |  |
| Date licence issued (dd/mm/yy): | Date licence expired: | Licence implemented between (dd/mm/yy) |
|  |  | From: | To: |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No** | **Performance Indicator** | **Evidence Required** - this list should be adapted to reflect the agreed method statement. | **Pass (Yes/No), Comments** | **What action is required as a result of findings?** |
|  | **General** |  |  |  |
|  | The licensee will advise NRW Species Officer of the start date for the works prior to works commencing.  | Written or electronic documentation with notification of start of works.  |  |  |
|  | A suitably experienced licensed ecologist will be appointed and retained during the life time of this licence to provide on-site advice. | Letter, contract or other document outlining the appointment of an ecologist for the lifetime of the project. |  |  |
|  | Prior to the start of any works on site, all site workers will be inducted by the project ecologist. This induction will cover the legal status of the species, the method of working and, action to be taken if protected species are encountered, or evidence of breeding site found. | Copy of documents from ecological induction, showing induction content and detailing contact numbers and contingency procedures should otters be found during the course of works, **or if evidence of breeding site in use found.**List of induction attendees. |  |  |
|  | Preparation and implementation of a biosecurity risk assessment as detailed in E.5 of the method statement | Biosecurity risk assessment is available for inspection.Log of biosecurity measures is available for inspection and shows that they have been implemented.Field observation shows that biosecurity measures are available e.g. foot wash |  |  |
|  | **E.1 Otter disturbance** |  |  |  |
|  | Works affecting otter holts/habitat will not commence until the Project Ecologist has inspected the area and confirmed that work can go ahead – as detailed in E.1 of the method statement. | Log and field observation show disturbance (capture and exclusion as relevant) have been undertaken as detailed in the method statement. Dates of action taken should be noted. Examples of actions to be included - * timing of observations and methods used to confirm if otters present and status of resting site (breeding or occasional use)
 |  |  |
|  | Action taken if otter/s, or evidence indicating breeding site found during the course of work | Log detailing* number of otters found and location
* actions undertaken if otter found
* actions undertaken if evidence of otter breeding at the location (avoidance of disturbance of mother and dependent cubs)
 |  |  |
|  | **E.2 Otter holts and habitat** |  |  |  |
|  | Retention of existing holts and habitat as detailed in E.2.1 of the method statement.  | Log and field observation demonstrate retention of all areas of habitat as specified, including : * measures to ensure that existing habitat has been retained and not damaged during construction
* condition of habitat should be noted
 |  |  |
|  | Modification of existing holts and habitat as detailed in E.2.2 of the method statement | Log and field observation demonstrate modification was in accordance with method statement including:* number, location and status of holts
* area, location and type of habitat
* measures to ensure that existing habitat is not damage during construction
* condition of habitat at present and expected condition of habitat, including management requirements to achieve expected outcome (e.g. maintenance of fencing to prevent grazing)
 |  |  |
|  | Creation of new holts and/or habitat as detailed in E.2.3 of the method statement | Log and field observation demonstrate construction and installation of holts was in accordance with Method Statement including:* number, location and design spec.
* construction materials
 |  |  |
|  |  | Log and field observation demonstrate creation of new habitat was in accordance with Method Statement including:* design, habitat type, planting schemes & locations;
* provenance of imported plants & biosecurity considerations
 |  |  |
|  | **F and H Post-development site safeguard** |  |  |  |
|  | Implementation of habitat / site management / maintenance and habitat monitoring as detailed in F.1 and F.2 of the method statement | If audit undertaken during development phase: Habitat/site management plan demonstrates measures are in place to ensure ongoing maintenance of site/s and management of habitat (retained, modified and newly created) post-development and rectifying errors &/or ineffective mitigation including:* responsibility for and funding for site maintenance and management
* monitoring the condition of new planting schemes including irrigation when appropriate, replacement of material that has failed within 2 months with new planting of the same species and size

If audit undertaken post development:Log or report demonstrate * site management plan has been implemented
* site management works are maintaining the ecological functionality of the mitigation/ compensation site
 |  |  |
|  | Implementation of population monitoring as detailed in F.2 of the method statement  | If audit undertaken during the development phase: * monitoring plan demonstrates measures are in place to undertake population monitoring post-development.

If audit undertaken post-development:* log or report demonstrate monitoring plan has been implemented
* log or report demonstrate results passed to local record centre
 |  |  |
|  | Implementation of long term site safeguard proposals as detailed in F.4, H.1 and H.2 of the method statement*NB Not all schemes will require all of the activities* | Log of works demonstrates implementation eg:1. land transfer or other legal interest proposal
2. mitigation/compensation site been listed as a local land charge
3. proposed legal agreements and contracts been completed
4. wardening requirements implemented to proposed timescales and in accordance with the submitted Method Statement
5. financial plan in place to resource mitigation, compensation, monitoring, site management or wardening
 |  |  |
|  | **Any other points to note/comments from auditor:** |

|  |  |  |
| --- | --- | --- |
| **Auditor name and organisation** | **Signature** | **Date** |
|  |  |  |