Conservation (Natural Habitats &c.) Regulations 1994 (as amended)

Reasoned Statement in support of an application for a European Protected Species Licence

DEVELOPMENT SERVICES
12 MAR 2010
RECEIVED

NATURAL ENGLAND

Guidance Note WML-G12 *How to get a licence* should be read before completing this form.

This form should be completed by the applicant or persons authorised to do so on their behalf.

The information provided in this form will be used by Natural England to determine whether the proposed activity affecting the European Protected Species meets the requirements of Regulation 44, (2)(e) and (3)(a). These are known as the 'purpose' and 'no satisfactory alternatives' tests. See our guidance note WML-G12 for more information.

Wildlife Licensing Unit
Natural England
Burghill Road
Westbury-on-Trym
Bristol BS10 6NJ
T. 0845 601 4523
wildlife@naturalengland.org.uk

Please answer the following questions by ticking as appropriate and, where indicated, giving further details and evidence in the boxes provided. Also, enclose the relevant documents (see Part F & G) or extracts being submitted as evidence in support of your application. Any documents submitted as evidence should be presented in a separate Annex (see Part G) and appropriately cross reference the papers to the relevant part. For example, a consent document should be marked as C3.

Depending on the nature of your proposal, not all questions will be relevant. Please write N/A where appropriate.

Important Note: Detailed information on the proposal is required to demonstrate that your proposal will meet the tests set out under the Regulations. If you encounter difficulty answering many of the questions or providing the evidence required, it may suggest that your proposal is insufficiently advanced to satisfy the licensing tests. In that case, you should consider delaying your application until this information is available.

Part A – Site Details

Site Name	Station Road, Desford.
Site Address	33 Station Road, Desford, Leicestershire, LE9 9FN

Summary of Proposal

Scale/nature of proposed activity - please select the option below that best describes the nature/scale of your proposal. *This helps us understand the nature of your proposal quickly and speeds assessment.*

Small and Medium Scale proposals	*Proposal is considered to be of local importance. Examples might be loft conversions, the demolition of unsafe structures, barn conversions, small scale housing.*	☒
Larger Scale proposals	*Proposal is considered to be of regional or national importance. Examples might be large scale industrial developments, large housing developments, new schools, hospitals, mineral extraction, power production plants.*	☐
Linear Works	*Highways, Railways, Pipelines and other linear schemes.*	☐
Temporary Impact proposals	*Examples might be Archaeological site investigations (trenches), Ground Investigation Surveys (Bore Holes, Trial Pits, etc), Temporary Access Roads, where the activity is of a short*	☐

	duration.	

***Brief* Description of Proposal** *e.g. Construction of a new school, barn conversion to residential accommodation, barn conversion to holiday accommodation, demolition of unsafe structure, demolition of building(s) in advance of development etc.*

New housing development for 19 new dwellings along with the demolition of the existing properties at number's 33 and 35 Station Road.

Part B – Consent Status

In this section, we ask you to indicate whether any consent is required for your proposed project and the subject of this licence application . Please **tick one** of the following options and then go to the next appropriate section of the form.

B1	Planning-related consent required (e.g. *Planning permission, listed building consent, etc)*	☐	Go to Part C
B2	Other type of consent required *(e.g. Minerals consents, Highways Act consents, Secretary of State Decision Letter, Compulsory Purchase Order, Environment Agency consents, etc.)*	☐	List below, then go to Part C
	Planning Permission already gained.		
B3	Permitted Development (under Town and Country Planning Act 1990) – no specific consent required. *You may wish to check Planning Authority guidance on this.*	☐	Go to Part D
B4	No consent required (*e.g. public health and safety issues*)	☐	Explain why below, then Go to Part D

Part C- Details of Consents (i.e. planning or other consents)

Important Note: In exceptional circumstances a licence could be issued in advance of full consents being secured, however it may contain a condition requiring all necessary consents and/or wildlife conditions to be discharged before licensed activities can be commenced. If they are not discharged first, you may be committing an offence for non-compliance with the licence and therefore liable to prosecution. For more information refer to Guidance Note – WML-G12.

C1.	Have you obtained the necessary consent(s), as detailed in Part B, to allow the proposed activity to be commenced?	Yes	☒	No	☐
	If **Yes**, go to **C2**.				
	If **No**, give details of the outstanding consents to be obtained and the likely timescale for their determination/issue. Explain why you are applying in advance of the granting of consent that would allow the development to commence. See 'Important Note' above.				

C2.	Please tick all the forms of consents that have been granted relevant to the proposed activity and this licence application as indicated at C1.			
	Full planning permission	☒	Mineral Consent	☐
	Outline planning permission	☐	Mineral Consent with ROMP approval	☐
	Listed Building Consent	☐	Mineral Consent (ROMP application submitted to Mineral Planning Authority)	☐
	Demolition Consent	☒	Highways Act Consent	☐
	Conservation Area Consent	☐	Utilities Consent	☐
	Tree Preservation Order	☐	Other Consent Type (specify below)	☐

C3.	Give the consent reference number(s) and provide copies of the consents (or extracts) relevant to the proposed activity and this licence application, if applicable.
	Planning consent reference number 08/00306/FUL. Conditions relate to ecological issues being resolved.

	For all consents that have been granted, have all conditions or Reserved Matters relating to wildlife species and habitat issues (which are intended to be and are capable of being discharged before development begins) been discharged?	Yes	☐	No	☒
	If **No**, please give details of those conditions as identified above that remain to be discharged or explain why the condition has not been discharged.				
	Bat mitigation measures and granting of bat licence to enable demolition to take place.				

C4.1	Is the site subject to any commitment that affects the protected species named in this application? Examples are **Section 106 Agreement** (Town and Country Planning Act 1990) or other commitments made at a Public Inquiry or in an Environmental Statement	Yes	☒	No	☐
	If **Yes**, has the commitment been met?	Yes	☐	No	☒
	If Yes, please explain what has been done. If **No,** please explain what work is outstanding and when it will be completed				
	Bat mitigation measures and granting of bat licence to enable demolition to take place.				

C4.2	Is the site subject to any such commitment that affects other European protected species or other protected species, e.g., birds, badgers, water vole, etc.	Yes	☐	No	☒
	If yes, please explain whether this has been met and if not, when will it be completed?				

C5.	**Consenting Authority Details** (if there are more than two, please add rows as indicated below or provide on a separate sheet). Depending on the nature of your proposal, these may include

	bodies such as Local Planning Authorities, Environment Agency, Highways Authority, etc.		
C5.1	Authority name and address	Contact Name & Telephone Number	E-mail address
	Hinckley and Bosworth Borough Council	Planning Department 01455 238141	planning@hinckley-bosworth.gov.uk

To add rows, click in bottom row, then select Table/Insert/Rows below.

Part D – Consideration of Regulations.

Consideration of Regulation 44(2)(e): The 'Purpose' Test. *In this section, we ask you to provide detailed information to help us understand how your proposal meets one of the purposes specified in the Regulations. We cannot issue a licence unless we are satisfied the activity meets a specified purpose.*

D1.	Regulation 44(2)(e) - "*in the interests of preserving public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment*".		
D1.1	Indicate which of the two broad purposes below is served by this activity (tick one box only).		
	Preserving public health or public safety	☐	If selected, go to **D2**.
	Imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment	☒	If selected, go to **D3**.

D2 ***"Preserving public health or public safety"*** at the site level. *Risks may relate to unstable or deteriorating structures for example old buildings or mines, infrastructure such as roads, power installations or sewage systems, or other dangers such as contamination of land or unstable trees.*

Provide brief statements to demonstrate how in your view the proposed activity meets the purpose, and detail the evidence that supports the statements. We encourage the use of photographs, appropriately referenced, as evidence to support your statements. *The more detail you provide, the easier it is for Natural England to make a licensing decision quickly. Depending on the nature of your proposal and the curcumstances, some of the questions below may not be relevant; please insert N/A (meaning Not Applicable) where appropriate.*

D2.1	What risk is posed to public health or public safety and how?	
	Statement	
	Evidence	
D2.2	Has a structural or similar survey been undertaken by a suitably qualified person and does the report recommend remedial action? Please attach copies of reports. If no survey has been undertaken please state why this was not considered necessary.	
	Statement	
	Evidence	
D2.3	Have measures been put in place to exclude or deter unauthorised entry; if so give details? (For example, fencing, site security, removal of items of value, etc.)	
	Statement	
	Evidence	

D2.4	If measures have been put in place, give details of the timescales and whether it has been in response to escalating problems?	
	Statement	
	Evidence	
D2.5	If the exclusion measures have not been effective, state why and explain why further measures cannot reasonably be undertaken. Please include any representations from the police or fire service to support your statement.	
	Statement	
	Evidence	
D2.6	If there have been instances of vandalism, arson or other anti-social behaviour, give details. Please include any representations from the police or fire service to support your statement.	
	Statement	
	Evidence	
D2.7	What has been the cost in monetary terms? *This helps us to gauge the seriousness of the issue and whether alternatives have been adequately explored. This may include your costs but also those of the police or fire service in responding to incidents at the site.*	
	Statement	
	Evidence	
D2.8	Is the structure or land subject to this application in public or private ownership?	
	Statement	
	Evidence	
D2.9	If applicable, are there plans to develop the land following demolition of the structure?	
	Statement	
	Evidence	
D2.10	Insert below any further information that you wish us to consider in relation to this section.	
	Statement	
	Evidence	

D3 ***"Imperative reasons of overriding public interest,*** *including those of a social or economic nature and beneficial consequences of primary importance for the environment."* Provide brief statements to demonstrate how in your view the proposed activity meets the purpose and detail the evidence that supports the statements. Such weight needs to be given to the proposed activity as to outweigh the nature conservation interest.

D3.1	What need is the proposed activity designed to meet?	
	Statement	The construction of 19 number new houses subject to the resolution of the ecological issues and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide financial contributions towards education, libraries, civic amenity, health facilities, police provision and play and open space,
	Evidence	See the detailed planning consent.
D3.2	How was the need identified? For example, is there a legislative requirement for the activity at a European, national or regional level? Or if the need was identified by the Local Authority, your evidence may include relevant extracts or quotes from the Regional Spatial Strategy or Local Development Framework.	

	Statement	The need for housing on this site was seen as an opportunity to provide a mix of both affordable homes and speculative housing thus encouraging local people to remain in the village and in order for the local authority to receive financial gain for a number of local needs such as education and policing etc.
	Evidence	Refer to planning consent.
D3.3	Through what process of scrutiny has the proposal been subject, if any? (For example, Public Inquiry, public meetings, consultations or similar?) Was the presence of European Protected Species considered at the planning stage? Your evidence may include copies of minutes.	
	Statement	Procedures laid down in the Town and Country Plannning Act offering consultation opportunities to all statutory bodies and local residents.
	Evidence	Refer to planning consent.
D3.4	How does the proposed activity meet the identified need?	
	Statement	See above
	Evidence	Refer to planning consent.
D3.5	What assurances can be given to Natural England that the activity will proceed as proposed in the timetable of works? What measures are in place to ensure that it will proceed? For example, have relevant contracts been let or has all the relevant funding been secured and in place?	
	Statement	The proposed construction is funded by the developer and the terms of the planning consent will be adhered to in full, thus preventing any activity occurring that is in contravention of any Natural England, planning or laws that protect the species present.
	Evidence	Refer to planning consent.
D3.6	Who will benefit from the completed proposed activity and how? Is it the public and/or private sectors? One person, one family, one business, the community? Please give details.	
	Statement	The beneficiaries of the licence being granted will be the existing householder who will be able to sell his property, the developer who will be able to develop the site and the local community who will benefit from the the contributions made by the developer under the terms of the section 106.
	Evidence	Refer to planning consent.
D3.7	Does the proposed activity deliver or contribute to social needs at a local, regional and/or national level? For example, housing (including affordable housing), specialist social care, hospitals, schools and other education establishments, etc.	
	Statement	See above.
	Evidence	Refer to planning consent.
D3.8	Does the proposed activity deliver or contribute to economic needs at a local, regional and/or national level? For example, employment, regeneration, mineral extraction, etc.	
	Statement	See above.
	Evidence	Refer to planning consent.
D3.9	Are there any beneficial consequences of primary importance for the environment as a result of the proposed activity? If so, what are they? Does the proposed activity contribute to sustainable development and take into account other environmental concerns, such as 'green' energy or transport, if any?	
	Statement	Yes the proposed development does take into account environmental concerns and will contribute to sustainable devlopment.
	Evidence	See planning conditions that we are to adhere to.

D3.10	Are there any beneficial consequences for wildlife and protected species as a result of the proposed activity? If so, what are they? Will the proposal improve species/habitat poor sites to sites with integral and/or significant wildlife habitats and green space?	
	Statement	No
	Evidence	No
D3.11	Insert below any further information that you wish us to consider in relation to this section.	
	Statement	N/A
	Evidence	N/A

	Consideration of Regulation 44(3)(a): The 'No Satisfactory Alternative' test.	
D4	Regulation 44(3)(a) "that there is no satisfactory alternative". Provide brief statements and evidence to demonstrate how in your view there is "no satisfactory alternative" to the proposed activity. For an alternative to be "satisfactory" it has to be an alternative means of meeting the need whilst causing less damage to the European protected species. We encourage the use of Environmental Statements, photographs and location plans, appropriately referenced, as evidence to support your statement.	
D4.1	In respect of the answers given at D3, give details of the consideration of any alternatives to the proposed activity, including the use of alternative sites at the local level (provide details). Also consider the alternative of doing nothing. What would be the consequence(s) of doing nothing? Evidence from the Local Development Framework may be relevant.	
	Statement	There are no alternative sites within the area that were considered suitable for development.
	Evidence	
D4.2	Why was the preferred option chosen? What criteria was used in the selection process? What were the limiting factors?	
	Statement	This site was chosen for purchase for development as it was offered for sale by the owner's agent and identified by the local authority as being one that a planning application would be well received.
	Evidence	
D4.3	Could the proposed activity be achieved in a way (such as design, layout, positioning, etc) that would mean no, or reduced, implications for European protected species? Why is this not possible? If it is, why was it rejected?	
	Statement	No. The existing building that requires demolition takes up too much of the site and therefore it's retention would make the development of the site financially unviable.
	Evidence	
D4.4	Why does the proposed activity need to be undertaken in the timescale you propose? Why is it not satisfactory to delay the implementation of the proposal?	
	Statement	We are delaying the proposed activity until such time that all licences are in place. Upon receipt of the licences, we will progress with the site with commercially viable time-scales.
	Evidence	
D4.5	Insert below any further information that you wish to be considered in support of this section.	
	Statement	
	Evidence	

Part E - Declaration

This declaration must be signed by the person completing the form. This may be the applicant or another qualified person authorised by the applicant. Signing here confirms that you accept responsibility for the accuracy of the information you have provided		
I declare that the particulars given are correct to the best of my knowledge and belief.		
I am the Developer/landowner I am an agent authorised by the applicant to complete this statement		☒ ☒
Signature:	Date	
For electronic applications, please insert an electronic signature above or tick this box to confirm agreement with this declaration		☒
Name *(BLOCK LETTERS)*	CHARLES CHURCH NORTH MIDLANDS	
Telephone Number (if not already supplied)	0116 281 5600	
E-mail address (if not already supplied)	simon.mcdonald@persimmonhomes.com	

Part F – Essential Document Checklist

Supply copies of the following documents (as applicable) and tick (as appropriate).

E1	Planning Permissions (if applicable)	☒
E2	Secretary of State's decision letter (if applicable)	☐
E3	Section 106 Agreement, Town and Country Planning Act 1990 (if applicable)	☒
E4	Other Consents (if applicable)	☐

Part G – Document Annex

Please submit your supporting documents in a separate Annex using the following format. Where documents are large you may consider providing an extract. If you submit an extract please include the title page and, where appropriate, signature pages.

Any documents submitted as evidence should be presented under the appropriate heading and appropriately cross referenced. For example, a consent document should be marked as C3 and inserted under that heading.

Document Annex

Part C **Consents**
- C3 Consents
- C4 Section 106 Agreement or other Commitment

Part D2 **Purpose - Public Health or Public Safety**
- D2.1 The Risk
- D2.2 Reports

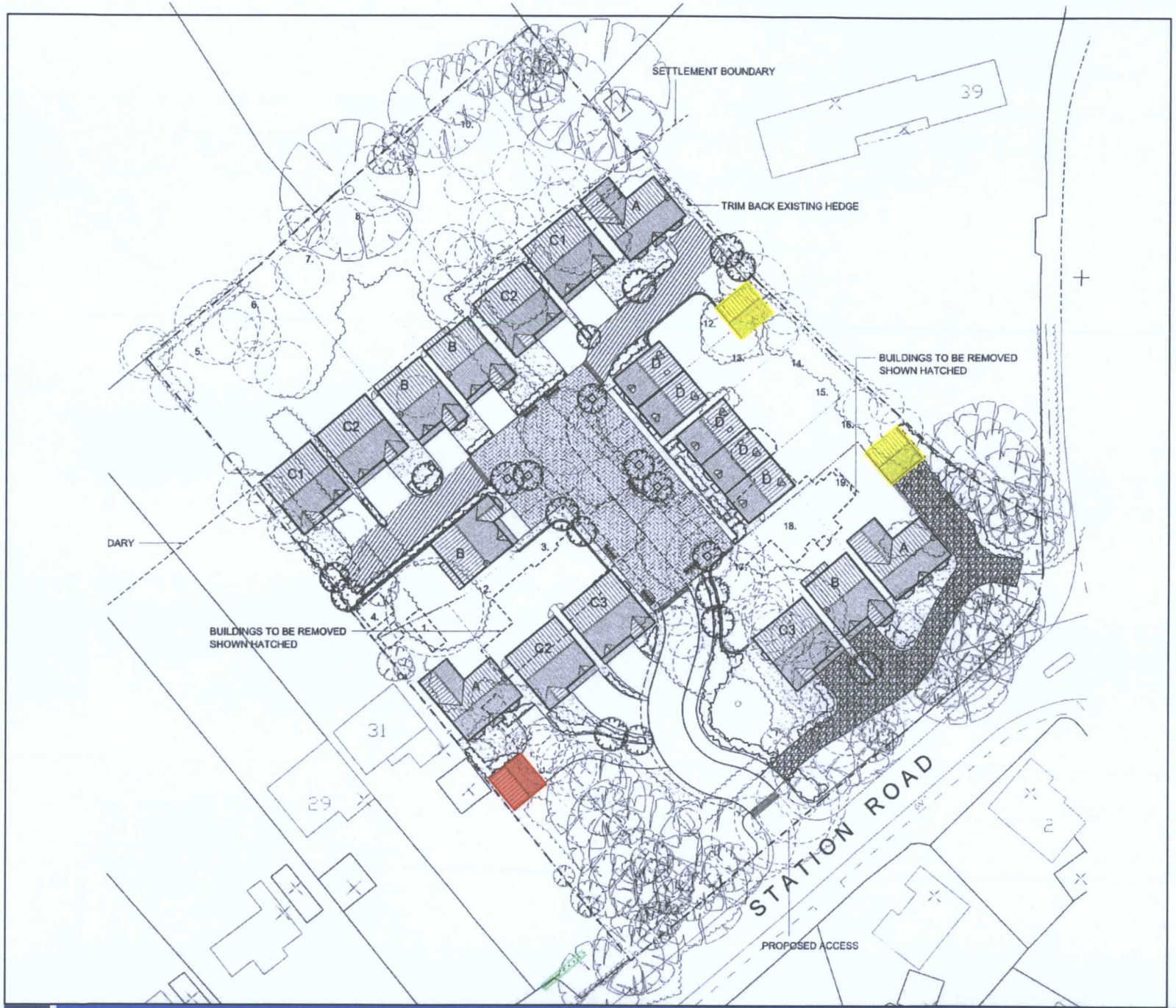
D2.3 Measures Taken
D2.4 Timescales
D2.5 Failure of Measures
D2.6 Vandalism, Arson or Anti-Social Behaviour
D2.7 Monetary Costs
D2.8 Land Ownership
D2.9 Future Plans for the Site
D2.10 Further Information

Part D3 Purpose - Imperative Reasons of Overriding Public Interest

D3.1 The Need
D3.2 How Was the Need Identified
D3.3 Process of Scrutiny
D3.4 How Does the Proposal Meet the Need
D3.5 Assurances for Delivery
D3.6 Beneficiaries of Proposals
D3.7 Delivering or Contributing to Social Needs
D3.8 Delivering or Contributing to Economic Needs
D3.9 Benefits to the Environment
D3.10 Benefits to Wildlife and Protected Species
D3.11 Further Information

Part D4 The 'No Satisfactory Alternative' Test

D4.1 Consideration of Alternatives
D4.2 Why the Preferred Option Was Chosen
D4.3 Design
D4.4 Timescale
D4.5 Further Information



Bat Garage (Cote)

Heated Bat Garage (Cote)

N

40m

33 and 35 Station Road, Desford - Figure 8 - Proposed Site Plan (with bat cote location)

Figure 8 - Proposed site Plan
Persimmon
December 2009
Scale as indicated @A3

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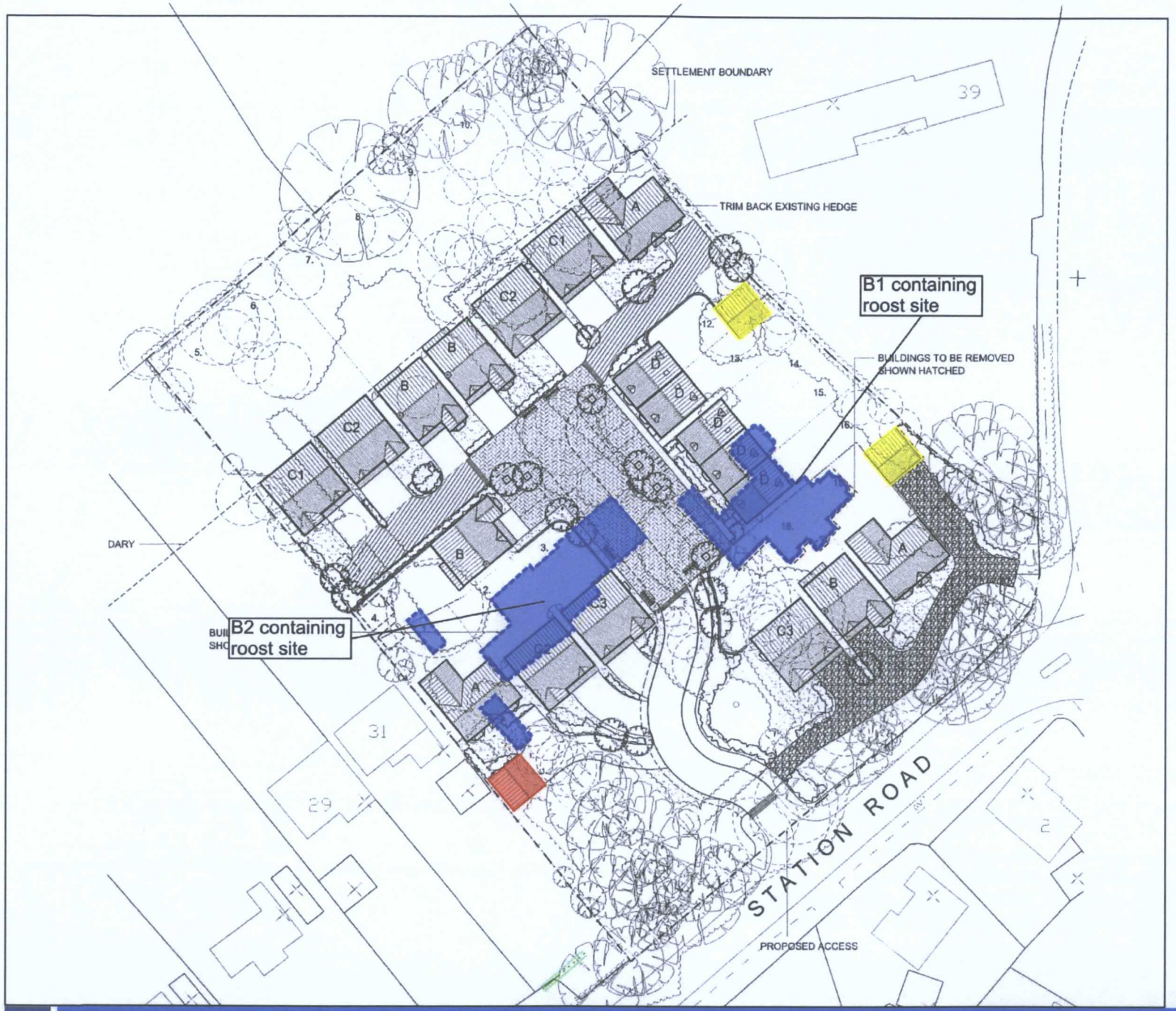
Lockington Hall, Lockington, Derby, DE74 2RH. Tel: 01509 672772 Fax: 01509 674565. mail@fpcr.co.uk

J://3593/Fig 8 - Proposed site plan



33 and 35 Station Road, Desford - Figure 10 - Mitigation Location in Relation to existing roost

Figure 10 - Location of Mitigation in Relation to Existing Roosts
Persimmon
December 2009
Scale as indicated @A3

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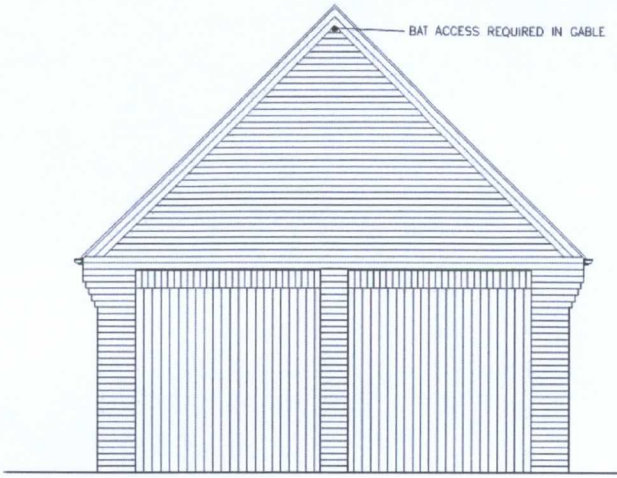
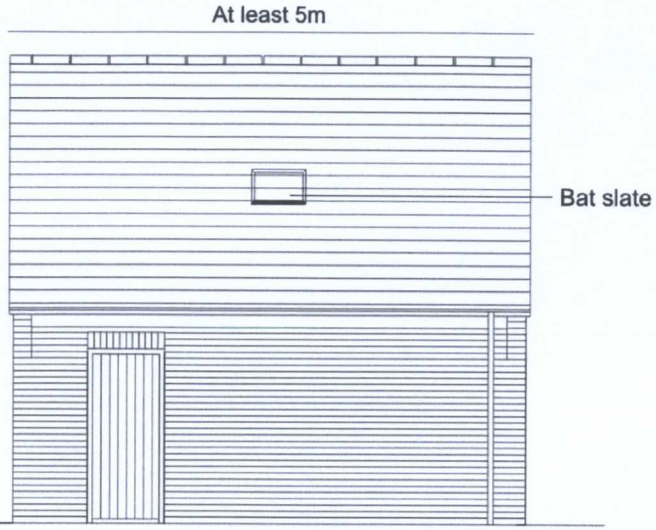
J:/3593/Fig 6 - Nocturnal results 25.6.08

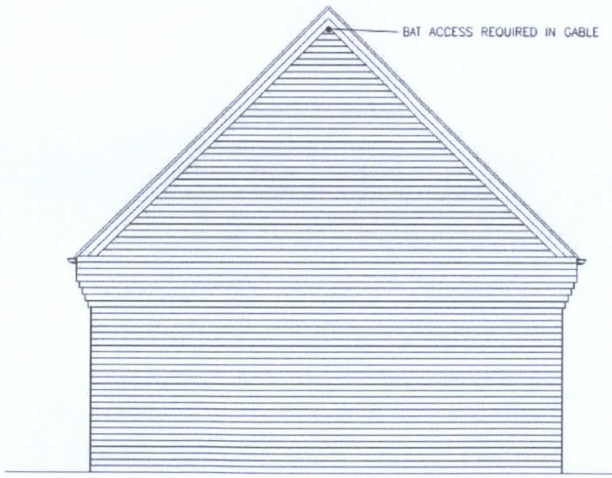
Please note: This diagram is a general bat cote and as such indicative only. Therefore some specifics may differ to final design, but access points and dimensions of roof void will remain the same.



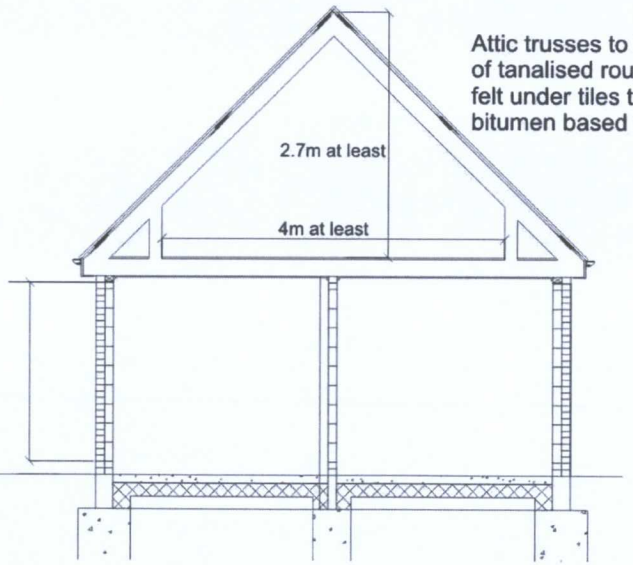
FRONT ELEVATION



SIDE ELEVATIONS



REAR ELEVATION



Attic trusses to be constructed of tanalised rough sawn timber felt under tiles to be traditional bitumen based untearable felt.

INTERNAL CROSS SECTION

33 and 35 Station Road, Desford - Figure 11 - Mitigation Specification: Indicative Bat Cote Design

Figure 11 - Mitigation Specifications - Indicative Bat Cote Dimensions
Persimmon
December 2009
Scale as indicated @A3

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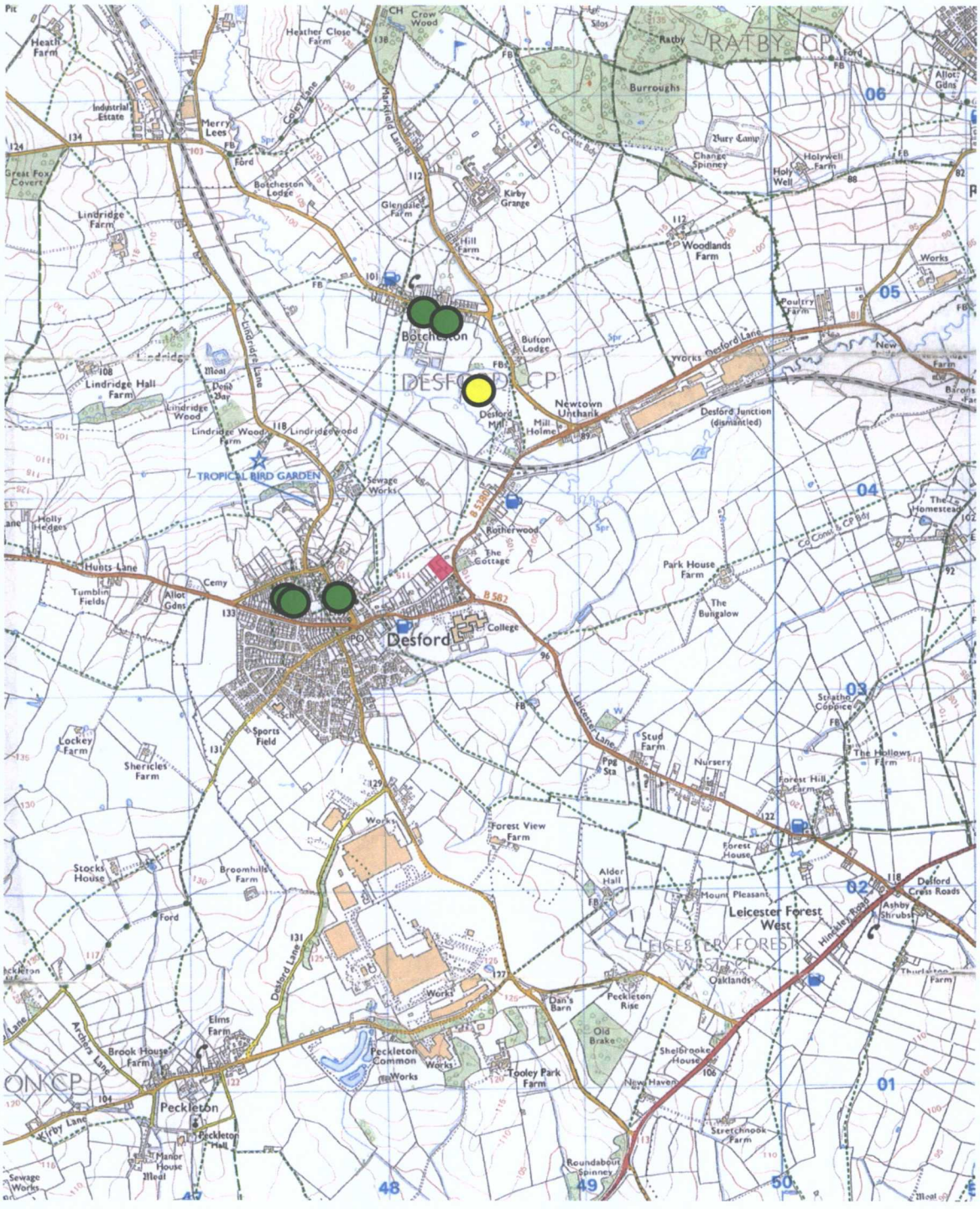
J:/3593/Fig 11 - Mitigation spec - Bat cote



Site

Unknown bat species record

Pipistrelle Record

N

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33 & 35 Station Road, Desford

Location Plan with Consultation Results

Figure 1

Sale 1:25,000 @ A4. June 2008

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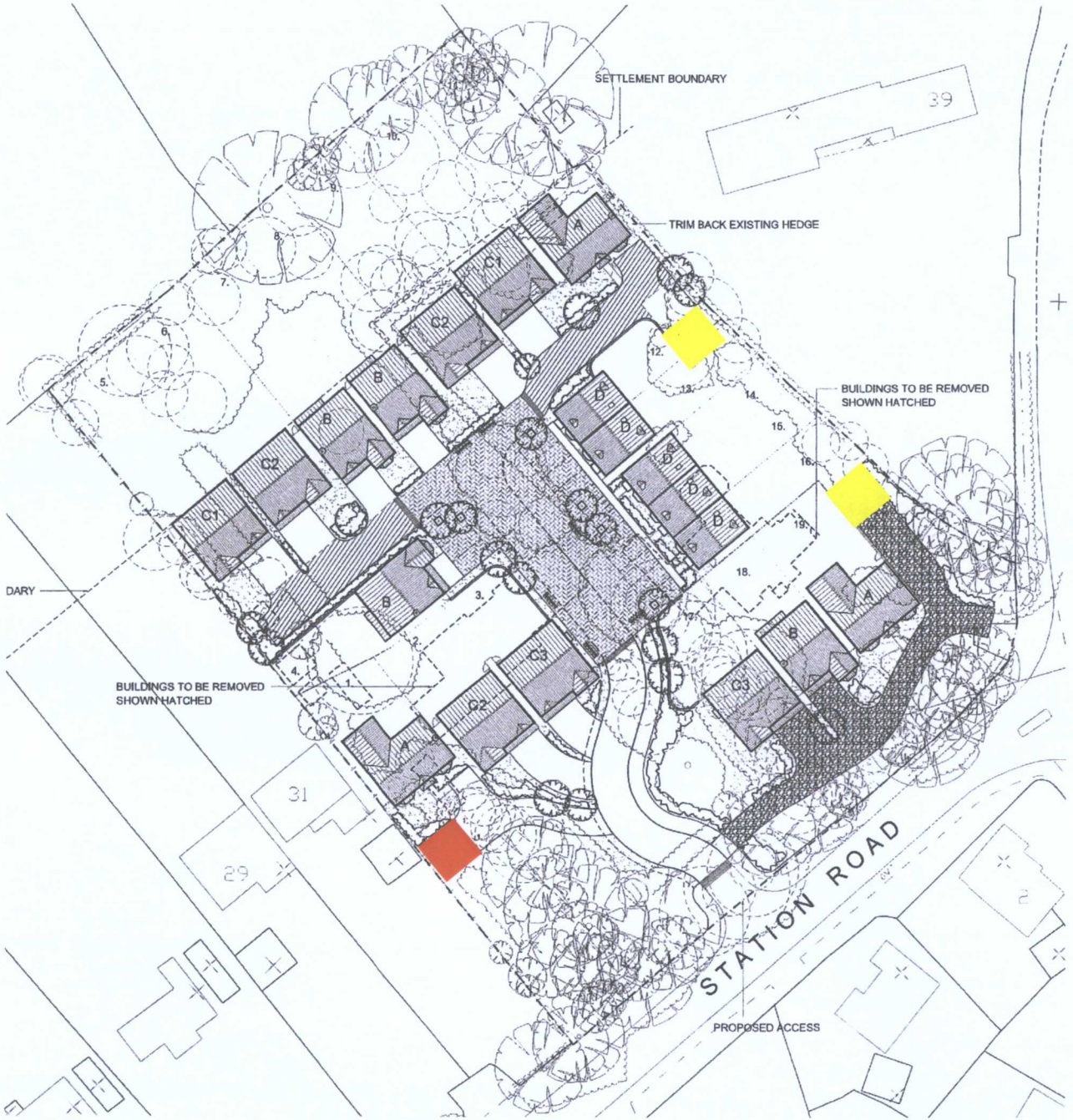
Fax: 01509 674565, mail@fpcr.co.uk

File: J:\3500\3593Figure 1 - \Location Plan with Consultation Results.cdr 3593/P/E/01



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plan.Cdr. File: J:/3593/Fig 4 - Mitigation location 2008/P/E/01

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33 & 35 Station Road

Mitigation Specification - Bat Cote Location

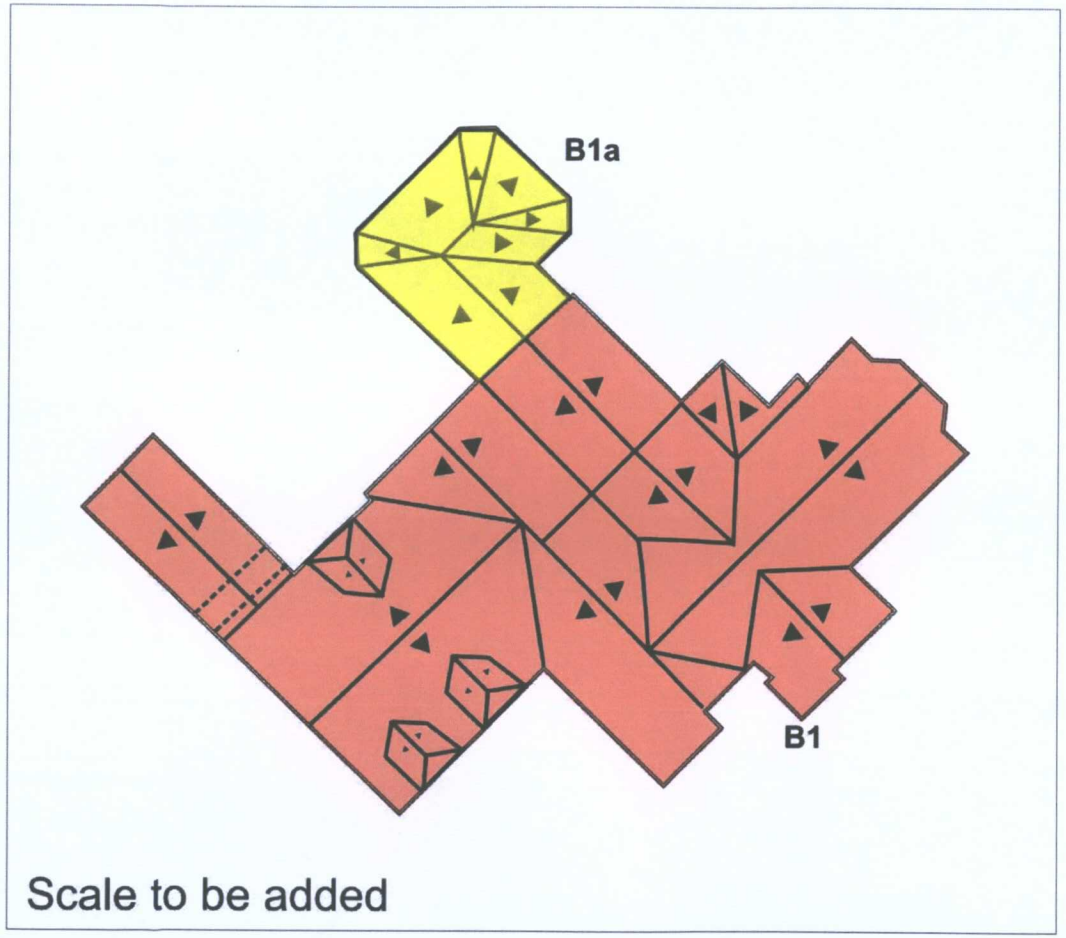
Figure 4

Not to Scale @ A3. June 2008

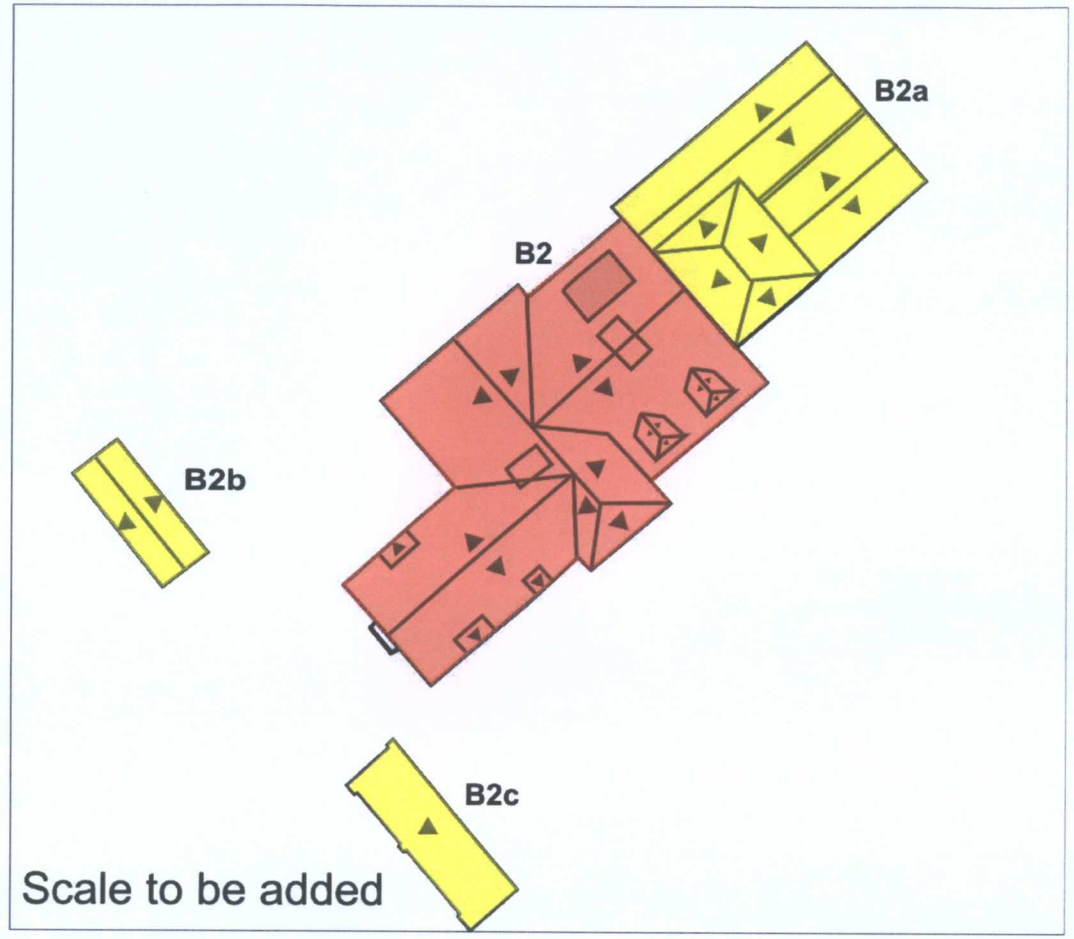
Building to be removed under supervision by a licenced bat worker

Areas not requiring good practice method statement

Work to be completed outside of main activity period.



Scale to be added



Scale to be added

33 and 35 Station Road, Desford - Figure 9 - Location of good practice works

Figure 9 - Good Practice works
Persimmon Homes
December 2009
Scale as indicated @ A3

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architecture + landscape + ecology + environmental assessment + masterplanning +
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J:/3593/Fig 9 - Good practice works



Site Boundary

Trees

Buildings

Hard Standing

Brown Long-Eared Bats Entering Building 06/06/08

Brown Long-Eared Bats Leaving Building 25/06/08

Foraging/Commuting Bats 06/06/08

Foraging/Commuting Bats 25/06/08

Charles Church Ltd

33 & 35 Station Road, Desford

NOCTURNAL BAT ACTIVITY PLAN

Figure 3

Not to Scale@A3. June 2008

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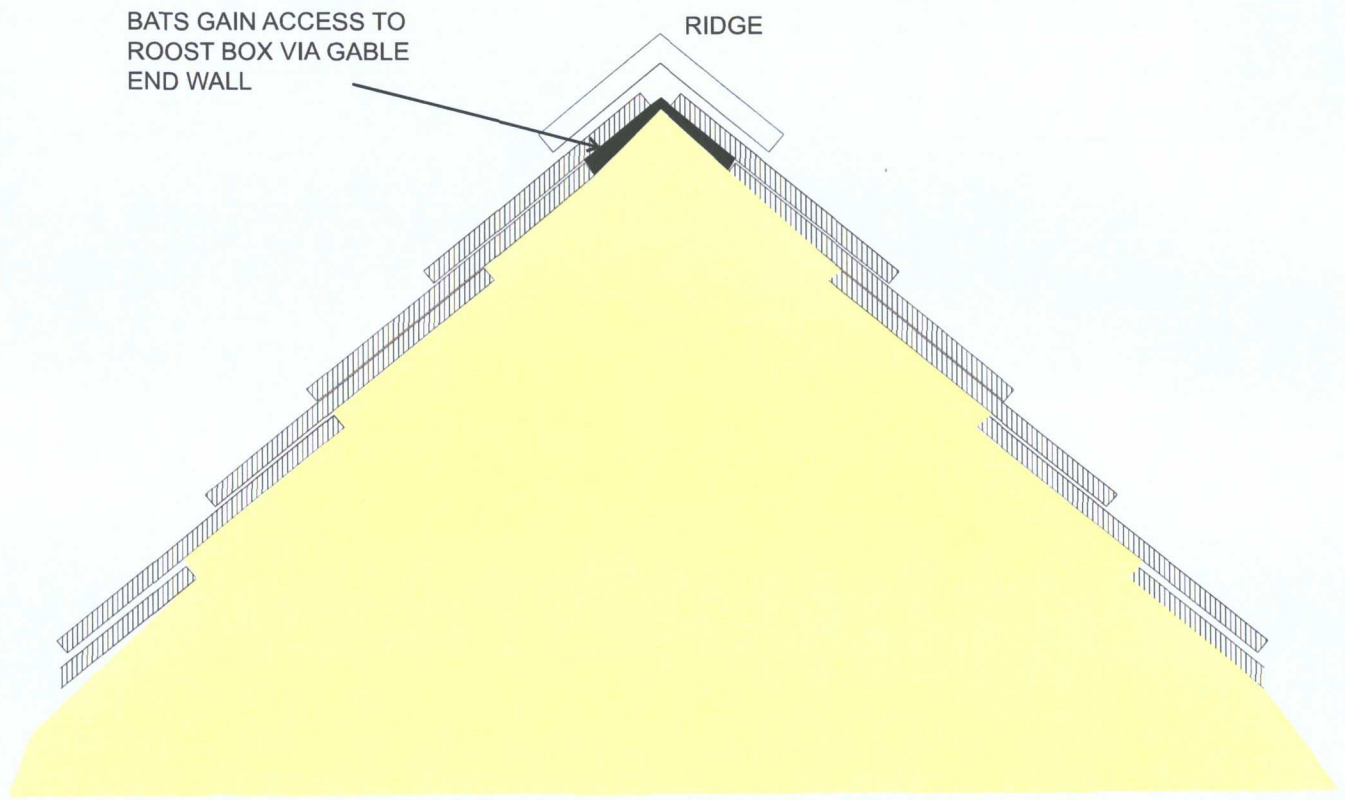
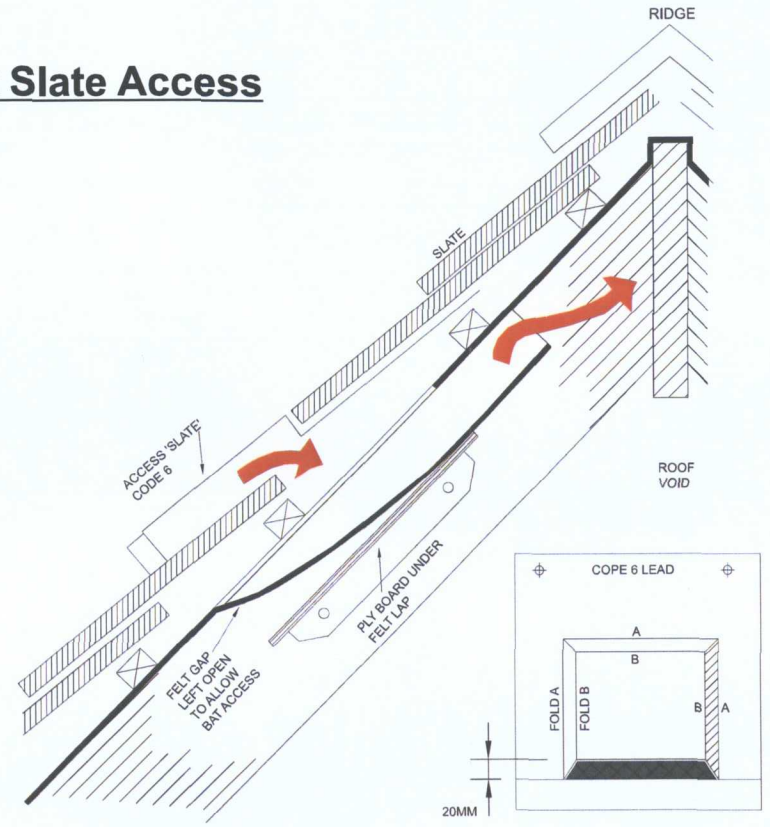
Fax: 01509 674565, mail@fpcr.co.uk

File: J:\3500\3593\Nocturnal Bat Activity Plan.cdr
3593/P/E/01

1 Gable end access

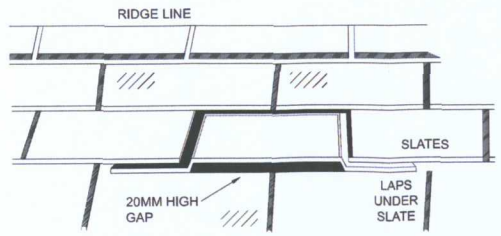


2 Bat Slate Access



SECTION THROUGH ROOF

BAT ACCESS SLATE



~ BAT SLATE BUILT INTO SLOPE ~

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33 & 35 Station Lane, Desford

Mitigation Specifications - External Access Points

Figure 6

Not to Scale @ A3 June 2008

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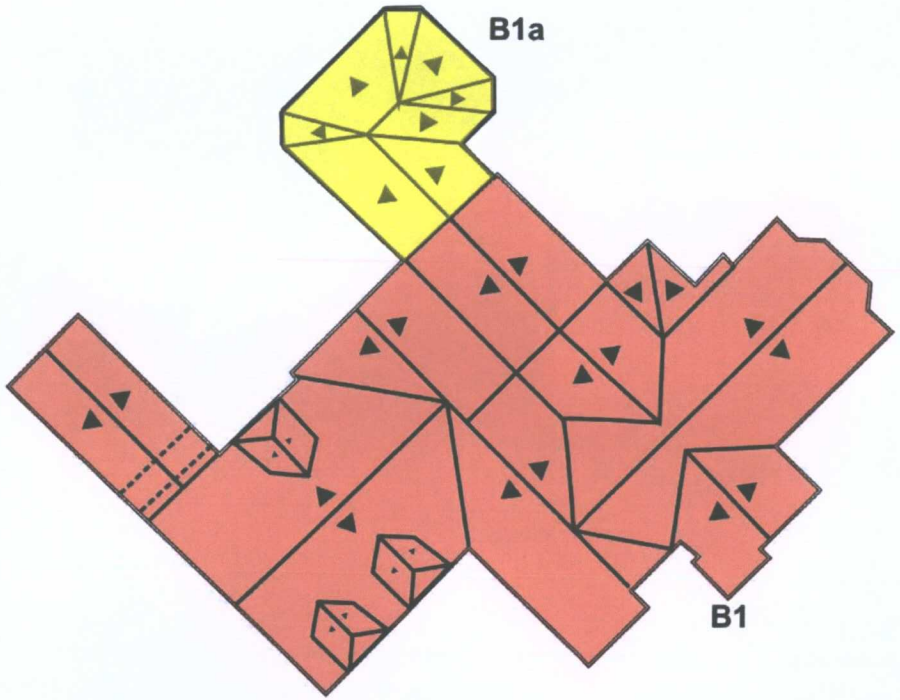
File: J:/3593/3593/Fig 5 - Mitigation Specifications - Access Points.Cdr.

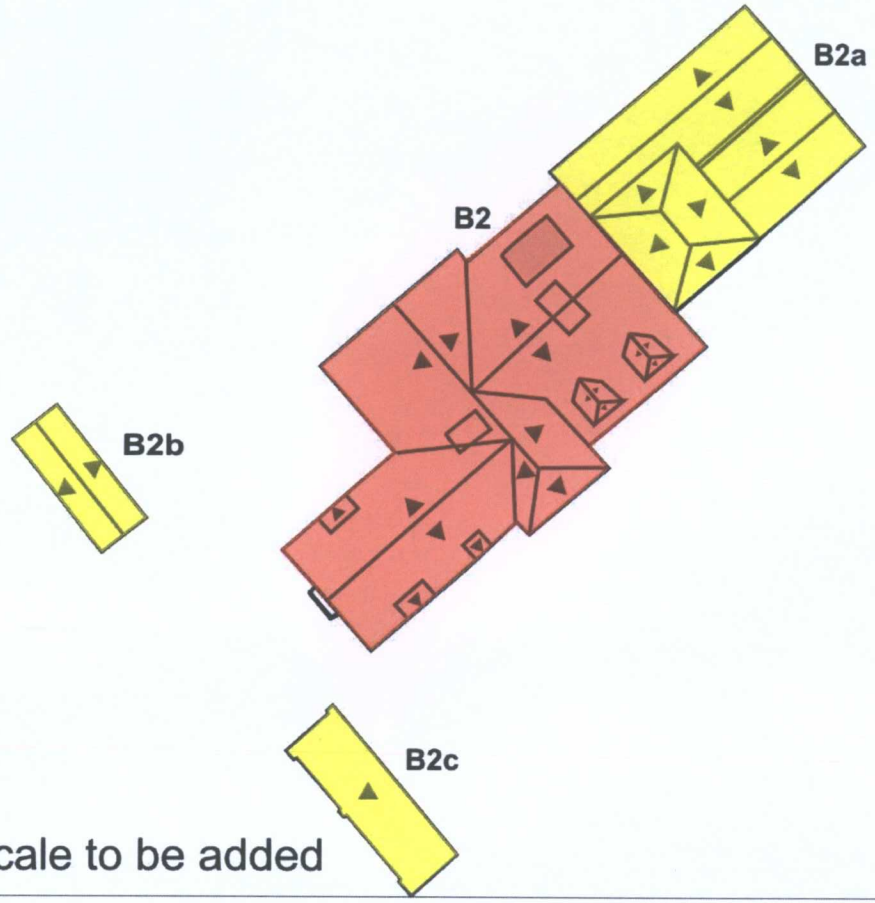
Building to be removed under supervision by a licenced bat worker

Areas not requiring good practice method statement

Work to be completed outside of main activity period.



Scale to be added



Scale to be added

33 and 35 Station Road, Desford - Figure 9 - Location of good practice works

Figure 9 - Good Practice works
Persimmon Homes
December 2009
Scale as indicated @A3

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J:/3593/Fig 9 - Good practice works



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33 & 35 Station Road, Desford

NOCTURNAL BAT ACTIVITY PLAN

Figure 3

Not to Scale@A3. June 2008

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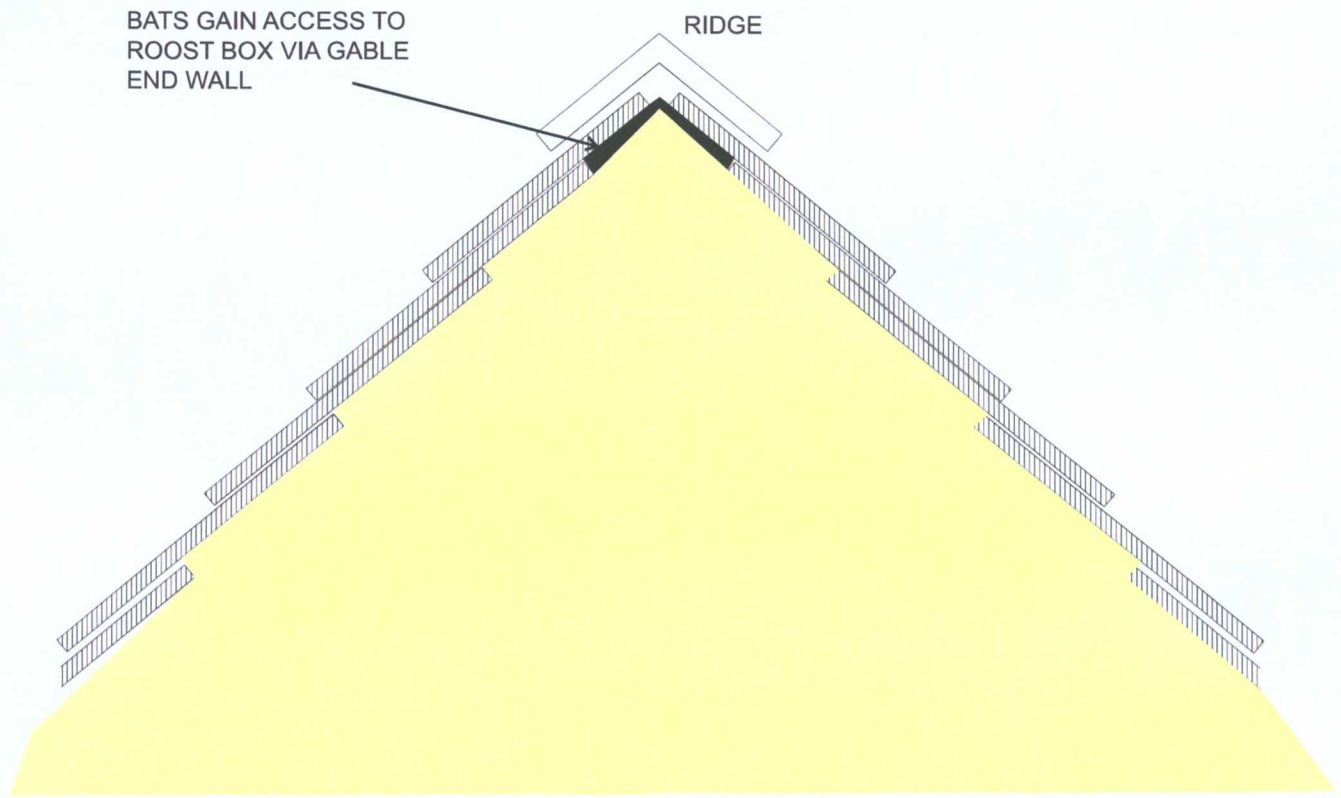
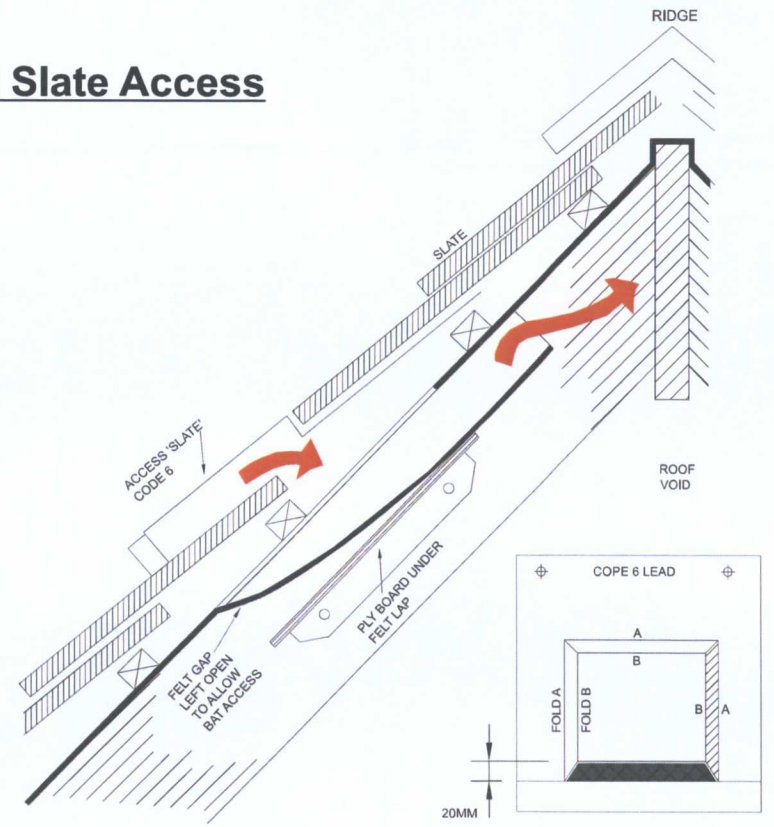
File: J:\3500\3593\Nocturnal Bat Activity Plan.cdr
3593/P/E/01

1 Gable end access

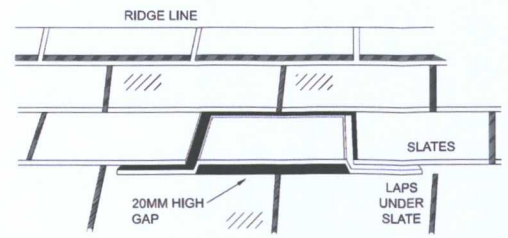


2 Bat Slate Access



SECTION THROUGH ROOF

BAT ACCESS SLATE



~ BAT SLATE BUILT INTO SLOPE ~

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Mitigation Specifications - External Access Points

Figure 6

Not to Scale @ A3 June 2008

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File: J:/3593/3593/Fig 5 - Mitigation Specifications - Access Points.Cdr.