

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

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 53, (2)(e) and (9)(a). These are known as the 'purpose' and 'no satisfactory alternatives' tests. See our guidance note WML-G12 for more information.

Customer Services
Wildlife Licensing
Natural England
First Floor
Temple Quay House
2 The Square
Bristol, BS1 6EB.
T. 0845 601 4523
F. 0845 601 3438

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	The School Chapel
Site Address	Brookbottom, New Mills, Derbyshire, SK22 3AY

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	<i>Proposal is considered to be of local importance. Examples might be loft conversions, the demolition of unsafe structures, barn conversions, small scale housing.</i>	<input checked="" type="checkbox"/>
Larger Scale Proposals	<i>Proposal is considered to be of national importance. Examples might be large scale industrial developments, large housing developments, new schools, hospitals, mineral extraction, power production plants.</i>	<input type="checkbox"/>
Linear Works	<i>Highways, Railways, Pipelines and other linear schemes.</i>	<input type="checkbox"/>
Temporary Impact proposals	<i>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 and habitats will be fully restored upon completion of works.</i>	<input type="checkbox"/>

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.

Conversion of a church into a domestic dwelling for one family

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. <i>Planning permission, listed building consent, etc</i>)	<input checked="" type="checkbox"/>	Go to Part C
B2	Other type of consent required (e.g. <i>Minerals consents, Highways Act consents, Secretary of State Decision Letter, Compulsory Purchase Order, Environment Agency consents, etc.</i>)	<input type="checkbox"/>	List below, then go to Part C
B3	Permitted Development (under Town and Country Planning Act 1990) – no specific consent required. <i>You may wish to check Planning Authority guidance on this.</i>	<input type="checkbox"/>	Go to Part D
B4	No consent required (e.g. <i>public health and safety issues</i>)	<input type="checkbox"/>	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 further more detailed 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	If Yes , go to C2 .				
	<p>If No, provide 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 and what the exceptional circumstances are. See 'Important Note' above. Please note that if you have answered 'No' to this question then your application is unlikely to be processed until this issue has been resolved. Please see Section 1 of the April 2012 edition of our EPS Newsletter for further details. In the event that you are submitting under 'Exceptional Circumstances' or the purpose of the application is site investigation work, such as archaeological excavation, which is required to inform the planning consent decision and where, after avoidance measures, the risk of affecting EPS is high then please tick this box and continue to complete the application <input type="checkbox"/></p>				

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	<input checked="" type="checkbox"/>	Mineral Consent	<input type="checkbox"/>
	Outline planning permission	<input type="checkbox"/>	Mineral Consent with ROMP approval	<input type="checkbox"/>
	Listed Building Consent	<input type="checkbox"/>	Mineral Consent (ROMP application submitted to Mineral Planning Authority)	<input type="checkbox"/>
	Demolition Consent	<input type="checkbox"/>	Highways Act Consent	<input type="checkbox"/>
	Conservation Area Consent	<input type="checkbox"/>	Utilities Consent	<input type="checkbox"/>
	Tree Preservation Order	<input type="checkbox"/>	Other Consent Type (specify below)	<input type="checkbox"/>
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 no HPK/2012/0481				
	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	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
	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. Please note that if you have answered 'No' to this question then your application is unlikely to be processed until this issue has been resolved. Please see Section 1 of the April 2012 edition of our EPS Newsletter for further details. If it is not possible or not intended for the conditions in question to be discharged before the development commences then please ensure that you do <u>not</u> answer 'No' to this question as this will avoid your application not being processed unnecessarily.			
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	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If Yes , has the commitment been met?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
	If Yes, please explain what has been done. If No , please explain what work is outstanding and when it will be completed			
Work on the rear extension incorporating a bat loft will be commenced and completed in the time frame specified in the schedule.				
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	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, please explain whether this has been met and if not, when will it be completed?			

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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
	High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire. SK13 8AF	Liz Pleasant Tel; 0845 129 7777	Liz.Pleasant@highpeak.gov.uk

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

Part D – Consideration of Regulations.

Consideration of Regulation 53(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 53(2)(e) - “ <i>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</i> ”.		
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	<input type="checkbox"/>	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	<input checked="" type="checkbox"/>	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 circumstances, 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? <i>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.</i>	
	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	<i>“Imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.”</i> 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	To convert a disused church into a domestic dwelling for one family.
	Evidence	The chapel was built in 1874 and has fallen into disrepair since being vacated by the church in 2009. Some building materials used are now at the end of their lifespan, and require replacement. The restoration and conversion of the building will improve the property to a standard in keeping with the surrounding properties in the hamlet.

D3.2	How was the need identified? For example, is there a legislative requirement for the activity at a European or national level? Or if the need was identified by the Local Authority, your evidence may include relevant extracts or quotes from the relevant Local Plan.	
	Statement	LPA policies are to maintain the character and appearance of buildings and actively encourage the reuse of redundant buildings within conservation areas.
	Evidence	The LPA has a vested interest to oversee that buildings in a conservation area enhance the character and appearance of the area and actively discourage buildings falling into disrepair through neglect or vandalism. Ref: High Peak local plan saved policy 20 BC5 p30. Conservation areas and their setting.
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	The LPA determined the planning application in accordance with the requirements of the Town and Country Planning Acts, which included public consultations. As part of this process Derbyshire Wildlife Trust as High Peak Borough Council's statutory consultee was involved and consulted and produced a report in favour of the development.
	Evidence	The LPA in determining the outcome of our planning application did take into consideration the presence of bats and as part of the conditions imposed on our planning consent, no work affecting bats should be undertaken until a licence has been obtained from NE.
D3.4	How does the proposed activity meet the identified need?	
	Statement	Planning permission was granted on the basis that the change of use from a church to a single domestic dwelling would be in the hamlet's best interest as well as the general public's interest, in as much that the development would halt the dereliction and decay of an otherwise unattended and unmaintained building.
	Evidence	Part of the LPA's policy is to maintain the character and appearance of buildings in a conservation area Ref: High Peak local plan saved policy 20 BC5 p30. Conservation area and their setting
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	As the owner of the property I am committed to discharge all the pre-commencement conditions. A local contractor has been appointed to carry out the work on the building and he has experience of working with a EPS bat licence. The contractor has confirmed that he is able to fit into the predetermined timetable and schedule of work.
	Evidence	The necessary drawings and sample materials are prepared in readiness to deal with the discharge of conditions attached to the planning permission. Full funding is in place for all work to take place.
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 restoration and conversion of the church will provide living space for my partner and myself with the capacity to provide valuable living space for our elderly parents. Permitted development rights have been removed thus ensuring longterm protection and a safe habitat for bats.
	Evidence	Planning permission. HPK/2012/ 0481 Condition 4 restricted future development

D3.7	Does the proposed activity deliver or contribute to social needs at a local and/or national level? For example, housing (including affordable housing), specialist social care, hospitals, schools and other education establishments, etc.	
	Statement	The conversion and restoration of the church into a dwelling will visual enhance the hamlet and benefit both the local residents and general public who use the area for walking and other leisure activities.
	Evidence	Part of the LPA's policy is to maintain the character an appearance of buildings in a conservation area. Ref: High Peak local plan saved policy 20 BC5 p30. Conservation area and their setting
D3.8	Does the proposed activity deliver or contribute to economic needs at a local and/or national level? For example, employment, regeneration, mineral extraction, etc.	
	Statement	n/a
	Evidence	
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	The restoration of the stone built church building would otherwise fall into disrepair if it were not converted.
	Evidence	Ref: High Peak local plan saved policy 20 BC5 p30. Conservation area and their setting.
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	The existing carpark adjacent to the church and within the curtilage will be developed into a terraced garden. The introduction of shrubs, flowering plants and hedges will greatly improving the habitat and enviroment for bats. Permitted development rights have been removed; this will ensure that a valuable resource area will be kept for the bats.
	Evidence	Regarding no further development please refer to planning permission HPK/2012/ 0481 Condition 4 restricted future development
D3.11	Insert below any further information that you wish us to consider in relation to this section.	
	Statement	n/a
	Evidence	

	Consideration of Regulation 53(9)(a): The 'No Satisfactory Alternative' test.
D4	Regulation 53(9)(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	The building is of no further use to the church and would fall into disrepair if action is not taken to converted the property into a domestic dwelling.
	Evidence	The building has been unused since 2009 and is showing signs of material decay, eg; rot in roof timbers, areas of unstable stonework and slipping roof slates.
D4.2	Why was the preferred option chosen? What criteria was used in the selection process? What were the limiting factors?	
	Statement	The proposed development of the church was bourne out of consultations with the LPA and our ecologists expertise, resulting in a low impact scheme with minimal disturbance to the bats.
	Evidence	Planning consent HPK/2012/0481. Ref: High Peak local plan saved policy 4 GD5 p9 Amenity
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	The ecologist has indicated that there will be minimum disturbance to bats. Survey results indicate that the roost numbers are low.
	Evidence	Method statement and survey reports supplied with planning application.
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	The timescale and building schedule has been formulated to best suit the needs of the bats and their activities.
	Evidence	Method statement supplied with planning application.
D4.5	Insert below any further information that you wish to be considered in support of this section.	
	Statement	n/a
	Evidence	

Part E - Declaration

<i>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>			
I declare that the particulars given are correct to the best of my knowledge and belief.			
I am the Developer/landowner			<input checked="" type="checkbox"/>
I am an agent authorised by the applicant to complete this statement			<input type="checkbox"/>
Signature:		Date	21 October 2012
<i>For electronic applications, please insert an electronic signature above or tick this box to confirm agreement with this declaration</i>			<input checked="" type="checkbox"/>
Name (BLOCK LETTERS)		DAVID CLARK	
Telephone Number (if not already supplied)		0753 851 0480	
E-mail address (if not already supplied)		davidp.clark@tiscali.co.uk	

Part F – Essential Document Checklist

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

E1	Planning Permissions (if applicable)	<input checked="" type="checkbox"/>
E2	Secretary of State's decision letter (if applicable)	<input type="checkbox"/>
E3	Section 106 Agreement, Town and Country Planning Act 1990 (if applicable)	<input type="checkbox"/>
E4	Other Consents (if applicable)	<input type="checkbox"/>

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