

Graeme Thorpe

From: Consultations (NE) [consultations@naturalengland.org.uk]
Sent: 29 May 2012 10:02
To: Graeme Thorpe
Cc: WebMaster
Subject: Planning Consultation: 3/2011/0896
Attachments: 53645 0896 NE RESPONSE pdf; Natural England Consultation Feedback(v4)_pub_0001.pdf
For the attention of: Graeme Thorpe

Ref: Updated bat survey - Conversion of existing chapel and Sunday school building to form two 4 bed dwellings including creation of garden and parking area's

Location: Old Methodist Chapel, Lower Chapel Lane, Grindleton

Please find Natural England's response in relation to the above mentioned consultation attached herewith.

<<53645 0896 NE RESPONSE.pdf>>

Please also find attached a customer feedback form.

<<Natural England Consultation Feedback(v4)_pub_0001.pdf>>

Kind Regards

Rachel Bowden

Natural England

Consultation Service

Hornbeam House

Crewe Business Park

Electra Way

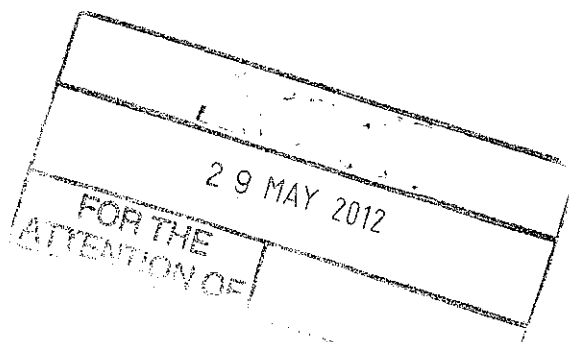
Crewe

Cheshire, CW1 6GJ

Tel: 0300 060 3900

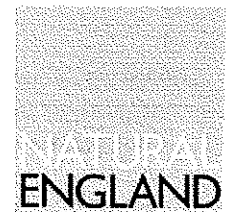
Email: consultations@naturalengland.org.uk

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Nothing in the email amounts to a legal commitment on our part unless confirmed by a signed communication. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.



29/05/2012

Date: 29 May 2012
Our ref: 53645
Your ref: 3/2011/0896



Mr G Thorpe
Ribbles Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire CW1 6GJ

T 0300 060 3900



BY EMAIL ONLY

Dear Mr Thorpe,

Planning consultation: Updated bat survey - Conversion of existing chapel and Sunday school building to form two 4 bed dwellings including creation of garden and parking area's

Location: Old Methodist Chapel, Lower Chapel Lane, Grindleton

Thank you for your consultation which we received on 15 May 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

Natural England's advice is as follows:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that bats, a European protected species may be affected by this application.

Our Standing Advice Species Sheet: Bats provides advice to planners on deciding if there is a 'reasonable likelihood' of bats being present. It also provides advice on survey and mitigation requirements.

The standing advice has been designed to enable planning officers to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. The standing advice was issued in February 2011 and we recognise that it will take a little while for planners to become more comfortable with using it and so in the short-term will consider species surveys that affect European protected species against the standing advice ourselves, when asked for support by planners.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

How we used our standing advice to assess this bat survey and mitigation strategy

We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i) and came to the following conclusion:

Box (i) - Using Nature on the Map we determined that **No**, the application is not within/close to a SSSI or SAC notified for bats. This took us to Box (v).

Box (v) - We looked at the survey report and determined that **Yes**, it did highlight that there are suitable features for roosting within the application site (eg buildings, trees or other structures) that are to be impacted by the proposal. This took us to Box (iv).

Box (iv) - We determined that **Yes**, detailed visual inspections (internal and external where appropriate) had been undertaken and found evidence of a roost. This took us to Box (viii).

Box (viii) - We determined that **No**, the status of the roost is not known (eg maternity/ nursery/ feeding/ hibernation) and the species of bat to be affected reliably identified. This took us to Box (ix).

Box (ix) - We determined that **Yes**, the survey had identified the species of bat(s) present and the status of the roost had been identified as a result of evening emergence/ dawn re-entry surveys undertaken between April and September. This took us to Box (xi).

Box (xi) - Using table 6.1 (which is on page 38 out of 76) of the Bat Mitigation Guidelines we determined that the scale of impact is low and that mitigation has been provided which is appropriate and proportionate to the scale of impact, that is, like for like in terms of roost size, aspect, temperature etc, considering whether it includes appropriate landscaping, maintenance of commuting routes, foraging areas and management of lighting etc to prevent indirect impacts upon bats. This took us to box (xiii).

Box (xiii) - We determined that when the mitigation is taken into account, the proposals comply with Article 12(1) or would be licensable. This took us to Box (xiv).

Box (xiv) advises the authority that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

For future applications, or if further survey information is supplied, you should use our standing advice to decide if there is a 'reasonable likelihood' of protected species being present and whether survey and mitigation requirements have been met.

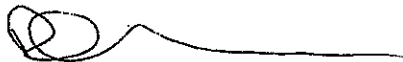
If you would like any advice or guidance on how to use our standing advice, or how we used the standing advice to reach a conclusion in this case, please contact us on the number above.

This advice is given to help the planning authority determine this planning application. On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of bats and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the

¹ Unless protected by Schedule 1 of the Wildlife & Countryside Act 1981 (as amended).

high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Miss Rachel Bowden
Customer Service Consultation Team