

European Protected Species Mitigation Licensing - Reasoned Statement for the purpose of preserving public health and safety

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 53(9)(a) within The Conservation of Habitats and Species Regulations 2010 (as amended). These are known as the '**purpose**' and '**no satisfactory alternatives**' tests. This template, for the purpose of preserving public health and safety, should be completed as part of your application pack.

Please note that if you are applying under this purpose you must be able to demonstrate that there is a genuine public and health and safety issue and action is required imminently, otherwise the Reasoned Statement template for "Imperative Reasons of Overriding Public Interest" must be used, unless no Reasoned Statement is required (see Natural England's [GOV.UK page](https://www.gov.uk) for licence proposals which would fit this criteria).

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 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.

Please read the following and complete:

- **Section A: Purpose test**
"Preserving public health or public safety" (PHS)
- **Section B: No Satisfactory Alternative test**

The tests are applied proportionately, so the strength of the evidence required to meet each will need to be sufficient to justify the impact upon the protected species (see guidance for further information). Where the supporting evidence upon which your reasoning is based consists of lengthy documents, please do not submit these in their entirety as this will delay your application if we need to go through them to find the relevant extracts. You need to provide clear, concise information for us to be able to meet the licensing tests. Please note that your application is likely to be rejected in cases where the supporting evidence has not been clearly referenced.

Section A: Purpose Test

You have already explained the need for the proposal under this purpose in the application form.

A1. Explain what the health and safety risk is (ie the nature and severity of the problem).

The Gables is unoccupied and has been bordered up and surrounded by security fencing. Despite these measures several serious vandalism attempts have been occurred and it has proved impossible to maintain the integrity of the security fencing which is continually being broken down. Low-level vandalism includes the smashing of roof tiles and hanging tiles through bricks and other materials being thrown at the building, vandalism of the interior of the property had also occurred. Recently the seriousness of the vandalism has increased with the oil tank of the property being set on fire in September 2019.

A2. Explain how and why your proposal will resolve the identified problem.

The demolition of the building in a controlled manner will remove the very real risk of the building being subject to further major demolition attempts or arson. Within the wider site it is not the first time buildings have been subject to serious vandalism and in previous cases it has resulted in the destruction of the buildings. At Plant Farm, the destruction of buildings known to contain bat roosts resulted from these actions.

A3. Has the risk described to Public Health and/or Safety been confirmed by a suitably qualified person? For example a structural engineer, the Police, a qualified Health and Safety expert.

Yes ☒ No ☐

If 'Yes' to the above, please provide details below. If you have selected 'No' please explain why confirmation from a suitably qualified person was not considered necessary.

(Note: providing firm evidence to demonstrate the need will help meet with the determination of this test)

A Section 81 notice has been granted by Havant Borough Council for the demolition of the building. Part of the justification of the application for demolition was on health and safety grounds.

Please confirm that relevant extract/s from supporting evidence to verify the risks have been included

Yes ☒ No ☐

Section B: No Satisfactory Alternative Test

Please explain why there is no satisfactory alternative to your proposal.

A “satisfactory alternative” is a different way of achieving the objective of the activity (ie meeting your need) which has a less negative impact on the protected species. If there is a less damaging satisfactory alternative available that is feasible, then legally, a licence cannot be granted.

You are expected to have considered all reasonable alternative solutions when developing your proposal(s) and to have suitable grounds (and evidence) for discounting each against the proposed solution to meet the need. There are technical and non-technical elements to consider for this test and this part of your application will consider the non-technical elements – focussing on delivering the need. Alternatives can include different locations, routes, designs and timings. The Method Statement focusses on the technical elements of this test – ie reducing the impact on the species (see ‘Important Advice’ below).

Important Advice: Please note that alternative mitigation (including timing of licensable works) and compensation solutions are considered as part of the Favourable Conservation Status test and should be included in the relevant species Method Statement submitted with your application

B1 Please explain why the current situation (ie the status quo) isn’t acceptable or feasible.

It has proved impossible to adequately secure this site given the levels of persistent vandalism experienced not just here but across the wider site. The escalation in the level of vandalism in the recent past would indicate that the building will continue to be a target of vandals resulting in the loss of bat roosting features.

B2 Please describe why works need to take place imminently (this should be within weeks not months if applying under this purpose).

The increased hours of darkness over the winter and generally lower levels of human activity across the site in the winter months increase the risk of further serious vandalism occurring. Even the lower levels of vandalism are resulting in damage to features potentially used by roosting bats and these actions could result in death or injury to bats. During the preparation of this licence application the building was broken into again and further vandalism occurred (weekend of 16/17th November)

B3 (a) Did you consider any other solutions to your proposed solution? Yes ☒ No ☐

If ‘No’ to B3(a), please explain why.

It is important to have considered alternative solutions when developing your proposal as failing to do so could delay your application.

If ‘Yes’ to B3(a), please complete the table below and describe each alternative considered

Please use a separate line for each, tick the relevant reason(s) why it was dismissed and explain the reasons for this. It is important to explain why each alternative was judged to be unsatisfactory or unfeasible to the proposal put forward in your application, providing concise supporting evidence as

appropriate (see 'Guidance' for advice on evidence and worked examples).

Set out <u>what</u> alternative ways of negating the risk to PHS were considered and/or tried and tick why they were not acceptable/why they did not resolve the problem	Not applicable to situation	Won't deliver need	Not feasible	Greater impact on species
Security measures to exclude or deter unauthorised entry such as security fencing; watch persons:	☐	☐	☒	☐
Clearly explain your decision.	The site has been monitored by CCTV and has security fencing around it. Neither measure has been successful in deterring vandalism. Secure compounds across the wider site are also subject to break-ins. A 24-hour security presence is not considered a cost-effective solution.			
Removal of items of value:	☒	☐	☐	☐
Clearly explain your decision.	All items of value have been removed from the property. The vandalism experienced is not linked to financial reward.			
Diversion of traffic:	☒	☐	☐	☐
Clearly explain your decision.	The site borders a public highway and is close to existing housing. Diversion of traffic is not possible and the regular presence of people along the road (both of foot and in vehicles) has not proved to be a deterrent to vandals.			
Enter text here	☐	☐	☐	☐
Clearly explain your decision.				

**Please note: you can add more rows to the table: Right click in the bottom row > Choose Insert > Insert rows below.*

Please explain any other alternative activities, processes or methods considered which have been considered and been discounted below. (Please add more rows if necessary)	Not applicable to situation	Won't deliver need	Not feasible	Greater impact on species
<i>Important note – the detailed timings of licensable works, alternative mitigation and compensation which will reduce the degree of harm are to be considered within the Method Statement and not here.</i>				
Alternative activity, process or method.	☐	☐	☐	☒
Describe the alternative and clearly explain your decision.	The option to delay demolition until Spring 2020 was considered to allow emergence/re-entry surveys to be undertaken. This was not considered suitable due to the persistent on-going nature of the vandalism. It is believed there is a real risk the continued vandalism will damage and destroy potential bat roosts and may caused death of injury to bats.			
Alternative activity, process or method.	☐	☐	☐	☐

Describe the alternative and clearly explain your decision.				
Alternative activity, process or method.	☐	☐	☐	☐
Describe the alternative and clearly explain your decision.				

**Please note: you can add more rows to the table: Right click in the bottom row > Choose Insert > Insert rows below.*

B3 (b) Details of supporting evidence.

Provide clear referencing such as page numbers and paragraphs of specific documents so these can easily be cross-referenced. To help with our assessment, please only provide the relevant extracts that help to demonstrate the reasoning given above rather than including lengthy documents in their entirety. Please do not provide website links to separate documentation, unless you identify where exactly in the linked document or web page the evidence referred to is located (our preference is for you to extract the evidence and copy it below, referencing where it has come from).

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B3 (c) Confirm relevant extract(s) from supporting evidence is included to verify the above.

Yes ☐ No ☐