

Application for a Licence to Disturb Otters for Development Purposes



Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency

Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended)

The information provided on this form may be made available to other Departments/Agencies for the purposes of detecting crime.

- Please complete this application form using **dark ink** and **BLOCK CAPITALS**.
- Please ensure that you answer questions fully in order to avoid delays.
- additional sheets may be attached to this application form (with appropriate referencing) if necessary
- Northern Ireland Environment Agency will aim to determine whether a licence should be issued within 15 working days of receipt of a completed application.
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit, Clare House, 303 Airport Road West, Belfast, BT3 9ED or by telephone on 02890569558.

The Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended) fully protect species listed on Schedule 2 (animals) and 4 (plants), referred to as European Protected Species (EPS). Otters are listed on Schedule 2.

Please use this application form if you wish to undertake works / activities that would affect otters and would involve one or more of the following; disturb and or damage / destroy the breeding site or resting places of otters. Under regulation 39(2) (e) and 39(3) (a - b) of The Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended), The Department has authority to issue licences for the following purpose:

- **Preserving public health or public safety** or other **imperative reasons of overriding public interest** including those of a social or economic nature and beneficial consequences of primary importance for the environment;

Provided that:

- there is **no satisfactory alternative**, and
- the action authorised **will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status** in their natural range.

**Part A. The developer or landowner:
Personal details.**

These questions relate to the developer or landowner. The named licensee will normally be the ecologist acting on behalf of the developer or landowner.

A1) The developer or landowner

Title (Mr / Mrs / Miss / Ms)
Forename(s)
Surname
Address
Town
County
Postcode
Tel number (incl. national dialling code)
Fax number (incl. national dialling code)
Mobile number
Email address
Address where works are to be carried out if different from (b) above
Grid Reference
Town
County
Postcode
Company Name
Business Title

Part B. The Ecologist: Personal Details Experience

– These questions relate to the person acting on behalf of the Developer/landowner who will undertake /support the delivery of specific elements of any licence granted in respect of the capture or disturbance of otters, including the overseeing of exclusion works and mitigation. This person is normally the named licensee.

B1) Details

Title (Mr / Mrs / Miss / Ms)
Forename(s)
Surname
Address
Town
County
Postcode
Tel number (incl. national dialling code)
Fax number (incl. national dialling code)
Mobile number
Email address
Company Name
Business Title
Professional Memberships
Address

B2) Previous Licence Experience

Have you been named as the Ecological consultant on a mitigation licence relevant to otters, issued by any of the following authorities: please note: survey licences alone are not sufficient as experience for this application type.

NIEA Natural England Defra Other (CCW/SNH)

Please state

If yes, please give details of your last mitigation licence including year and licence number.

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If no please complete section B3 below.

B3) Experience, Qualifications and References

To be completed by Ecologists who have either:

- Not held a mitigation licence previously, or
- Have not been named as the Ecologist responsible for undertaking the work on a licence.

Please detail your previous species specific experience

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Part C. The Application

C1) Locality of proposed licensed activity

Site name
Site address
Town
County
Postcode
O.S. Ref.

C2) Purpose of License Application (tick one box only)

Please confirm the purpose of the proposed works.

a) Preserving public health or public safety (applications for this purpose must be accompanied by documentary evidence of the risk from a chartered structural engineer, tree surgeon, police, environmental health etc)

☐

b) Imperative reasons of overriding public interest. (including those of a social or economic nature and beneficial consequences of primary importance for the environment)

☐

C3) Purpose of the Proposed Work

a) Please explain briefly why it is necessary to carry out the proposed work affecting otters. (There is no need to repeat the detail provided in your Reasoned Statement, see page 8).

b) Please provide a brief description of the proposed activity.

Have you sent your records to the NI local records centre (CEDaR?)

Yes ☐ No ☐

C4) Proposed Activities and Methods

Disturbance	
Damage or destroy breeding site or resting place	
By method e.g. by hand / trap / exclusion fencing etc	
Activity Date	

b) Briefly state how you will maintain an equivalent population of the otters at or near to the licensed site.

C5) Consideration of Designated Sites Designated Areas:

National Nature Reserves (NNR), Areas of Special Scientific Interest (ASSI), Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar sites.

a) Will any part of the proposed activity fall within an area covered by a designated site?

NNR ☐ ASSI ☐ SAC ☐ SP ☐ Ramsar ☐

Scheduled Monument ☐ Ancient Woodland ☐

b) Will any part of the proposed activity fall adjacent to a designated site?

Yes ☐ No ☐

c) If the activity falls within a designated site, have you consulted with NIEA (e.g. Built Heritage, CDP) for advice on the implications of your application on the protected site?

Yes ☐ No ☐

d) Please give either the outcome of your consultations or the reason why you have not consulted. Please enclose any relevant correspondence and the name of the NIEA officer or reserve manager consulted.

Part D. Your Information

Using and sharing your information - The data controller is Northern Ireland Environment Agency, Clare House, 303 Airport Road West, BT3 9ED. Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate. It will be used for processing your application.

We may disclose your application and other information relating to it to third parties, such as other Government Departments, in order to consult them about the application. This document will be provided to them for comment by written representations.

Northern Ireland Environment Agency or its appointed agents may use the name, address and other details on your application form to contact you in connection with occasional customer research aimed at improving the services that Northern Ireland Environment Agency provides to you. We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Northern Ireland Environment Agency to comply with its statutory obligations under the Environmental Information Regulations 2004, and the Freedom of Information Act 2000.

D1) Have you, or any persons named in this form, been convicted of any wildlife or animal welfare related offences?

Yes ☐ No ☐

If **Yes**, please give details, including dates

I declare that the particulars given are correct to the best of my knowledge and belief, and I apply for a licence in accordance with these particulars.

I understand that the deliberate killing, injuring, capturing or disturbing of otters, or damage or destruction of their breeding sites or resting places is illegal without a licence and that it is a legal requirement to comply with the conditions of any licence I may be granted following this application. I understand that Northern Ireland Environment Agency may visit to check compliance with a licence.

I authorise employees or representatives of Northern Ireland Environment Agency to enter the site which subject to this application for the purpose of monitoring and inspecting the permitted works where a prior appointment has been agreed.

Signature of the developer or landowner

Date

Name in BLOCK LETTERS

Signature of Ecologist

Date

Name in BLOCK LETTERS

Application for a Licence to Disturb Otters for Development Purposes - Method Statement

A full method statement must be submitted with the completed application form and it must follow the format below.

The method statement is used to determine the impact of the application on the favourable conservation status of the species concerned (Regulation 39(3) (b))

Document 1 – Background and Supporting Information

The format below **must** be used by a consultant ecologist or other suitably experienced person.

A. Executive Summary

B. Introduction

- B.1.** background to activity / development, include a brief summary of why the activity is necessary.
- B.2.** Full details of proposed works on site that are to be covered by the licence. Include current status of planning permission (if applicable).

C. Survey and Site Assessment

- C.1.** Pre-existing information on the species at the survey site. Provide records from local environmental records centres, local wildlife groups, previous survey work by the applicant or others.
- C.2.** Status of species at the local, county and regional levels.
- C.3.** Objectives of survey e.g. to determine presence / absence of species, species usage of site.
- C.4.** Scaled plan / map of survey area of appropriate scale and orientation with integral or separate location map at 1:50000 or 1:25000 scale. Aerial photographs are also useful.
- C.5.** Site / habitat description (with relevance to species concerned). Include annotated photographs if helpful.
- C.6.** Field survey(s) include survey method, timings (day / evening), weather conditions (wind, rain, temperature – tabulated for multiple survey visits), personnel involved (provide individual licence numbers, if held), and equipment used.
- C.7.** Survey results, summarise findings in table form (if appropriate); provide clear, annotated and cross reference maps / plans / photographs. Raw data should be appended.

- C.8.** Interpretation evaluation of survey results
Provide count / estimate of species numbers, status and significance of population, constraints on survey (e.g. time of year, cold, weather, access problems – justify as necessary).

D. Impact Assessment In Absence of Mitigation

- D.1.** Short term impacts: disturbance.
- D.2.** Long term impacts: Habitat loss or modification. Impact on species population(s) to be taken into account at local, regional and national levels. Note that impacts can be positive or negative as this is in absence of mitigation.
- D.3.** Long term impacts: fragmentation and isolation.
- D.4.** Post development interference impacts.
- D.5.** Predicted scale of impact on species status at the site, local county and regional levels.

E. Land Ownership – Mitigation site(s) / area(s) where works will be done to offset development impacts including development plot if applicable.

- E.1.** Mitigation site ownership, if the mitigation site is not owned by the applicant, you must provide written consent of the relevant land owner(s). You must also provide details of how any measures to secure the population are to be maintained in the long term (e.g. a legal agreement).

F. Annexes

- F.1.** Pre existing survey reports
 - F.2.** Raw survey data
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Document 2 – Delivery Information

The format below **must** be used by a consultant ecologist or other suitably experienced person.

The document will be attached to the licence.

A. Mitigation and Compensation

- A.1.** Summary of mitigation strategy. Overview of how the impacts will be addressed in order to ensure no detriment to the maintenance of the population at a favourable conservation status. To include a scaled map or plan that can be compared with proposals on the survey results plan.

B. Works to be undertaken by the ecologist or suitably experienced person.

C. Works to be undertaken by the developer / landowner.

C.1. Habitat creation

C.1.1 In situ retention of breeding sites / resting places – providing details of proposed works. Explain how the breeding site / resting place will be retained. Any enhancements to habitat should also be detailed.

C.1.2 Modification of breeding site / resting place – Dimension details, scale drawings of the proposals.

C.1.3 New breeding site / resting place creation – dimension details, location details, materials to be used (where applicable), aspect etc.

C.1.4 Scaled maps / plans to show proposals / mitigation outlined above in relation to existing and proposed habitat features.

D. Post Development Site Safeguard

D.1. Habitat / site management and maintenance – to include details of what will be done in terms of habitat management and site maintenance required to ensure long term security of affected population. Include details of site / structure ownership, and who will be responsible for funding and undertaking the work.

E. Timetable of Works

A diagram to include all capture, exclusion, mitigation and construction works

Reasoned Statement In Support of an Application for a European Protected Species Licence

This form should be completed by the applicant or persons authorized to do so on their behalf- with the wording – This form should be completed by the developer or landowner or a person authorised to do so on their behalf.

The information provided on this form will be used by NIEA to determine whether the proposed activity affecting the European Protected Species meets the requirements of regulation 39 (2) and (3). These are known as the purpose and no satisfactory alternatives tests.

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 or extracts being submitted as evidence in support of your application. Any documents submitted as evidence should be presented separately and approximately cross reference the papers to the relevant part.

Depending on the nature of the 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 any 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	
Site Address	
Grid Reference	

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 demolition of unsafe structures, 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.	
Linear works	Highways, railways, pipelines and other linear schemes.	
Temporary impact proposals	Examples might be archaeological site investigations (trenches), ground investigations surveys (bore holes, trial pits etc.), temporary access roads, where activity is of a short duration.	

C4	Is the site subject to any such commitment that affects other European protected species or other protected species, e.g. birds, badgers etc.	Yes / No
	If yes please explain below whether this has been met and if not when will it be completed?	
C5	Consenting authority details (if there are more than two, please provide a separate sheet). Depending on the nature of your proposal these may include bodies such as a Planning service, NIEA e.g. habitat designation consent required.	
C5.1	Authority name and address	Contact name, telephone number and email address

Part D - Consideration of Regulations

Consideration of Regulation 39(2): 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 specific purpose.

D1	Regulation 39(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 consequence of primary importance for the environment.		If selected go to D3

D2. ‘Preserving public health and 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. The more detail you provide, the easier it is for the Department 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 where appropriate.

D2.1	What risk is posed to public health or public safety?	
	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 has not been considered necessary.	
	Statement	
	Evidence	
D2.3	Have measures been put in place to exclude or deter unauthorized 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	

D2.4	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 police or fire service 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	
	Evidence	
D3.2	How was the need identified? For example, is there a legislative requirement for the activity at a European, national or regional level?	
	Statement	

	Evidence	
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	
	Evidence	
D3.4	How does the proposed activity meet the identified need?	
	Statement	
	Evidence	
D3.5	What assurances can be given to NIEA 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	
	Evidence	

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	
	Evidence	
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 educational establishments etc.	
	Statement	
	Evidence	
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	
	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	
	Evidence	
D3.10	Are there any beneficial consequence 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	
	Evidence	
D3.11	Insert below any further information that you wish us to consider in relation to this section.	
	Statement	
	Evidence	

Consideration of Regulation 39(3)(a) the 'no satisfactory alternative' test. D4 Regulation 39(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.

Consideration of Regulation 39(2): 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 specific purpose.

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 a local level (provide details). Also consider the alternative of doing nothing. What would be the consequence(s) of doing nothing?	
	Statement	
	Evidence	
D4.2	Why was the preferred option chosen? What criteria was used in the selection process? What were the limiting factors?	
	Statement	
	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 to European protected species? Why is this not possible? If it is, why was it rejected?	
	Statement	
	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	
	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 developer or landowner or a person authorised to do so on their behalf. Signing 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 authorized by the applicant to complete this statement ☐

Signature

	Date
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Name in BLOCK LETTERS

Telephone

Email

Important Advice:

- The Department can modify or revoke at any time any licence that may be issued but this will not be done unless there are good reasons for doing so. Any licence that is issued is likely to be revoked immediately if it is discovered that false information had been provided which resulted in the issue of a licence.
- Under The Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended), any person who in order to obtain a licence knowingly or recklessly makes a statement or representation, or furnished a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. Any person found guilty of such offences is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

FOR OFFICIAL USE ONLY

Type of licence:

Signed:

Valid from:

Until:

Date approved:

Extra conditions:

Northern Ireland Environment Agency
Clare House
303 Airport Road West
Belfast BT3 9ED
T. 028 90569558
www.daera-ni.gov.uk



An Agency within the Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

Gníomhaireacht de chuid na Roinne
**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

An Agency w/in the Department o
**Fairmin, Environment
an' Kintra Matthers**

INVESTORS IN PEOPLE
We invest in people Standard