

APP/24/00430 | Remove and replace existing roof structure on detached Coach House including the repair of 1No. gable end wall and replacement of new lintel over Coach House doors. | 2 Emsworth Road, Havant, PO9 2SR

Thank you for consulting me on this application.

The application is accompanied by a Bat Survey Report (Hampshire Ecological Services, November 2024). Following an assessment that the dwelling offered bat roosting potential, three bat emergence surveys were carried out in late summer 2024. A single Common Pipistrelle bat was observed emerging from the Coach House building and it is concluded that the site currently supports a bat roost. The report includes a series of sensible avoidance, mitigation and compensation measures and these are acceptable.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects a European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a licence from Natural England to allow the development to proceed under a derogation from the law.

- *Will the development result in a breach of the EU Directive?* Yes, the proposed works would result in the disturbance of a bat roost.
- *Is the development unlikely to be licensed?*

An EPS licence can only be granted if the development proposal is able to meet three tests:

- 1) *the consented operation must be for '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'; (Regulation 53(2)(e))*
- 2) *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
- 3) *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' (Regulation 53(9)(b)).*

It is for you as the case officer to assess the proposals against the first two tests – you may wish to ask for further information from the applicant but if the proposed development is acceptable in planning terms then it is assumed that these tests are met. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss or damage to bat roosts will be compensated. A mitigation strategy has been provided, detailing specific measures to avoid harm to bats during the construction works and to provide compensatory roosting habitat. I would support these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not

unlikely to be licensed. I would recommend that LPA's engagement with the Habitats Regulations is detailed in your report. The proposed works will require a European Protected Species mitigation licence from Natural England. It is the responsibility of the applicant and their appointed agents to ensure that this licence is obtained and its conditions implemented.

Provided that the agreed mitigation proposals are implemented, I would have no concerns over these proposals in respect to bats. If you were minded to grant permission, I would suggest that the measures are secured through condition.

Development shall proceed in accordance with the ecological avoidance and mitigation measures as detailed in the Bat Survey Report (Hampshire Ecological Services, November 2024) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

If you have any queries, please don't hesitate to contact me.

Kind regards,

Tristan

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