

Subject: APP/23/00887 29 North Shore Road, Hayling Island, PO11 0HL

Dear Joe,

APP/23/00887 | Ground floor rear and side extensions, First floor side extensions, extensions to the existing clay tile roof, internal refurbishment to the existing dwelling, proposed replacement glazing units & external landscaping. | 29 North Shore Road, Hayling Island, PO11 0HL

Thank you for consulting me on this application.

The application is accompanied by a Preliminary Roost Assessment (Arbtech, July 2023) and a Bat Emergence and Re-entry Surveys report (Arbtech, October 2023). Following the identification of potential bat roost features, a series of evening and dawn bat roost surveys were conducted in summer 2023. Over the course of these surveys a peak of two Common Pipistrelle bats were observed roosting within the dwelling. These roosts are likely to be low status day roosts of individual bats: there is no evidence that a larger roost is present.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and 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?
- 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. 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 using supervision by a suitably licensed ecologist, the provision of a bat box on site to accommodate any bats encountered during works, a sensible recommendation in relation to roofing felt materials, and the provision of bat access tiles within the new roof. 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.

If you are minded to grant permission, can I suggest that ecological measures are secured by condition.

Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures as detailed within Table 4 of the Bat Emergence and Re-entry Surveys report (Arbtech, October 2023) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement 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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Planning Services