

Dear Mr Eaves,

APP/20/01223 - 48 Sinah Lane, Hayling Island, PO11 0HH - *Demolition of existing dwelling and erection of replacement dwelling including new summer house and garage with ancillary accommodation, new gabion wall to replace the existing block wall (sea defence) together with new driveway access with associated landscaping*

Thank you for your consultation for the proposed works at 48 Sinah Lane. The application is supported by a Phase 1 Ecological Assessment and Bat Roost Assessment by Philips Ecology (Oct 2020).

This development will affect bats, although I am confident that the survey work and proposed mitigation is acceptable and I would raise no additional concerns. Detailed comments are set out below:

Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (commonly referred to as the Habitats Regulations). Where developments affect European protected species (EPS), permission can be granted unless:

- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
- is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Licences will not normally be granted in the absence of planning permission.

- Is the development likely to result in a breach of the EU Directive?

The application is supported by a report of the thorough and professional bat survey work that has been carried out at the site to appropriate methodologies and standards (Philips Ecology Oct 2020). This report includes results and conclusions of the full survey work, an assessment of the impacts to bats and the measures to ensure that any impacts to bats are avoided or compensated for.

The survey work identified that the existing building provides numerous points that can be used by bats for roosting and / or access to roosts, and small numbers of droppings were seen. Subsequent emergence and re-entry surveys identified 2x Soprano bat day roosts present to the southern elevation behind a roof tile close to the flat roof extension and beneath the roof of the flat roof

extension. Small numbers of foraging and commuting bats were also recorded utilising the grounds of the site.

The development will result in the loss of roosts used by individual non-breeding bats. If avoidance measures are not taken then the work has the potential to kill / injure individual bats. The development will therefore 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. 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 impacts to bat roosts will be addressed and how the loss of the roost will be compensated. In this case, a detailed mitigation strategy is provided that includes methods to be followed during the development to ensure bats are not disturbed, killed or injured, together with new roosting opportunities to be provided onto mature trees on site. I would support all 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.

Provided that these measures are implemented, I would have no concerns over these proposals. If you were minded to grant permission, I would simply suggest that the following condition be added to the decision notice:

Condition:

Development shall proceed in accordance with the measures set out in Section 15 Mitigation Recommendations, of the Phase 1 Ecological Assessment and Bat Roost Assessment by Philips Ecology (Oct 2020). Thereafter, the replacement bat roosts shall be permanently maintained and retained in accordance with the approved details. **Reason;** *To ensure the favourable conservation status of bats In accordance with DM8 Conservation, Protection and Enhancement of Existing Natural Features of the Havant Borough Local Plan.*

Please do contact me if you need any further information.

Kind Regards

Rebecca Harvey

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