

Houghton, Michelle

From: Wells, Lesley
Sent: 08 April 2021 13:28
To: bst shared
Subject: FW: APP/21/00069 | 16 Lovedean Lane, Waterlooville, PO8 8HH

Hi

Please upload.

Thanks Lesley

From: Miri, Maral [mailto:Maral.Miri@hants.gov.uk]
Sent: 07 April 2021 18:01
To: Wells, Lesley <Lesley.Wells@easthants.gov.uk>
Subject: APP/21/00069 | 16 Lovedean Lane, Waterlooville, PO8 8HH

Dear Lesley,

APP/21/00069 | Extensions to existing dwelling and construction of 1No. 3 bed dwelling. (Resubmission). | 16 Lovedean Lane, Waterlooville, PO8 8HH

Thank you for consulting us on this planning application. The new dwelling is not considered to have any adverse impacts on any legally protected species or notable habitats as it will be located within the rear garden of the existing dwelling and only affecting areas of amenity grassland/bare ground. The proposed extensions are likely to affect bats as the survey work carried out in May and June 2020 confirmed the presence of a day roost of an individual common pipistrelle bat. Bats receive protection via the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended). 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 Bat Survey Report by Ecosupport (June 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 development will result in the loss of a roost used by an individual non-breeding bat. 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 loss of the roost will be compensated. In this case, a method statement 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 in the form of bat boxes and bat bricks in the new dwelling. 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.

Provided that the agreed mitigation proposals 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:

- Development shall proceed in accordance with the measures set out in Section 6.0 'Mitigation & Compensation' of the Bat Survey Report by Ecosupport (June 2020) and Sections 6.3 and 6.4 of the Preliminary Ecological Appraisal (Ecosupport, March 2020). Thereafter, the replacement bat roost features shall be permanently maintained and retained in accordance with the approved details. **Reason:** to ensure the favourable conservation status of bats.

Please do not hesitate to contact me if you require any additional information.

Kind regards,

Maral

Coronavirus (Covid-19)

Hampshire County Council's response to the Covid-19 is available here (<https://www.hants.gov.uk/socialcareandhealth/coronavirus>).

In line with Government advice to reduce non-essential travel and work from home where possible, Ecology officers are now working remotely. Whilst we will endeavour to conduct our services in a timely manner and to meet statutory timescales where we can, there may be some impact to the services we deliver. We will ensure that we keep all applicants / interested parties informed of any further impacts to our services should they arise. The Council's response also means that no non-essential site visits or face to face meetings will be undertaken until further notice. Essential and contractual surveys may continue take place where there is no risk to the surveyor or the public, and in line with Government advice. This will be reviewed on an on-going basis.

Maral Miri (MSc, CEnv, MCIEEM)

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<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity>

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