

APP/20/00581 - 28 Northney Road, Hayling Island, PO11 0ND - *Single storey front extension; part single, part two storey rear extension and revised fenestration.*

Thank you for consulting me. I am concerned that the development may affect bats, which are protected 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 (as amended) (commonly referred to as the Habitats Regulations). It is my advice that permission should not be granted until sufficient information is provided to either confirm that bats are not present, or, if present, that sufficient measures are in place to ensure that impacts will be mitigated / compensated for as appropriate.

I would however highlight that the presence of bats (or indeed any protected species) is not a block to development. The legislation is designed to enable development to proceed, provided that the impacts to the affected species have been properly addressed.

Circular 06/2005

Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, and therefore that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular however also identifies that applicants should not be required to provide information on protected species unless there is a reasonable likelihood that they will be present and affected by the proposed development.

The Bat Conservation Trust has produced a 'trigger list' of sites for where a survey is likely to be required, based on building age, type, construction, location and project proposals, to help planning authorities in assessing 'reasonable likelihood' under the Circular; this list has informed the Council's Biodiversity Checklist, which has been produced to help applicants understand if there is likely to be a need to undertake bat (or other ecology) survey work. This identifies that applications that require the modification or conversion of pre-1960 buildings within 200m of woodland / water, or of pre-1914 buildings with gable ends or slate roofs, regardless of location, should be supported by a bat survey.

The application site is a semi-detached house with a hipped roof, with slate roof tiles and clay hip tiles. Examination of old maps suggests it is pre-1960, although may date from 1960-62. As noted in the Bat Conservation Trust's good practice guidelines for bat surveys, pre-1990 buildings, especially close to good foraging habitat, and with favoured features also have a high likelihood of providing roosts. The site is in a rural and coastal area, approximately 100m south east from North Common and Saltmarsh SINC..

If bats are present then works to tie in the rear extension to the existing house may result in the destruction of any roosts present at that location (for example if they are roosting behind any tiles to the rear of the house), possible damage / modification to any roosts present elsewhere, and possible killing, injury or disturbance of any bats present.

It is therefore considered that there is a reasonable likelihood that bats would be present and affected by the development and it is therefore necessary to request the applicant to provide further information on this issue.

The Conservation of Habitats and Species Regulations 2010 (as amended)

Local Planning Authorities are required to engage with the Regulations – planning permission should be granted (other concerns notwithstanding) unless the development is likely to result in a breach of the EU Directive and, if a breach is considered likely, that the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

For the reasons given above, it is considered that the development is likely to result in a breach of the law protecting bats.

To allow the planning authority to properly engage with the Regulations, I would advise that you request the applicant to provide further information. I would suggest that the applicant contacts a suitably experienced ecologist to conduct a bat survey to an appropriate level. The Chartered Institute of Ecology and Environmental Management (CIEEM) web directory <http://www.cieem.net/members-directory> may assist in finding a local ecologist, while an on-line search will identify several local consultants. The applicant would be advised to obtain a number of quotes, and more local organisations may prove to be more cost effective and be more familiar with the ecology of the local area. This survey is likely to comprise an initial visual survey and is likely to also require a number of visits at dusk / dawn during the summer months. All survey work should be carried out to recognised standards, as set out in the Bat Conservation Trust's good practice survey guidelines (3rd edition, 2016), unless otherwise fully justified by the ecological consultant. The survey report should include results of the inspections of the internals and externals of the affected building, including identification of any areas not accessed. The report should also include an assessment of the impacts the development will have on bats and if required, details of mitigation measures to be followed to show that the favourable conservation status of identified species would be maintained.

If bats are present, I would also urge the applicant to be sure that their architects / contractors are aware of the need to use traditional materials for roofing membrane in this development – modern breathable membranes can be extremely harmful to bats, causing them to become entangled and die, while the bats make the membrane ineffective as they damage it. Traditional bitumen membrane should be used instead. Natural England are likely to refuse bat licence applications where modern breathable membranes are proposed. See <http://www.batsandbrms.co.uk/> for more information on the current research into this.

Once this information has been obtained, the planning authority will be in a position to consider, if bats are affected, the likelihood of the development being granted a licence.

Unfortunately it is not appropriate to defer bat surveys as a condition of a planning permission – Circular 06/2005 identifies that information on protected species must be available before a decision is made, and this is supported by Natural England's standing advice on protected species. Planning authorities are required to engage with the Habitats Regulations and without the right level of information (survey, impact assessment and appropriate, proportional avoidance, mitigation and compensation measures), this engagement is not possible.

Please do contact me if you need any further information.

Kind Regards

Rebecca Harvey

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