

APP/19/00074 | Demolition of garden store, corrugated sheet roof store area and attached garage. Demolition of single storey rear extension and erection of two storey rear extension. Single storey extension with slate roof over and flat roofed link following partial demolition of single storey kitchen. Part demolition of two storey flat roofed bathroom, erection of two storey tiled cat slide roof extension and alterations to fenestration. Extend stone garden east facing wall. Erection of Flood Gates. Alterations and replacement of doors and windows. | 23 Langstone High Street, Havant, PO9 1RY 19.1402

Thank you for consulting me on this application. Please accept my apologies for the delay in responding to you.

The application is accompanied by a Bat Emergence and Re-entry Surveys report (Arbtech, July 2019) and a Construction Environment Management Plan (Arbtech, July 2019): this latter document also contains ecological enhancements. The dwelling has been shown to support a small number of roosting bats, with a single soprano pipistrelle and a probable low-status brown long-eared bat roost being recorded.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect a European Protected Species, 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.

Will the development result in a breach of the EU Directive?

Yes, unmitigated, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bat species locally.

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 and you may wish to ask for further information from the applicant. In order to assess the

development against the third test, there must be sufficient confidence that the investigations to date have enabled a robust assessment of bat presence upon which to base informed mitigation proposals. I am content that sufficient survey effort has been expended.

Mitigation/compensation proposals are sound and comprise supervised removal of roofing materials, the provision of interim and permanent compensatory roost features and the retention of suitable long-eared roost habitat within the dwelling roof void. All mitigation measures will be need to be carried out under a European Protected Species Mitigation licence and it is the responsibility of the applicant to ensure that this licence is obtained prior to works commencing.

If you are minded to grant permission, can I suggest that all bat mitigation, compensation and enhancement measures are secured through condition.

Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Bat Emergence and Re-entry Surveys report (Arbtech, July 2019) and those in Table 1 of the Construction Environment Management Plan (Arbtech, July 2019) unless otherwise agreed in writing by the Local Planning Authority. All ecological compensation and enhancement features shall be installed as per ecologists' instructions and retained permanently in a condition and location suited to their intended function. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

The site is situated within very close proximity to parts of Chichester & Langstone Harbours SPA, Solent Maritime SAC and Chichester Harbour SSSI. There is some potential for construction-related impacts to the SPA, specifically noise disturbance and pollution. I am satisfied that the mitigation measures detailed within the submitted CEMP are acceptable.

Development shall proceed in accordance with the avoidance and mitigation measures detailed within the Construction Environment Management Plan (Arbtech, July 2019) unless otherwise agreed in writing by the Local Planning Authority. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF 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

Tristan Norton

**Senior Ecologist
Ecology Team**

