Dear Lewis,

APP/19/00414 | Conversion of former Victoria Cottage Hospital to GP Surgery with associated side, rear and front extensions. | Victoria Cottage Hospital, North Street, Emsworth, PO10 7DD 19.1119

Thank you for consulting me on this application.

The application is now accompanied by an Ecological Appraisal (WYG, December 2018) and a Bat Survey report (WYG, July 2019). The site contains buildings, areas of hard surfacing, managed and unmanaged grassland, scrub and planted trees and is considered to be of limited ecological value overall.

A single soprano pipistrelle bat was recorded roosting within the building and will be affected by the proposals. 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 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.

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 within the active season and that these surveys in 2019 are likely to provide an accurate assessment of current bat activity.

Mitigating measures here include the use of interim roosting habitat in the form of one tree- or building-mounted mounted bat box, the supervised removal of roof materials by a licensed bat worker, and the provision of permanent bat tube roosting features on the refurbished building. This will all occur under a European Protected Species Mitigation licence and it will be the responsibility of the applicant and their appointed agents to ensure that the mitigation measures are implemented fully. These measures are acceptable.

Recommendations are made for pre-commencement inspections for nesting birds during vegetation removal, if undertaken during the nesting season. I would suggest that this building offers an excellent opportunity for enhancement measures for nesting common swifts and would therefore request that swift nesting boxes are installed on the refurbished building.

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

Development shall proceed in accordance with the ecological mitigation and enhancement measures detailed within the Ecological Appraisal (WYG, December 2018) and Bat Survey report (WYG, July 2019) unless otherwise agreed in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement features shall be installed as per ecologist instructions and be retained in perpetuity in a location and condition suited to their intended function. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

The redeveloped building shall incorporate a minimum of two nesting boxes for common swifts, installed as per manufacturer's instructions and retained in perpetuity in a condition and location suited to their intended function. Reason: to protect and enhance biodiversity in accordance with 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

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