

From: Norton, Tristan
Sent: 24 Jul 2017 07:10:28 +0000
To: Lewis Oliver
Cc: Planning and Development Shared Mailbox; Havant Auto-Reply
Subject: APP/17/00654 Osier Dell, Manor Road, Hayling Island, PO11 0QW 17.1234

Dear Lewis,

APP/17/00654 | Renovation and conversion of stable building, replacement of 1970's lean-to, and re-construction of derelict East end to create 1No. 3 bedroom 2 storey dwelling. | Osier Dell, Manor Road, Hayling Island, PO11 0QW 17.1234

Thank you for consulting me on this application.

The application is accompanied by a (draft) Phase 1 Survey report (EcoSupport, January 2017) and a Phase 2 Bat Surveys report (EcoSupport, June 2017). The building has been shown to support roosting bats, with at least seven individuals of three species observed emerging from the structure. These roosts are considered to be low status, non-breeding roosts.

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 2010 (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, sufficient details must be available to show how killing/injury/disturbance of bats will be avoided and how any loss or damage to habitat will be compensated. In this case some standard mitigation measures are proposed and the redeveloped site will incorporate bat roosting features suited to the species present: this will include a purpose-built void for long-eared bats as well as gaps within roof materials for pipistrelle bats. These are acceptable and therefore I can state that the third test is likely to be met. It is the responsibility of the applicant to ensure that a European Protected Species Mitigation licence is obtained prior to works.

The site has also been shown to support roosting barn owls and therefore a purpose-built loft area, with suitable access, is to be provided, as well as a barn owl nest box in a suitable location nearby within the site. These measures are acceptable.

If you are minded to grant permission can I recommend that ecological mitigation and enhancement measures are secured by condition.

Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Phase 1 Survey report (EcoSupport, January 2017) and Phase 2 Bat Surveys report (EcoSupport, June 2017) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation, compensation and enhancement features shall be permanently retained and maintained. Reason: to protect biodiversity in accordance with the Conservation Regulations 2010, 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

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