

APP/16/01122 | Demolition of existing dwelling and erection of 4No. two bed dwellings and 1No. three bed dwelling. | 208 London Road, Waterloooville, PO7 7AN

Thank you for consulting me on this application.

The application is accompanied by an Phase I & II Ecological Survey & Bat Mitigation Strategy (EcoSupport, September 2015). Bat surveys have revealed a single roosting pipistrelle bat. I am content that, on-site, the submitted ecological information provides a solid evidence base and that no further work is necessary.

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 – 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, the roost location has been identified, the species present is known and the extent of impact has been suitably predicted using thorough survey work. Mitigation is relatively straightforward and comprises the supervised soft strip (under licence) of the affected building as well as the provision of new bat roosting features. Non-breathable roofing membranes should not be used

in areas where bats may roost: type 1F felt is wholly sufficient and compliant with Building Regulations. I am content that these measures are proportionate to the predicted impact and consider that the third test can be met. It is for the applicant to ensure that a European Protected Species Mitigation licence is obtained prior to any works impacting bats or their habitat.

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

Development shall proceed in strict accordance with the bat mitigation, compensation and enhancement measures detailed within the Phase I & II Ecological Survey & Bat Mitigation Strategy (EcoSupport, September 2015) unless otherwise agreed in writing by the Local Planning Authority. All bat 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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