

Dear Mrs McMurray

APP/17/00311 - 188-190 Sea Front, Hayling Island, PO11 9HT - Demolition of 2No. detached houses and annex and erection of 3No buildings to accommodate 18No. mixed Studio, 1,2 and 3 bed flats and associated parking

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 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.

I do appreciate that the applicant has provided some ecological information; however, I do not believe this is sufficient to allow the LPA to conclude bats are likely absent.

The site is occupied by two detached houses, of different designs and ages. Both appear to have a range of features that could be used by bats. No. 188 appears to have hanging tiles across much of the house, while No. 190 appears to be an older property, with a clay tiled and more complex roof. In addition, the front garden of one of them appears to have a small structure to it that has timber weatherboarding and a clay-tiled roof.

If bats are present then demolition works would result in the destruction of any roosts 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.

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.

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.

With respect to the proximity of the Chichester and Langstone Harbour Special Protection Area (SPA), I would advise that you secure the necessary measures towards the Solent Recreation Mitigation Partnership (SRMP) to address the in combination likely significant effect of increased recreational impacts on SPA bird species arising from any net increase in housing (in this case one additional house).

Please do contact me if you need any further information.

Please note that this advice is given in accordance with the Service Level Agreement that has been signed between Hampshire County Council and your Council. These comments are expressed as a professional view provided to Havant Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.

Thanks and regards

Adam

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