

Subject: APP/24/00042 | Single storey rear extension, loft conversion and addition of two dormers to provide additional bedroom accommodation. | Kanga Warren, Pycroft Close, Hayling Island, PO11 0RZ

Dear Joe,

APP/24/00042 | Single storey rear extension, loft conversion and addition of two dormers to provide additional bedroom accommodation. | Kanga Warren, Pycroft Close, Hayling Island, PO11 0RZ

Thank you for consulting me on this application.

The current application is not accompanied by any ecological information. I have undertaken my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The proposal would be unlikely to result in significant ecological impacts, but there is potential for the dwelling to support legally protected species such as roosting bats due to features such as roof tiles, and any roof void/s. There are records of several bat species from the local area.

A Bat Survey (ESL, August 2022) was submitted with a previous application APP/21/01455. This survey identified a roost of four Soprano Pipistrelle bats within the dwelling, and the roost would be impacted by proposed works. The recommendation from your ecological consultee in 2022 was that all ecological mitigation measures should be secured by condition. This previous bat survey report remains robust and can be applied to this application – it would be prudent for the applicant to ensure that this report is included in the current application documents. On the issue of European Protected Species licensing (which is a separate process to planning), it is the legal obligation of the applicant to ensure that a licence is obtained and its conditions implemented. It is my understanding that Natural England would normally require licence applications to be accompanied by survey information from the most recent bat active season i.e. 2023.

On the basis of information submitted for the previous application, this development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects a European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a licence from Natural England to allow the development to proceed under a derogation from the law.

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 of bats will be avoided and how the loss or damage to bat roosts will be compensated.

A mitigation strategy has been provided for a previous application, detailing specific measures to avoid harm to bats during the construction works and to provide compensatory roosts and enhancement features within the development. I would support these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed.

My only concern is that the information upon which I am basing this conclusion has not been submitted with this current application and I am unclear how the Local Planning Authority can rely on information unavailable within the submitted planning documentation. The solution is for the applicant to submit the previous bat survey report.

If you have any queries, please don't hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

Principal Ecologist |