

Dear Lesley,

APP/22/00548 | Change of Use from 1.No Dwellinghouse to 7.No Apartments along with a roof and dormer extension with dormer and juliette balcony. Internal and external alterations. Conversion of outbuilding to 1.No Bungalow | 34 Havant Road, Emsworth, PO10 7JG 22.0979

Thank you for consulting me on this application.

The application is now accompanied by a Preliminary Bat Roost Assessment (Phillips Ecology, May 2022) and a Bat Roost Assessment (Phillips Ecology, June 2022). Following an initial inspection in March 2022, the dwelling was considered to offer moderate bat roosting potential based on the presence of a number of potential bat access, egress and roosting features. Emergence and re-entry surveys were carried out in May and June 2022.

The dwelling has been shown to support a peak of three Common Pipistrelle bats, recorded emerging from different locations on the northern elevation of the building. It is considered that the building supports small numbers of day roosting Common Pipistrelles. The proposed works will directly impact one of the recorded roost locations and has the potential to impact others.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect European protected species, 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.

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, I am content that sufficient survey information has been collected and that the status of bats at this site is understood to a high degree of confidence.

Mitigation, compensation and enhancement measures are acceptable and include the timing of works to avoid the most harmful periods, the supervised removal of roof materials, the use of a tree-mounted bat roosting box, and the creation of alternative roosting locations within the redeveloped building. It is the responsibility of the applicant and their appointed agents to ensure that all necessary licences are obtained and their conditions adhered to in accordance with the law.

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

Development shall proceed in accordance with the recommendations for bat mitigation, compensation and enhancement within the Bat Roost Assessment (Phillips Ecology, June 2022). All mitigation,, compensation and enhancement measures shall be implemented as per ecologist's instructions and thereafter retained in the agreed locations. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 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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Coronavirus (Covid-19)

Hampshire County Council's response to the Covid-19 is available here (<https://www.hants.gov.uk/socialcareandhealth/coronavirus>).



Hampshire Services offers a range of professional consultancy services to partner organisations.

Specialist Environment Services provides data, advice and assessments for ecology, heritage and landscape.

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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.