

Consultee Comments for Planning Application APP/22/00487

Application Summary

Application Number: APP/22/00487

Address: 78 Havant Road, Emsworth, PO10 7LH

Proposal: Demolition of existing 7 bed dwelling and construction of detached building comprising 9No. 'Assisted Living' Apartments (Class C3) and Carers Management Suite (Class C2) together with ancillary parking, secure mobility scooter and bicycle storage, refuse /recyclables storage and landscaping

Case Officer: Lesley Wells

Consultee Details

Name: Mr Tristan Norton

Address: Elizabeth II Court West, The Castle, Winchester SO23 8UD

Email: tristan.norton@hants.gov.uk

On Behalf Of: County Ecologist

Comments

Dear Lesley,

APP/22/00487 | Demolition of existing 7 bed dwelling and construction of detached building comprising 9No. 'Assisted Living' Apartments (Class C3) and Carers Management Suite (Class C2) together with ancillary parking, secure mobility scooter and bicycle storage, refuse /recyclables storage and landscaping | 78 Havant Road, Emsworth, PO10 7LH 22.0870

Thank you for consulting me on this application.

The application is accompanied by a Potential Roost Feature (Tree Climbing) Inspection report (the Ecology Co-op, April 2022) and a Bat Emergence Survey Report (The Ecology Co-op, August 2022). The Horse Chestnut tree in the garden has been assessed as offering low bat roosting potential and the recommended pre-removal climbed inspection is a sensible approach. The dwelling has been shown to support small numbers of both Common Pipistrelle and Serotine bats.

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 a European protected species, permission can be granted unless the development is likely to result in a breach of the Directive underpinning 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 and you may wish to ask for further information from the applicant. In order to assess the development against the third test, there must be sufficient confidence that the investigations to date have enabled a robust assessment of bat presence upon which to base informed mitigation proposals. I am content that sufficient survey effort has been expended and that the status of bats at the site is well understood. Mitigation/compensation/enhancement measures entail the timing of works to minimise impacts at sensitive periods, the supervised removal of potential roosting locations and new access/egress/roosting locations on the new building.

A European Protected Species mitigation licence will be required and it is the responsibility of the applicant and their appointed agents to ensure that this is obtained and that all licence conditions are adhered to.

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

Development activities shall be in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Potential Roost Feature (Tree Climbing) Inspection report (the Ecology Co-op, April 2022) and Bat Emergence Survey Report (The Ecology Co-op, August 2022) unless otherwise agreed in writing by the Local Planning Authority. All mitigation, compensation and enhancement measures shall be implemented as per ecologists instructions. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy CS 11 of the Havant Borough

Core Strategy March 2011.

If you have any queries, please dont hesitate to contact me.

Kind regards,

Tristan

Tristan Norton

Senior Ecologist

Ecology Team

Specialist Environment Services

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