

From: Norton, Tristan [<mailto:Tristan.Norton@hants.gov.uk>]
Sent: 03 August 2016 16:20
To: Emma Chisnall
Cc: Planning and Development Shared Mailbox
Subject: APP/15/00378 Cranbrook Villa, Copse Lane, Hayling Island, PO11 0RJ 16.0011

Dear Emma,

APP/15/00378 | Demolition of existing 2 bed detached house and erection of 1No. five bed detached house and double detached garage. | Cranbrook Villa, Copse Lane, Hayling Island, PO11 0RJ 16.0011

Thank you for consulting me on this application. The updated ecological information is useful although does not materially alter the assessment or my recommendations.

The application is accompanied by an amended Ecological Assessment (CC Ecology, July 2016) which provides a sound assessment of the site's current ecological value.

The main issue at this site is roosting bats, with a small roost of three mouse-eared bat species noted during the September 2015 evening survey and a mouse-eared bat likely to have emerged during June 2016. These bats were not identified to species level which is unfortunate but understandable (the various species are generally very hard to differentiate unless good quality calls are recorded). The report suggests that the bats are likely to be one of four species. Whilst it would be advantageous to have the individual species identification I am prepared to state that, in terms of overall mitigation, the four species are broadly similar and so the recommended measures are acceptable. The June update has now concluded that the species is likely to be Natterer's bat.

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 and 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. Sufficient survey effort has been expended to gauge which species group is present (although not which individual species) and an assessment of roost type has been given. A licence from Natural England will be required. The proposed mitigation comprises the provision of bat boxes on nearby trees and the installation of bat access features within the new dwelling. It is highly advisable that woven breathable roofing membrane is not used: Type 1 bitumen felt is sufficient and is compliant with building regulations.

In terms of other ecological issues, reptiles are likely absent from site and there is a small risk of terrestrial amphibians being impacted. Again, some sensible mitigation measures are recommended. The old orchard at the southern end of the site will be retained.

Development shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the amended Ecological Assessment (CC Ecology, July 2016) unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. A short written report detailing the results of the supervised roof strip shall be submitted to the Local Planning Authority at a date no later than two months after completion of the supervised roof strip. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, 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

**Senior Ecologist
Ecology Team**

Specialist Environment Services

Economy, Transport and Environment Department
Hampshire County Council
Elizabeth II Court West
The Castle, Winchester
Hampshire SO23 8UD
Direct Line: 01962 832335
E-mail: tristan.norton@hants.gov.uk; www.hants.gov.uk/biodiversity



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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.