

From: Norton, Tristan <Tristan.Norton@hants.gov.uk>
Sent: 21 October 2015 12:00
To: Rachael McMurray
Cc: Planning and Development Shared Mailbox; Havant Auto-Reply
Subject: APP/15/00896 Land at 38-44 London Road, Purbrook, Waterlooville 15.1702

Dear Rachael,

APP/15/00896 Demolition of existing buildings and redevelopment to form 42No. retirement apartments for older persons including communal facilities, parking provision and associated landscaping; and 2No. Commercial/retail units. Land at 38-44 London Road, Purbrook, Waterlooville 15.1702

Further to the submission of additional bat survey details I would like to amend my previous consultation advice.

You kindly sent me a Bat Presence/Absence Survey report (Innovation Group Environmental Services, September 2015) which provides details of Phase 2 bat surveys undertaken on site during summer 2015. These surveys recorded the presence of a small roost of common pipistrelle bats (3 individuals) within the existing office building in the north-west corner of the site. This is likely to constitute a small non-breeding roost of this common and widespread species.

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 – 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 enable a good assessment of bats' use of the site and to gauge which species are present. I am content that the proposed bat mitigation, compensation and enhancement measures are appropriate and that these should ensure that impacts to the roosts are minimised. I see no reason why the third test is not met and why the applicant would not be granted a European Protected Species Mitigation (EPSM) licence from Natural England.

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

Development shall proceed in strict accordance with the bat mitigation, compensation and enhancement measures detailed within the Bat Presence/Absence Survey report (Innovation Group Environmental Services, September 2015) unless otherwise agreed in writing by the Local Planning Authority. All bat mitigation, compensation and enhancement features shall be permanently maintained and retained in situ in accordance with the agreed details. Reason: to protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with and with 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**

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From: Rachael McMurray [<mailto:Rachael.McMurray@havant.gov.uk>]
Sent: 07 October 2015 07:55
To: Norton, Tristan
Subject: RE: Application APP/15/00837 - 2 Wallis Road, Waterloooville

Hi Tristan

Did you get a chance to look at this one yet?

Many thanks

Rachael

Rachael McMurray
Planner
Development Management

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Email Address: Rachael.mcmurray@havant.gov.uk

Please note my normal working days in the office are **Monday, Wednesday and Thursday**

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Think before you print!

From: Norton, Tristan [<mailto:Tristan.Norton@hants.gov.uk>]
Sent: 05 October 2015 12:56
To: Rachael McMurray
Subject: Application APP/15/00837 - 2 Wallis Road, Waterloooville

Hi Rachael,

We don't appear to have been consulted on this one. I'll take a look at it asap.

Kind regards,

Tristan

Tristan Norton

Senior Ecologist
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