



Mr S Andrews
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28th April 2014

Your Ref: APP/14/00373

Our Ref: 13.70.3.28

Dear Mr Andrews

PROPOSAL: DEMOLITION OF EXISTING TWO STOREY 3 BED HOUSE AND CONSTRUCTION OF THREE STOREY 2 BED HOUSE

LOCATION:

20 SANDY BEACH ESTATE, HAYLING ISLAND, HAMPSHIRE PO11 9RG

DESIGNATED SITES:

CHICHESTER AND LANGSTONE HARBOURS – RAMSAR

CHICHESTER AND LANGSTONE HARBOURS - SPECIAL AREA OF PROTECTION (SPA)

SOLENT MARITIME - SPECIAL AREA OF CONSERVATION (SAC)

CHICHESTER HARBOUR - SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

HAYLING ISLAND BEACH – SITE OF IMPORTANCE FOR NATURE CONSERVATION

Thank you for consulting the Wildlife Trust on this application. As you will be aware the Trust has significant interest in Hampshire and on the Isle Wight, both as a landowner and manager. In our role we are committed to protecting habitats and species within Hampshire and the Isle of Wight, and therefore welcome the opportunity to comment on this application.

We have no bespoke concerns with the application proposals however we note that the application itself is not supported by any ecological survey data. As such it will not be possible to assess the potential impacts of the proposals on protected species, in particular bats and breeding birds. Protected species should be a material consideration of any planning application. We have reviewed aerial photos of the building, and acknowledge that it appears to have a flat roof, thereby rendering it unlikely to support bats, but in the absence of an ecological statement, by a professional ecological consultant, it will not possible to make a robust assessment of the potential of the building to support protected species.

We would like to draw your attention to the standing advice issued by Natural England and the current legislation covering protected species in the UK, as detailed on their website¹;

¹ <http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/legislation.aspx>

"The Conservation of Habitats and Species Regulations 2010 (as amended) (usually referred to as the 'Habitats Regulations') implement Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) into national legislation.

Article 12 of the Habitats Directive contains a range of prohibitions seeking to protect certain species (European Protected Species). Prohibitions under Article 12(1) include deliberate capture or killing, deliberate disturbance, deliberately taking or destroying the eggs of such an animal, and the deterioration or destruction of a breeding site or resting place of such an animal. Regulation 41 of the Habitats Regulations is where the Article 12 provisions have been transposed into national law. Regulation 41 makes it a criminal offence to carry out the specified activities the penalties for which are either a maximum fine of £5000 or a maximum term of imprisonment of six months or both.

Regulation 9(3) provides that 'a competent authority, in exercising any of their functions, must have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions'."

If Havant Borough Council, as the competent authority, is to carry out their obligations under the Habitats Regulations, they will need to consider the potential impacts that this application may have on protected species. We therefore recommend that an ecological assessment that assesses the potential impacts of the proposals on protected species is requested from the applicant, prior to this application being determined.

The above advice is given based on the information made available at this time and may change should further or amended details be submitted. If you wish to discuss these matters further, then please do not hesitate to do so. I also ask that you keep the Trust informed of the progress and outcome of this application.

Yours sincerely



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