

APP/24/00816 | Proposed loft conversion to include new front gable, front and rear dormers. Existing garage to be converted to form new annexe, rear extension and construction of new garage to front of property. | 66 Bedhampton Hill, Havant, PO9 3JP

Thank you for consulting me on this application.

The application is now accompanied by a Bat Roost Emergence Survey (Natalie Boote, undated but probably July 2025). A detailed external and internal inspection of the main dwelling recorded bat droppings and a number of potential bat access, egress and roosting locations. The applicant's ecologist recommended that further surveys were necessary to determine the status of roosting bats at the site. A series of three evening bat surveys were conducted in May and June 2025. No bats were observed emerging from the dwelling and it is concluded that roosting bats were absent at the time of the surveys. However, the presence of bat droppings within the dwelling during the earlier visual inspection survey indicates that roosting Pipistrelle bats are/have been present. On that basis, the dwelling is assumed to support a bat roost, albeit infrequently used.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects a European protected species (EPS), 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, the proposed development will directly impact a bat roost.
- *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. If the development is ordinarily acceptable in planning terms, then the first two tests can be met. In order to assess the

development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss or damage to bat roosts will be compensated.

A mitigation and enhancement strategy has been provided, detailing specific measures to avoid harm to bats during development works (to include supervised removal of roof materials and other potential roost features) and to provide compensatory roosts and enhancement features within the development (in the form of bespoke roosting features and the use of specific, safer roof membranes). I would support these measures and, based on the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed. I would recommend that LPA's engagement with the Habitats Regulations is detailed in your report. It is for the applicant and their appointed agents to ensure that the requisite licence is obtained.

Provided that the proposed mitigation measures are implemented, I would have no concerns over these proposals. If you were minded to grant permission, I would simply suggest that the measures are secured through condition of any consent.

Development shall proceed in accordance with the ecological enhancement measures within the Bat Roost Emergence Survey (Natalie Boote, undated but probably July 2025) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological enhancement in accordance with the Environment Act 2021, 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

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