

APP/16/00368 | Demolition of existing dwelling and construction of 1No. 3 bed detached house with rear balcony. | 19A Salterns Lane, Hayling Island, PO11 9PH 16.1322

Thank you for consulting me on this application.

The application is accompanied by an Ecological Appraisal, Bat Survey Report and Mitigation Strategy (CC Ecology, August 2016). The report now includes firm details of bat mitigation measures. The dwelling has been shown to support small numbers of pipistrelle bat species and the proposed mitigation is straightforward, comprising bat boxes and bat access tiles on the new garage.

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. 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. In this case, the species present and their roost locations have been identified and the extent of impact has been suitably predicted. The works will be carried out under a European Protected Species Mitigation licence and will be supervised by a suitably-licensed ecologist. Mitigation will be provided immediately in the form of bat boxes within the wider area

and, post-development, bat access tiles. These measures are standard and, in my opinion, mean that the third test can be met.

The application site is situated immediately adjacent to internationally-designated nature conservation sites (Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC) and Chichester Harbour Site of Special Scientific Interest (SSSI)) – these sites are designated for their nationally- and internationally-important biodiversity value. The ecology report now includes information on the potential for impacts during construction and has recommended that some basic noise abatement measures are implemented: this is primarily concerned with avoiding excessive noise disturbance during the overwintering bird period of October to March inclusive. These measures are considered acceptable.

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

Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Appraisal, Bat Survey Report and Mitigation Strategy (CC Ecology, August 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. 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.

I trust the above is useful – if you have any queries please don't hesitate to contact me.

Kind regards,

Tristan

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