

Lucy Hale

From: Matt Dodds [Matt.Dodds@hmwt.org]
Sent: 12 April 2016 10:57
To: Lucy Hale
Subject: FW: 35 Kentish Lane bat survey - Matt Dodds
Attachments: C1130.001.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Lucy

It appears from the survey submitted that the loft space has been investigated by Brown Long-eared bats in the past, but is unlikely to have retained its status as a bat roost. However the ecological consultant cannot say this for certain and so has recommended 2 further survey events. The LPA must be sure that should bats be found during these surveys, the development is capable of providing appropriate mitigation or compensation measures to satisfy the Conservation of Habitats and Species Regulations 2010. Therefore it is advised that before a decision is reached, the applicant be required to supply worst case scenario compensation measures based on the evidence found to date, to demonstrate that the development is capable of being compliant with the Conservation of Habitats and Species Regulations – and so that the LPA can discharge its duties under the Regulations. Once these have been supplied and approved, together with answers to the 3 tests of the required EPSML, an appropriately worded condition should be applied.

The following procedure is advised:

- Applicant (or their ecological consultant) must supply worst case scenario compensation, including location of compensation measures clearly marked on maps, before the application can be approved.
- Compensation/mitigation/avoidance measures must include requirement for 2 further surveys as outlined in ecological report.
- Applicant must supply answers to the three tests of the EPSML to enable the LPA to properly consider their duties under the legislation.
- LPA must take a view as to whether these have been satisfactorily addressed by the worst case scenario mitigation measures.

If this information is acceptable the following condition should be attached:

No development can take place until 2 follow up bat surveys, mitigation and compensation strategy in accordance with the submitted ecological report (Crossman 2016) have been submitted and approved by the LPA. Any works that disturb identified bat roosting places identified in the ecological appraisal shall not in any circumstances commence unless the local planning authority has been provided with a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.

The development must proceed in accordance with the legal requirements of the EPS license process as set out in the ecological report.

Reason: In accordance with The Conservation of Habitats and Species Regulations 2010, NPPF and ODPM circular 06/05.

If you would like to discuss any of these recommendations please get back in touch.

Best wishes

Matt