

**Dean Ciaran**

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**Subject:** FW: Application P/18/081 - Implement Shed, Holy Vale, St Mary's

**From:** Dean Kinsella <[dkinsella@exmoor-nationalpark.gov.uk](mailto:dkinsella@exmoor-nationalpark.gov.uk)>

**Sent:** 28 November 2018 15:35

**To:** PROVIDED

**Cc:** Walton Lisa <[Lisa.Walton@scilly.gov.uk](mailto:Lisa.Walton@scilly.gov.uk)>

**Subject:** Application P/18/081 - Implement Shed, Holy Vale, St Mary's

Dear Mrs Banfield,

Further to the submission of the above planning application your proposal has been passed to me to consider on behalf of the Council of the Isles of Scilly. Having reviewed the documents submitted with your application I note the findings of the Preliminary Ecological Survey & Primary Bat Roost Assessment, which state that the implement shed has several features that potentially could roost a small number of crevice dwelling bats. The survey continues to confirm that many of the features surrounding the application site offer good habitats and foraging opportunities for Bats also. Therefore the ecologist states that two further surveys are required between Mid-May and Mid-September. I do not appear to have these further reports.

Relevant legislation includes the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and the Conservation of Habitats and Species Regulations (2010) and the EU Habitats Directive. Local planning authorities have a legal obligation to consider whether European protected species are likely to be affected by a proposed development.

The Natural Environment and Rural Communities Act 2006 requires that "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Further, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010), Regulation 9(5) provides that "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". A Local Planning Authority is a competent authority for the purpose of these regulations and is exercising a function in deciding whether or not to grant a planning permission.

Therefore, it would appear appropriate that the application should be accompanied by the relevant dusk and dawn surveys. Given the timeframes involved it may be sensible to withdraw the current application to allow for the surveys to be carried out and then to resubmit the application with the relevant information. Subject to the application being submitted within the next 12 months (from the date of being valid) then there potentially be no charge for your resubmission. Alternatively, if you and your ecologist consider that the further reports are not required at this stage I would invite your ecologist to send a further report to confirm why these reports are not required at this time.

I will continue to review the file and should there be any further matters to discuss I will be in contact as soon as I am able. If I could have response to the above matter by the 5<sup>th</sup> December I would be very grateful.

Many Thanks,

Dean Kinsella  
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