



Bat and Other Protected Species Survey at Ryebank Farm Climping

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1 Summary

- 1.1 The site will be developed to provide accommodation for touring caravans and campers. The proposed development is unlikely to materially affect any surrounding ecologically sensitive areas and some of the proposals, such as the wide field margins and additional tree lines and hedgerow will provide a benefit to the local wildlife.
- 1.2 No evidence of the presence of any bat roosts were found or significant feeding areas or commuting routes.
- 1.3 A Natural England licence in respect of bats will not be required for this development.
- 1.4 There is a small colony of great crested newt *Triturus cristatus* located to the south of the site at Bailiffscourt Hotel.
 - 1.4.1 These animals must be considered when planning any works within the development site that might affect them.
 - 1.4.2 The potential at this site for harming these animals is low, therefore simple arrangements to avoid their harm can be employed and a Natural England licence should not be required.
- 1.5 No evidence of any other protected species was found.

2 Background

- 2.1 Ryebank Farm is the subject of a planning application to redevelop the site for use as a tourist campsite. This will entail demolishing and/or refurbishing the buildings on the site, clearance of some areas and the grassing of some at present arable fields.
- 2.2 A Phase I habitat assessment was carried out by ADAS UK Ltd on the 30th April 2009. This assessment concluded that some additional survey work might be needed.
- 2.3 This survey was carried out by Martin Love on the 26th May 2009.

3 Location

- 3.1 Map Ref : SU 999 011
- 3.2 Address : Ryebank Farm
Climping
West Sussex

4 Description of property

- 4.1 The property consists of an approximately triangular parcel of land surrounded by largely arable fields. To the east is a road, The Street, and beyond this open arable fields. To the south and west are again arable fields with Bailiffscourt Hotel and the sea beyond.
- 4.2 The northern boundary of the site is marked by a stream which is now completely shaded by trees including significant amounts of standing dead wood. The southern boundaries are an arable field and Bailiffscourt Hotel.
- 4.3 There is a concrete access road extending from the west, the narrowest part of the site, which leads to a number of redundant farm buildings and silos now used for the manufacture of moulded concrete items for the construction industry.
- 4.4 Further to the east is an arable field which borders The Street and Bailiffscourt Hotel grounds.
- 4.5 The Farm Buildings

4.5.1 There is one large approximately 'L' shaped barn with its main axis orientated approximately South-west to north-east, a low level westerly extension is attached at the south-west corner. Both of these structures have pitched roofs of corrugated asbestos type material covering with no internal lining. The walls are solid brick and flint, these walls are generally in good condition.



Main Barn

4.5.2 There are five cylindrical grain silos located in an arc to the east of the main barn.

4.5.3 South-east of the barn at the end of the drive are two derelict greenhouses. These consist largely just of the concrete bases with some of the framework remaining.



Remains of Greenhouse

- 4.5.4 A line of mature tree extends along the present boundary to meet the north-west corner of the Bailiffscourt Hotel site.

5 Relevant legislation

5.1 Bats

- 5.2 The following section describes the protection afforded to bats and their roosts in Britain.
- 5.3 The UK is a signatory to the Agreement on the Conservation of Bats in Europe set up under the Bonn Convention. The Fundamental Obligations of Article III of this agreement require the protection of all bats and their habitats, including the identification and protection from damage or disturbance of important feeding areas for bats.
- 5.4 All British bat species and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended). The Countryside and Rights of Way Act 2000 reinforces the protection of bats by introducing the concept of 'reckless destruction' into the legislation as well as significantly increasing penalties for offences.
- 5.5 All British bat species are also European Protected Species through being included on Annexe IV of Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive), which is implemented in Britain by the Conservation (Natural Habitats &c) Regulations 1994 (as amended). The legislation makes it illegal to kill, injure, capture, disturb or sell bats, or obstruct, damage or destroy bat roosts. Under the law, a roost is any structure or place used for shelter or protection. Since bats tend to return to the same roosts, the roost is protected whether the bats are present or not. This legislation provides defence so that necessary operations may be carried out in places used by bats, provided the appropriate statutory nature conservation organisation (in England this is Natural England) is notified and allowed a reasonable time to advise on whether the proposed operation should be carried out, and if so, the approach to be used.
- 5.6 Other international conventions to which Britain is a signatory also protect bats. Except for the pipistrelle which is on the less stringent Appendix 3, all British bats are listed on Appendix 2 of the Convention on the Conservation of European Wildlife and Natural Habitats (known as the Berne Convention) which requires strict protection against deliberate killing, capture, damage/destruction of breeding sites, disturbance, trading (including parts and derivatives), etc. All British bats are on Appendix II of The Bonn Convention on the Conservation of Migratory Species of Wild Animals. Such species are generally regarded as of conservation concern and/or deemed to be able to benefit from international co-operation. Signatories

are encouraged to restore/maintain species' conservation status through management and other appropriate measures. The United Kingdom is also a signatory to the European Bats Agreement which aims to promote greater protection for bats by protecting key sites and habitats.

5.7 A Natural England development licence is required under Regulation 44(2)(e) of the Conservation (Natural Habitats, &c.) Regulations 1994, for works to be carried out to a bat roost.

5.8 Natural England is the appropriate authority for determining licence applications for works associated with development. Three tests must be satisfied before Natural England can issue a licence under Regulation 44(2)(e) to permit otherwise prohibited acts:

5.8.1 Regulation 44(2)(e) states that licences may be granted by Natural England "to preserve 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 to the environment".

5.8.2 Regulation 44(3)(a) states that a licence may not be granted unless Natural England is satisfied "that there is no satisfactory alternative".

5.8.3 Under Regulation 44(3)(b) a licence cannot be issued unless Natural England is satisfied that the action proposed "Will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

5.9 Evidence of the proposed provisions to accommodate the bats in the future would be required for a licence to be granted—for example, an alternative roost might need to be provided.

5.10 **Wildlife & Countryside act 1981 (as amended)**

5.10.1 Provides protection for a number of British wildlife species listed under several schedules.

5.10.2 These provide for the protection of the animals themselves and in certain cases the habitats that these animals require.

5.11 **Countryside & Rights of Way Act 2001**

5.11.1 This act updates and enhances the provisions of the Countryside & Wildlife Act.

5.12 **Wild Mammals (Protection) Act 1998**

5.12.1 This act prevents the deliberate harm or cruelty to wild mammals, including crushing with heavy machinery etc.

5.13 **Wild Birds**

5.13.1 All wild birds and their young are protected whilst building or occupying their nests. The nesting season for wild British birds is from March to August inclusive, however with global warming this nesting season may extend into February.

5.14 **Reptiles and Amphibians**

5.14.1 All British reptiles and amphibians are protected from harm which includes possession or sale although their habitat is not protected. There are some exceptions i.e. Great crested newt, smooth snake and sand lizard. These animals habitat is also protected.

6 **Methods**

6.1 All accessible roof voids were entered and searched for any bats in residence or signs of bat activity or occupation.

6.2 The external structure was searched for any signs of bat access or potential access points. These include bat droppings on external walls and windows and discolouration of the fabric where bats may have entered the structure.

6.3 All trees within the site and on the boundaries were searched for any potential bat roost sites, including for example broken or cracked branches, splits, loose bark, rot holes and die-back and woodpecker holes. The configuration of the landscape and vegetation within and around the site was assessed as potential flight lines or feeding areas.

6.4 An evening ultrasonic bat detector survey was carried out, starting approximately half an hour before sunset and continuing until approximately one hour after sunset.

6.5 Equipment used :

6.5.1 Batbox Ltd, Batbox III and Batbox Duet ultrasonic bat detectors.

- 6.5.2 Sony MZ-RH1 Digital Recorder
- 6.5.3 Provision 100 fibre scope.
- 6.5.4 Minolta 8x23 binoculars
- 6.5.5 Clulite CB! Torches

- 6.6 All areas of the site were searched for any signs of use or access by any protected species.

7 Observations

7.1 Bats

7.1.1 No evidence of bat use or occupation was found during the daylight inspection, either internally or externally. The use of the building for the manufacture of concrete products and for office space produce considerable disturbance which would probably deter bats from using the structure.

7.1.2 An evening ultrasonic bat detector survey was considered necessary in consideration of the type of structures involved and the location, particularly with the line of trees extending from the buildings towards Bailiffs Court Hotel.

- 7.2 The evening survey was carried out on the evening of the 1st July 2009 by Martin Love. Sunset for that day was approximately 2122hrs and the survey started at 2100hrs and continued until 2230hrs. Air temperature was 16.5C

7.2.1 Only one short period of bat activity was noted. This activity started at 2156hrs and continued for approximately 15 minutes.

7.2.2 Two common pipistrelle *Pipistrellus pipistrellus* flew into the area around the grain silos from the north, flew and fed around the grain silos and then disappeared.

7.2.3 No activity connected with the tree line leading to Bailiffscourt Hotel was noted.

7.3 Trees

7.3.1 None of the trees on the site that are likely to be affected by the development showed signs of containing bat roost features.

7.3.2 It is understood that a new tree line / hedgerow will be created stretching from the most southerly corner of the site extending north-west towards close to the existing entrance and will join with the tree line following the track to the south.

7.3.3 This tree line will greatly benefit the local wildlife and form a useful corridor linking other wooded areas.

7.4 Other protected species

7.5 Reptiles

7.5.1 The site is thickly overgrown with bramble *Rubus fruticosus* agg or cultivated with little or no margins to provide suitable reptile habitat.

7.6 Amphibians

7.6.1 Great crested newt *Triturus cristatus* is known to be present in small numbers on the Bailiffscourt Hotel site the nearest pond known to contain these animals is approximately 480 metres from the main development area.

7.6.2 Nine animals were recorded in March 2002 using the line of ponds bordering the Hotel access road. This site has been known for several years before this survey and their migration path has been tracked across 'The Street' to the east and into the trees bordering the road (Sarah Patton pers com).

7.7 Mammals

7.8 Dormouse :

7.8.1 No suitable habitat.

7.9 Badger :

7.9.1 A known badger *Meles meles* set is located to the south-west of the site at approximately 0.5 kilometers. No evidence of badger *M. meles* activity on or near the site was noted.

7.10 Birds

- 7.11 All British nesting birds and their nests are protected whilst in use or under construction. The nesting season for most British birds is from mid February to July inclusive but for some such as the swallows *Hirundo rustica* their nesting period can extend into October.

8 Conclusions

8.1 Bats

- 8.1.1 A Natural England Licence in respect of bats will not be required for this development.
- 8.1.2 During the demolition or renovation of the buildings and particularly the removal of the roof, any hanging tiles or cladding, soffits and barge boards, care must be exercised to ensure that if bats are discovered that the bats are not harmed, and that work is suspended until Natural England, the Statutory Body for bats, has been informed and made recommendations as to how to proceed.

8.2 Reptiles

- 8.2.1 The site is generally unsuitable for these animals to utilise and only one instance of common lizard *Lacerta vivipara* recorded at approximately 1km.

8.3 Amphibians

- 8.3.1 The possibility that great crested newt *T. cristatus* may be affected by the development must be considered. The majority of the works considered are right at the limit of the area considered to be used by these animals, 500 metres.
- 8.3.2 The colony is known to favour the trees to the east of the breeding ponds for winter hibernation and the cultivated arable field between the ponds and Ryebank Farm provide a potential barrier to these animals moving to the north.
- 8.3.3 The probability that any newts will be affected by the development is low however the likelihood of any animals being harmed can be mitigated by careful management of the development. If this management is followed then a Natural England licence should not be required.

- 8.3.3.1 Works likely to affect any newts in the area, i.e. the removal of the derelict green houses, should be carried out during the times that these animals are congregating in the ponds to breed. Works therefore should be during the spring and early summer, April to June inclusive.
- 8.3.3.2 The area should be the subject of a 'destructive clearance' and should be supervised by a suitably licensed Ecologist.
- 8.3.3.3 The grassing of the arable field and provision of wide field margins are unlikely to affect these animals as this area has been plowed regularly. These changes will greatly increase the ecological benefit of the area.

8.4 **Mammals**

- 8.5 Dormouse : No evidence of occupation by common dormouse *Muscardinus avellanarius* was noted. The conditions on the site are unlikely to favour these animals.

8.5.1 Badger : No evidence of use by badger *M. meles* was found therefore no specific mitigation is required for these animals.

8.6 **Birds**

- 8.7 Any clearance of vegetation should be timed to avoid the bird nesting season. If this cannot be avoided, then the area affected should be checked by a competent ornithologist to determine whether any active nest are present. If any active nest are found then no work should be undertaken that might disturb the nest until after the chicks have fledged.

8.8 **Trees**

- 8.9 The tree lines around the site are unlikely to be affected by the development. The dense tree and shrub cover along the northern boundary should be retained including any standing dead wood. Standing dead wood is a valuable wildlife resource and should be retained were ever possible.
- 8.10 Should any of these trees be considered to require felling or remedial treatment then they should be climbed by a competent Tree Surgeon with a suitably licenced Natural England Bat Warden in attendance to establish whether any bat roosts exist in the trees.

9 References & Bibliography

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10 Sketch plan

See ADAS UK Ltd report.