

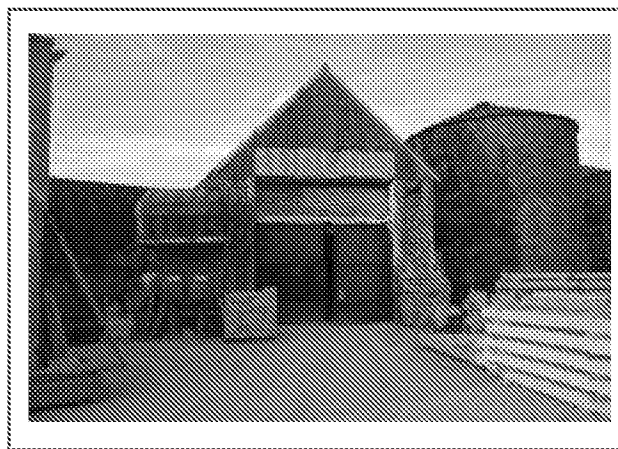
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BAT SURVEY REPORT

Site: Barns at Ryebank Farm
Climping
West Sussex

Client: Mr J Baird
Home Farm Ltd
Climping Street
Climping
W Sussex BN17 5RQ

Surveyors: D P King (NE Sc. Bat Lic. No. 2015-10422-CLS-CLS)
S L Wright (NE Sc. Bat Lic. No. 2015-10158 -CLS-CLS)

Date: 7th May 2016

Bat Survey of Barns at Ryebank Farm, Climping, West Sussex
OS Grid Reference: SU 99979 01203

Executive Summary

On 7th May 2016, two surveyors from Batbox Bat Surveys undertook a bat survey of redundant farm buildings at Ryebank Farm, Climping, West Sussex, on behalf of the property owner, Mr J Baird, who is seeking permission to convert the barns for residential use.

Although somewhat exposed to the prevailing winds from the nearby coast, the area is considered to offer a reasonably good potential as bat habitat.

The buildings searched comprise a large old flint barn with a timber frame and corrugated asbestos type roof, linked to a lower level building at the south east corner. The barns are currently used by a manufacturer of moulded concrete items for the construction industry. To the east of the main barn are five redundant metal grain silos.

A Phase 1 habitat assessment was carried out by ADAS UK Ltd early in 2009. Their report recommended that further bat survey work might be needed. A daytime bat survey of the site was undertaken by Halburn Consultants in May 2009, followed by a bat emergence check/bat activity survey in July 2009. No evidence of roosting bats or significant evidence of bat use of the site was noted, although two common pipistrelles (*Pipistrellus pipistrellus*) were briefly recorded feeding around the grain silos.

At this time of the year, bats have returned to their summer roosts and females are gathering in maternity colonies, prior to the birth of young in June or July.

The surveyors undertook a daytime search of the buildings and remained on site to carry out a dusk emergence check and bat activity survey.

No bats or significant evidence of bat use was seen during the daytime survey. There appear to be many roosting opportunities for bats, particularly in crevices within the large barn. However, concrete dust from the manufacturing process covers most of the surfaces. During the dusk emergence check/bat detector survey, no bats were seen inside the barns or silos or emerging from the buildings. One or two common pipistrelles briefly foraged around the silos during the evening, but appeared to have arrived at the site from the east. Bat activity at this site appears to be unchanged since 2009.

Because there is no evidence of bats roosting in the barns, a Natural England Bat Mitigation Licence will **not** be required to allow the proposed redevelopment to go ahead. However, because bats are active in the area, it is possible that a bat or bats will move into the buildings at some time during the year. Therefore, contractors should be asked to look out for bats when undertaking building works, and during the demolition of the silos. It is also recommended that bat roosting provisions are incorporated into the buildings, by fitting purpose made bat roosting units and access tiles into walls and roofs, both in case bat roosting opportunities are inadvertently lost and as an aid to local biodiversity. If no development commences within one year of this survey, it is recommended that a repeat bat survey is carried out.

1. Introduction and Background

- 1.1 Two surveyors from Batbox Bat Surveys undertook a daytime search, followed by a dusk bat emergence check/bat detector survey, of redundant farm buildings at Ryebank Farm, Climping, West Sussex on the evening of 7th May 2016. Both surveyors hold Natural England Scientific Bat Licences.
- 1.2 The survey was carried out on behalf of the property owner, Mr J Baird, who is seeking permission to convert the barns for residential use.
- 1.3 Although somewhat exposed to the prevailing winds from the nearby coast, and also rather lacking in substantial areas of woodland, the area is considered to offer a reasonably good potential as bat habitat, with the medieval Ryebank Rife (coastal stream/ditch) running alongside, much of it tree-lined.
- 1.4 The buildings searched comprise a large old flint barn with a timber frame and unlined corrugated asbestos type roof, linked to a lower level building at the south east corner. There are a number of plastic roof-lights in the barn roof. The barns are currently used by a manufacturer of moulded concrete items for the construction industry. The main barn was used as a grain store until approximately 25 years ago and was apparently fumigated annually to avoid problems with pests. To the east of the main barn are five redundant metal grain silos and there are also two derelict and overgrown greenhouses, with only the bases and parts of the frames remaining.
- 1.5 A Phase 1 habitat assessment was carried out by ADAS UK Ltd on 30th April 2009. Their report recommended that further bat survey work might be needed.
- 1.6 An initial daytime bat survey of the site was undertaken by Halburn Consultants in May 2009. This was followed by a dusk bat emergence check/bat activity survey, on 1st July 2009. Mr M Love, of Halburn Consultants, found no evidence of roosting bats, significant foraging areas or commuting routes, although two common pipistrelles (*Pipistrellus pipistrellus*) were briefly recorded feeding around the grain silos.
- 1.7 At this time of the year, bats have returned to their summer roosts, following the winter hibernation period and females are gathering in maternity colonies, prior to the birth of young in June or July.
- 1.8 Bats and their roosts are protected by British and European Law. A brief account of these laws and of relevant planning policy guidance is appended to this report.
- 1.9 Recommendations from the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)* were followed for the course of this survey.

2. Daytime Bat Survey – Methodology

- 2.1 Prior to the survey, a check of aerial maps was undertaken to establish the proximity of the buildings to suitable bat habitat. The surveyors inspected the exterior of the buildings, where accessible, for any obvious evidence of bat use, such as roosting opportunities in cracks in walls, under roofing materials, bat droppings on walls and on the ground below possible roost entrances. Binoculars were used to check features at higher levels. Potential bat roosting places and access points were noted and the surrounding habitat was assessed for the

likelihood of bat activity.

- 2.2 The barns and grain silos were searched for bats and evidence of bat use, such as corpses, bat droppings, urine spots on stored goods and staining from the oil on bats' fur around well used access or roosting places. The surveyors also searched for insect remains dropped by feeding bats, often seen in buildings in rural areas, if bats can gain easy access. Potential bat roosting places were also noted.
- 2.3 Photographs were taken of all potentially relevant features and detailed notes were taken.

3. Daytime Survey – Results

3.1 The Main Barn

The original parts of this barn are understood to be approximately 400 years old, but the building has been modified and repaired over the years. Most of the interior surfaces are coated with concrete dust from the manufacturing process, but there are various roosting opportunities for bats in old mortise joints and other crevices, such as cracks in the flint walls and gaps around timber door frames, which appear to have the potential for bat use. There are a number of possible access points for bats into the barn, through gaps in damaged walls, etc., where bats might gain entry to the barns. However, no bats were seen and no evidence of bat use was noted. Because the barn was formerly used as a grain store and therefore fumigated annually, it is possible that bats were discouraged from roosting in the barn and they have not adopted the site since that time.

3.2 Small Barn

The small barn has also been modified over the years and is divided internally with a small enclosed office at the west end. This barn is currently used as a workshop. No bats or evidence of bat use was seen in or around this building.

3.3 Grain Silos

The five silos vary in condition – some have intact roofs and doors and others have roofs which are semi-collapsed. They are currently disused. No bats or significant evidence of bats was seen in the silos, although one or two butterfly wings, likely to have been dropped by a bat feeding within a silo at some time, were seen on the ground. There is a little potential for crevice dwelling bats, such as pipistrelles, to roost between overlaps in the metal walls and roofs.

3.4 Surrounding Habitat

The tree-lined Ryebank Rife appears to offer a good commuting route and foraging area for bats and some of the trees may be mature enough to offer roosting potential. There are a number of old buildings situated a fairly short distance from the farm, which might also offer roosting potential.

4. Dusk Emergence Check/Bat Detector Survey – Methodology

- 4.1 At dusk, when bats emerge from their roost sites to feed, the surveyors were positioned so as to get the best possible view of any bats exiting the buildings.

Surveyor 1: To the north of the buildings (DPK)

Surveyor 2: To the south of the buildings and checking the interiors of the barns and silos.

DPK – David King, SLW – Sheila Wright

- 4.2 The surveyors used a Batbox Griffin (time-expansion recorder) and a Batbox Baton XD (time expansion detector) with Sony PCM D50 recorder, to record bats' echolocation calls and to identify any bats heard to species level, where possible. Recordings were made for later computer analysis with BatScan software. Prior to bats' emergence time, the surveyors used bat detectors to listen for pre-emergence 'chatter', sometimes heard from bat colonies before they leave their roost.
- 4.3 The survey was undertaken on a mild, clear, dry and calm evening, ideal for bat activity. The temperature was 17°C at the start of the survey period. The evening emergence check/bat detector survey started at 20:15. Sunset was at 20:33.

5. Evening Emergence Check and Bat Detector Survey – Results

- 5.1 No 'roost chatter' was heard. No bats were seen emerging from the buildings.

Bats seen and heard were as follows:

Time	Species	Activity
20:55 - 57	45kHz pipistrelle (<i>Pipistrellus pipistrellus</i>)	Foraging around silos
21:04 -21:05	As above	Flew around barns
21:05 – 21:07	As above	Foraging around silos

6. Conclusions and Recommendations

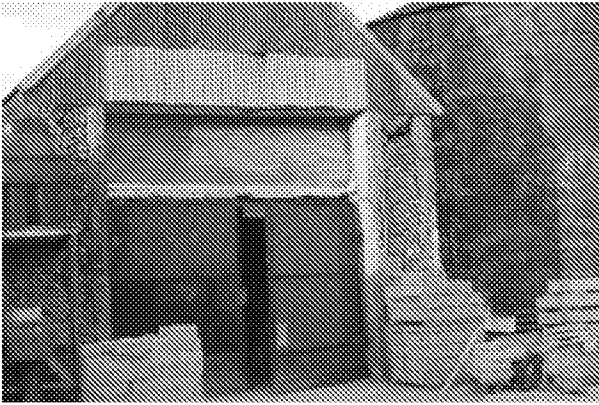
- 6.1 Bats Recorded during this Survey
45kHz pipistrelles (*Pipistrellus pipistrellus*) are considered to be common and widespread.
- 6.2 Bat activity at this site appears to be unchanged since 2009 and is lower than might be expected around old barns in suitable habitat, such as this. It may be that the rather exposed position of the site discourages bat activity, or because bats have not moved into the barn in the two decades plus since it was used as a grain store and was subject to regular fumigation.
- 6.3 Because there is no evidence of bats roosting in the barns, a Natural England Bat Mitigation Licence will **not** be required to allow the proposed redevelopment to go ahead. However, because bats are active in the area it is possible that a bat or bats will move into the buildings at some time during the year. Therefore, contractors should be asked to look out for bats when undertaking building works – particularly when removing roofing materials from the barns and during the demolition of the silos.
- 6.4 It is also recommended that provisions for roosting bats are incorporated into the buildings by

fitting purpose made bat roosting units and access tiles into walls and roofs, both in case bat roosting opportunities are inadvertently lost and as an aid to local biodiversity. Further advice on suitable provisions can be given once more details of the proposed redevelopment are known.

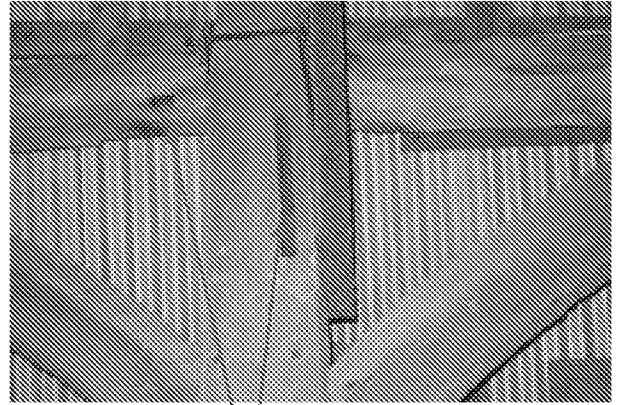
- 6.5 If no development commences within a period of one year of this survey, it is recommended that a repeat bat survey is carried out.

* Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1

Ryebank Farm Barns



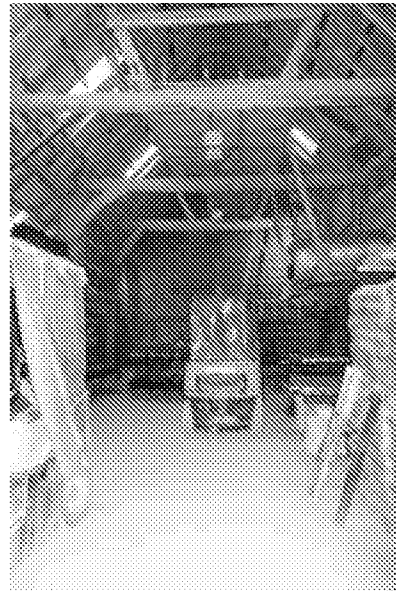
Entrance to main barn with adjoining silo



Gaps in old timber frame



Crevices on exterior of barn offering potential roosting places & access points



Interior of main barn

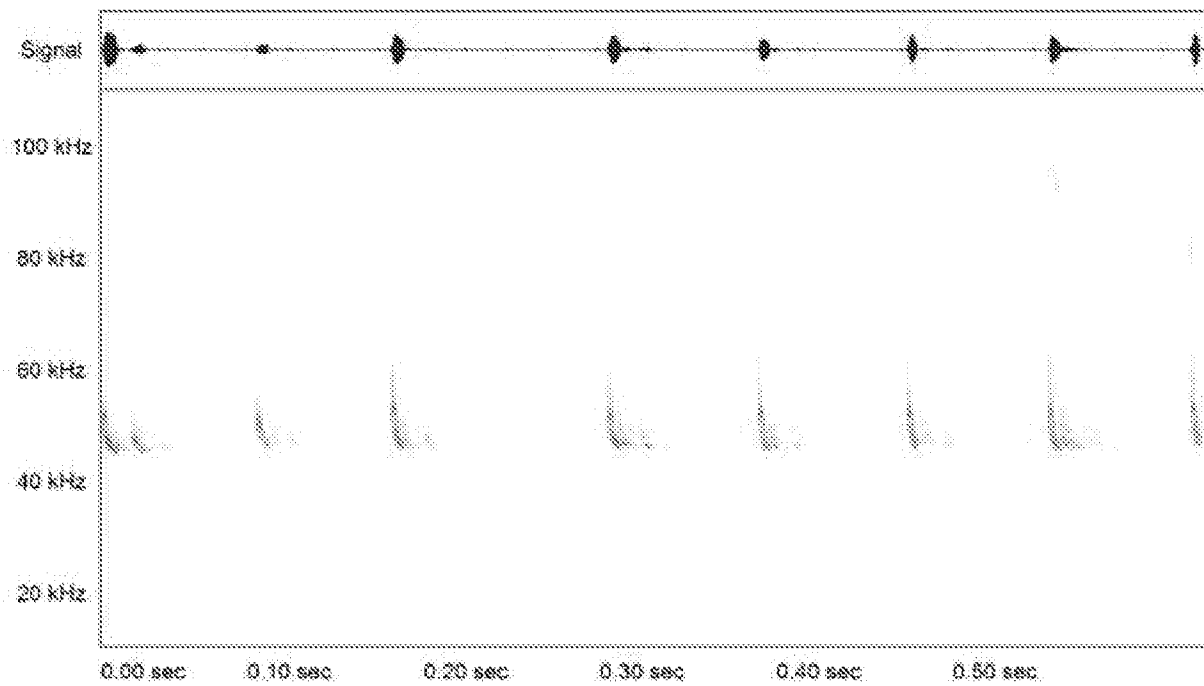


Exterior of small barn

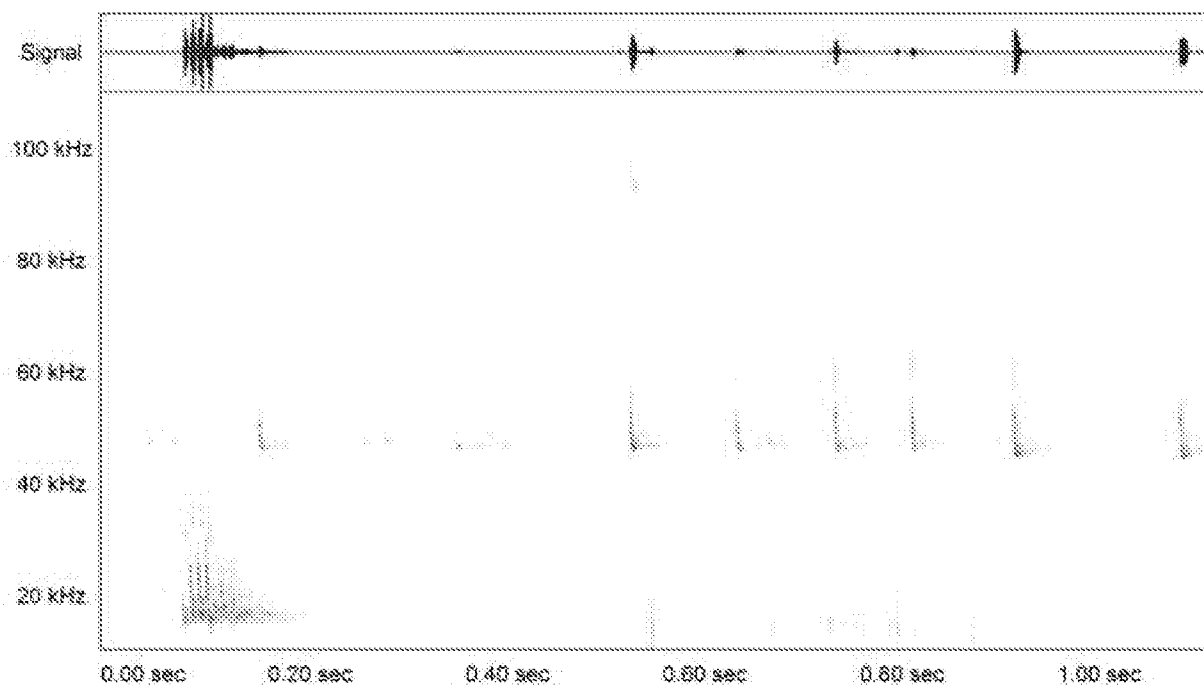


Redundant grain silos

Ryebank Farm Barns – Bat Sonagrams



45kHz pipistrelle (*Pipistrellus pipistrellus*) pass



45kHz pipistrelle with social calls

The following is our interpretation of the law relating to bats, but should not be relied on in place of professional legal advice.

LEGAL PROTECTION

All bat species and their roosts in Britain are protected under Section 9 of the **Wildlife and Countryside Act 1981 (as amended)** through inclusion on Schedule 5. This Act was significantly strengthened by the **Countryside and Rights of Way Act 2000 (the CRow Act)** which introduced a statutory duty for the government to promote steps to further the conservation of priority habitats and species listed on the UK Biodiversity Action Plan (UKBAP). The Countryside and Rights of Way Act has made a number of important changes to the Wildlife and Countryside Act 1981 in England and Wales. These include making Section 9 offences ‘arrestable offences’, and increasing fines for these offences to £5000 per bat and/or a period of imprisonment of up to 6 months.

Bats are also included on Annex 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). As a result of the UK ratifying this directive, all British bats were protected under The Conservation (Natural Habitats etc.) Regulations 1994 (the Habitat Regulations), now consolidated as the **Conservation of Habitats and Species Regulations 2010**. These make it illegal to kill, injure, capture or disturb or obstruct access to, damage or destroy bat roosts. Under the law, a roost is any structure or place used for shelter or protection. Since bats tend to use the same roosts, the roost is protected whether the bats are present or not. Four bat species (greater horseshoe, lesser horseshoe, Bechstein’s and barbastelle) are also on Annex II of the Regulations, which requires the designation of Special Areas of Conservation (SAC) to ensure that the species is maintained at a favourable conservation status. In the UK, this is being done through the designation of certain selected SSSIs. The Habitat Regulations impose a duty on public bodies, in the exercise of any of their functions, to have regard to the European Habitats Directive (EC Directive 92/43/EEC) on the conservation of natural habitats and wild fauna and flora.

Changes made to the Habitats Regulations increase the legal protection given to bats and their roosts. Previously, if damage was ‘an incidental result of a lawful operation’ and reasonable precautions had been taken to avoid it, there would have been no offence. This defence has been removed, as has the so-called ‘dwelling house’ defence. Therefore, there is now a significant risk of operators committing an offence if they do not take necessary checks and seek licences where required. However, the threshold level for disturbance of bats has been raised. New guidance was given in early 2009 on recent changes to the Habitat Regulations, but basic principles remain the same, in that the destruction of a bat roost is illegal, but that some low-level disturbance of bat roosts, considered to be below an agreed threshold of significance, would not constitute an offence. Expert advice, from a suitably qualified ecological consultant, should be sought on what constitutes significant disturbance to protected species or their habitat. Guidance now states that it is an offence to: ‘intentionally or recklessly disturb a group of bats where the disturbance is likely to either (a) impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or to hibernate or migrate, or (b) to affect significantly the local distribution or abundance of the species, in either case whether in a roost or not.’

UK signatory to the Agreement on the Conservation of Bats in Europe was 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.

Section 40 of the **Natural Environment and Rural Communities Act 2006 (the NERC Act)** states that (1) '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.'

Six species are listed on the UKBAP. These are the greater horseshoe bat (*Rhinolophus ferrumequinum*), the lesser horseshoe bat (*Rhinolophus hipposideros*), barbastelle (*Barbastella barbastellus*), Bechstein's bat (*Myotis bechsteinii*), brown long-eared bat (*Plecotus auritus*) and soprano (55 kHz) pipistrelle (*Pipistrellus pygmaeus*).

Planning Policy Context *

Government policy guidance for biodiversity and nature conservation throughout the UK is provided in the following planning guidance and statements, which are current at the time of writing:

England:

- National Planning Policy Framework 2012 (DCLG, 2012)
- Government Circular 06/2005: Biodiversity and geological conservation – Statutory obligations and their impact within the planning system (DCLG, 2005)
- Circular 02/99: Environmental impact assessment 1999 (DCLG, 1999)

In addition to the national policy guidance outlined above, regional and local planning policies should be consulted and other country-specific guidance, such as NE's standing advice to Local Planning Authorities (LPAs) may also be relevant.

Government planning policy guidance throughout the UK requires LPAs to take account of the conservation of protected species when considering and determining planning applications. This biodiversity duty is imposed in England Wales through the Natural Environment and Rural Communities (NERC) Act 2006, which states 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'.

Planners are required to consider protected species as a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. This requirement has important implications for bat surveys as it means that, where there is a reasonable likelihood of bats being present and being affected by the development, surveys must be carried out before planning permission is considered.

Adequate surveys are therefore required to establish the presence or absence of bats, to enable a prediction of the likely impact of the proposed development on them and their breeding sites or resting places and, if necessary, to design mitigation, enhancement and monitoring measures.

The term 'development' used in these guidelines includes activities and proposals that could impact bats. In planning terms, this includes activities requiring outline and full planning permission but also those that meet the criteria for permitted development, require listed consent and require prior approval to demolish.

Further details on the standard of information required to assess a planning application is detailed in Clauses 6 & 8 of BS42020. (BSI 2013) and additionally in Clause 7.3. The Code of Practice set out within British Standard for Biodiversity – BS42020:2013 provides recommendations and guidance for those in the planning, development and land use sectors who work might affect or have implications for the conservation or enhancement of biodiversity.

The planning system should also deliver overall net gains for biodiversity (enhancements) as laid out in the National Planning Policy framework and other planning policy documents.

*Collins, J. (ed.) (2016) Bat Conservation Trust 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition) The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1

As a result of the Judicial Review Judgement 5th June 2009: **Woolley v Cheshire E Borough Council & Millennium Estates Limited** the role and responsibilities of planning authorities has been clarified. In the course of its consideration of a planning application, where the presence of a European protected species is a material consideration, the LPA must satisfy itself that the proposed development meets three tests as set out in the Directive. The proposed development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequence of primary importance for the environment'*. In addition the authority must be satisfied that, (a) *'that there is no satisfactory alternative'* and (b) *'that 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.'* The recent ruling states that *'if it is clear or perhaps very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of over-riding public interest" then the authority should act on that and refuse permission.'*

Surveys and mitigation strategies for bats should generally not be made a requirement of a planning condition or be undertaken after permission has been granted. The Woolley Judgement clarified this. Local planning authorities are unable to fulfil their duty under Regulation 3(4) of the Habitats Regulations and cannot properly weigh protected species issues (see above) without complete information. However, in a small number of circumstances, conditioning strategies may be the most appropriate course of action. The local Natural England Species Officer should be consulted, where this might be the case.

Following the judgement in the recent case of *Morge (FC) v Hampshire County Council* (2011) UKSC 2 considered the application of local authority duty with in relation to European protected species. It came to the conclusion that, if the Planning Authority

concludes that the carrying out of the development for which permission has been applied for, even if it were to be conditioned, would be likely to offend Article 12(1) by say causing the disturbance of a species with which that Article is concerned, then it must consider the likelihood of a (Natural England) licence being granted. Further detailed standing advice on European Protected species was subsequently produced and is now available at: www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx

Should works be proposed that are likely to result in the disturbance of bats or a bat roost, English Nature (now Natural England) can advise regarding the legal protection. However, the developer should consult with their ecologist on whether a licence is required as this decision is based on whether it is reasonably likely that an offence may occur. The licence application is made to the Natural England Wildlife Management and Licensing Service. This licence was formerly known as a DEFRA Licence.

Planning authorities should be aware that developments which compromise the protection afforded to European protected species, including all British bats, will normally require a NE EPS licence under the law. Planning issues relating to bats need to be resolved prior to the application for a licence.

The three tests detailed above must be satisfied before NE can issue a licence under Regulation 44(2)(e) to permit otherwise prohibited acts.

Further guidance on the three tests can be found in the Natural England publication entitled 'European Protected Species: Mitigation Licensing – How to get a licence'^{1a}

Ultimately it is for the developer to ensure compliance with the law during the actual implementation of the development, not the planning authority. It is for the planning authority to monitor whether planning conditions are being properly discharged.

Further advice on Bats and the Law can be obtained from:

Wildlife Management and Licensing Service, Natural England, 2 The Square, Bristol, BS1 6EB



^{1a} Available to download http://www.naturalengland.org.uk/images/WML-G12_tcm6-4116.pdf

Also see: *Local Plan* (Chichester District Council, adopted April 1999; policies saved Sep 2007).

⁵ *Focus on Strategic Growth Options: A consultation on the options for major development in Chichester District 2011-2026* (Jan 2010).