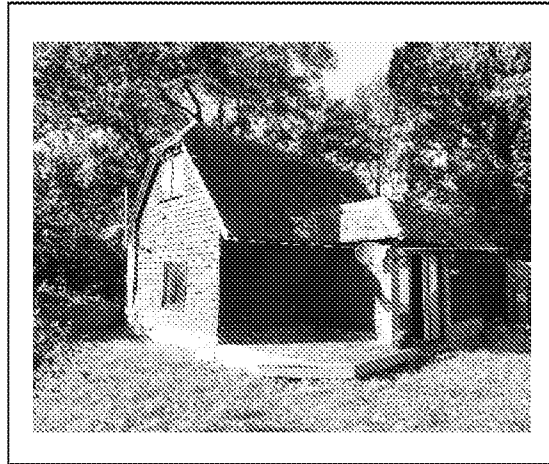
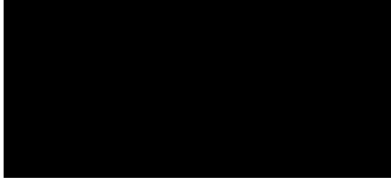


Batbox Ltd



PHASE 1 BAT SURVEY REPORT

Site: The Barn
Waysmeet Cottage
Grevatts Lane
Climping
Littlehampton
West Sussex BN17 5RE

Client: Mrs S Durdle
Waysmeet Cottage
Grevatts Lane
Climping
Littlehampton
West Sussex BN17 5RE

Surveyors: D P King MEECW (NE Sc. Bat Lic. No. 2015-16001-CLS-CLS)
Registered Bat Consultant No. RC182
S L Wright (NE Sc. Bat Lic. No. 2016-24340-CLS-CLS)

Survey Date: 22nd October 2018

Report Date: 12th November 2018

Phase 1 (Daytime) Bat Survey of The Barn at Waysmeet Cottage, Grevatts lane, Climping, Littlehampton, BN17 5RE, - OS Grid Reference: SU 99680 01614

Executive Summary

On 22nd October 2018, two surveyors from Batbox Ltd Bat Surveys undertook a Phase 1 (daytime) bat survey of a detached ancillary dwelling, known as The Barn, in the grounds of Waysmeet Cottage in Grevatts Lane, Climping, West Sussex. The survey was undertaken on behalf of architects acting for the property owners, who are proposing to demolish and replace the existing structure.

The barn-style building dates from the 1980s and is constructed of brick with some areas of Timber weather-boarding and a pitched, tiled roof. There is no accessible roof void, internally, above the first floor, where there is a dormer window on the west side.

The Barn is situated on the tree-lined boundary of the site, a short distance from Waysmeet Cottage and other structures. The surrounding area consists mainly of arable fields, but there is good connectivity, via tree-lines and hedgerows, to small areas of woodland. Bats of several species have been recorded in the vicinity.

Batbox bat consultants were asked to carry out a Phase 1 (daytime) inspection of the property, to check for bats, evidence of bat use and the potential for bat use, prior to the application for planning permission to replace the building.

At this time of the year, most bat maternity colonies have dispersed, but bats will emerge to feed in periods of good weather. Because of the time of year, only a Phase 1 survey could be carried out. The survey included an inspection of the interior and exterior of the property, as well as an assessment of the surrounding habitat and a brief appraisal of nearby timber-framed buildings, under the same ownership.

During this daytime survey, no bats or evidence of bat use seen inside the building or around the exterior. However, there are many potential roosting places for crevice-dwelling bats, such as pipistrelles (*Pipistrellus* sp.), beneath gaps in the timber cladding, where roof tiles are missing and at eaves level.

A single whiskered or Brandt's bat (*Myotis mystacinus* or *M. brandtii*), was seen roosting in the roof of the open fronted timber framed garden store, a short distance from The Barn.

Because there is a significant potential for bats to roost in crevices in the walls and roof of The Barn, a Phase 2 (dusk emergence) bat survey should be undertaken, at a suitable time of year, prior to demolition of the building. This cannot be undertaken before late April/May 2019. If this survey reveals that bats are roosting in The Barn, a Natural England Bat Mitigation Licence will be required, prior to any works. To grant a licence, Natural England will expect detailed survey results and mitigation, compensation or 'enhancement' measures to be agreed, to ensure that there is no significant impact on the bat population.

The building is not suitable for use by owls, but smaller birds might nest in crevices in the building in the spring and if present, must not be disturbed.

1. Introduction and Background

- 1.1 On 22nd October 2018, two surveyors from Batbox Ltd Bat Surveys undertook a Phase 1 (daytime) bat survey of a detached ancillary dwelling, known as The Barn, in the grounds of Waysmeet Cottage in Grevatts Lane, Climping, West Sussex. Both surveyors hold Natural England Scientific Bat Licences. For details of surveyors' licences and affiliations, please see report cover.
- 1.2 The survey was undertaken on behalf of architects acting for the property owners, who are proposing to demolish the existing structure and to replace it with a new dwelling.
- 1.3 Bats and their roosts are protected by British and European Law and must be taken into consideration, should any proposed works risk causing harm or significant disturbance to bats, or damage to roosting sites. A brief account of the laws protecting bats and relevant planning considerations is attached to this report.
- 1.4 The barn-style building dates from the 1980s and is constructed of brick with large areas of timber weather-boarding and a pitched, tiled roof. The roof appears to be lined with a felt material, which is torn in places. There is no accessible roof void, internally, above the first floor. On the west side of the roof is a flat-roofed, timber-clad dormer window.
- 1.5 The property is situated on the tree-lined boundary of the site, a short distance from Waysmeet Cottage and close to other, relatively modern, brick and timber-framed structures. The surrounding area consists mainly of arable fields, but there is good connectivity, via tree-lines and hedgerows, to small areas of woodland. Bats of several species have been recorded in the vicinity.
- 1.6 Batbox Ltd bat consultants were asked to carry out a Phase 1 (daytime) inspection of the dwelling, to check for bats, evidence of bat use and the potential for bat use, prior to the application for planning permission to replace the existing building with a new dwelling. The surveyors searched for bats, evidence of bat use and the potential for bat use.
- 1.7 At this time of the year, most bat maternity colonies have dispersed but bats will emerge to feed in periods of good weather. However, the results of an October, Phase 2 (bat emergence/activity) survey cannot be relied upon by late October and therefore only a Phase 1 survey could be carried out. The survey included an inspection of the interior and exterior of the property, as well as an assessment of the surrounding habitat and a brief appraisal of nearby timber-framed buildings, under the same ownership.
- 1.8 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. See Tables 4.1, 7.1, & 7.3 for guidelines on assessing habitat suitability, survey timings and frequency.

2. Daytime Bat Survey – Methodology

- 2.1 Prior to the survey, a check of aerial maps was undertaken to establish the proximity of the site to suitable bat habitat.
- 2.2 The surveyors searched for bat droppings on walls and on the ground, below possible roost

entrances. Binoculars were used to check features at higher levels and a fibrescope was used to examine accessible crevices beneath lifted timber weather-boarding. Potential bat roosting places and access points were noted.

- 2.3 The surrounding habitat was assessed for the likelihood of bat activity and an inspection was made of a nearby timber framed store, under the same ownership, which appeared to have some potential for bat use.
- 2.4 The surveyors were also asked to check for evidence of owls and nesting birds.
- 2.5 Photographs were taken of all potentially relevant features and detailed notes were taken.

3. Daytime Bat Survey - Results

3.1 Exterior

Many potential roosting places for crevice-dwelling bats, such as pipistrelles (*Pipistrellus* sp.), were noted around the exterior of the building, particularly beneath gaps in the timber weather-boarding, where roof tiles are missing. Gaps were also noted at eaves level. The south gable end of the building, where there are many gaps under timber boards, looks particularly suitable for roosting bats. However, no bats or evidence of bats was seen in those crevices, which could be accessed with the use of a ladder and a hand held fibrescope.

3.2 Interior

There is no accessible roof void in this building. The modern interior is well-sealed and light and unsuitable for use by bats.

3.3 Surrounding Habitat

Although surrounded by large, arable fields, the tree-lines bordering nearby fields are broad and offer good foraging and commuting habitat for bats. A single whiskered or Brandt's bat (*Myotis mystacinus* or *Myotis brandtii*) was seen roosting in a timber junction in the roof of the nearby timber-framed store/car port, with a clay tiled roof. A small accumulation of fresh droppings, from this bat, was seen on the floor of the outbuilding, below the roosting place.

- 3.4 The Barn is not suitable for use by owls. However, there may be some potential for smaller birds to nest in crevices around the exterior of the building.

4. Conclusions and Recommendations

- 4.1 Because there is a significant potential for bats to roost in crevices in the walls and roof of The Barn, a Phase 2 (dusk emergence) bat survey should be undertaken, at a suitable time of year, prior to demolition of the building. This cannot be undertaken before late April/May 2019. If this survey reveals that bats are roosting in The Barn, a Natural England Bat Mitigation Licence will be required, prior to any works. To grant a licence, Natural England will expect detailed survey results and mitigation, compensation or 'enhancement' measures to be agreed, to ensure that there is no significant impact on the bat population.
- 4.2 Consideration could be given, at this stage in the planning process, to the incorporation of provisions for roosting bats, in the replacement building. Recommendations for measures,

which are likely to be suitable, can be provided on request, but detailed advice can only be given once a Phase 2 survey has been completed.

- 4.3 The building is not suitable for use by owls, but smaller birds might nest in crevices in the building in the spring and if present, must not be disturbed, during the nesting season.

* 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

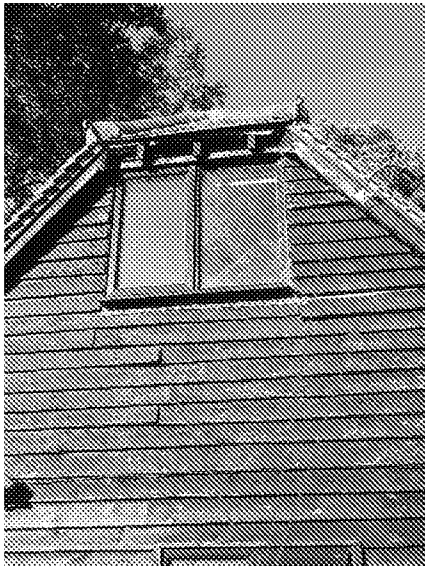
Ancillary Building at Waysmeet Cottage, Grevatts Lane, Climping, West Sussex



The building viewed from the south east



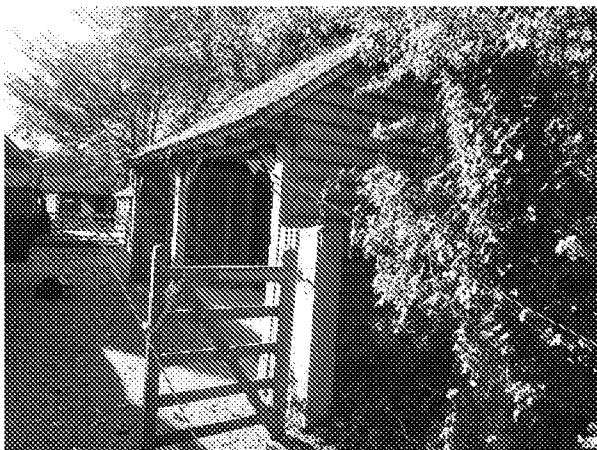
Adjacent tree-line



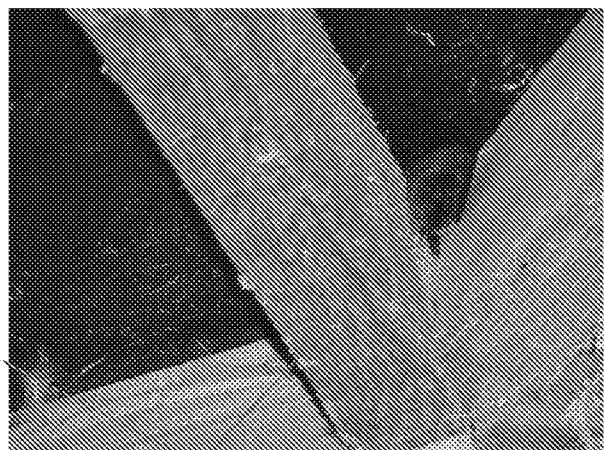
Gaps beneath lifted timber weather-boarding



Gaps under missing roof tiles



Building to be demolished viewed from gate



Whiskered/Brandt's bat roosting in nearby structure

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
Tel: 0845 601 4523 Fax: 0845 601 3438

^{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).