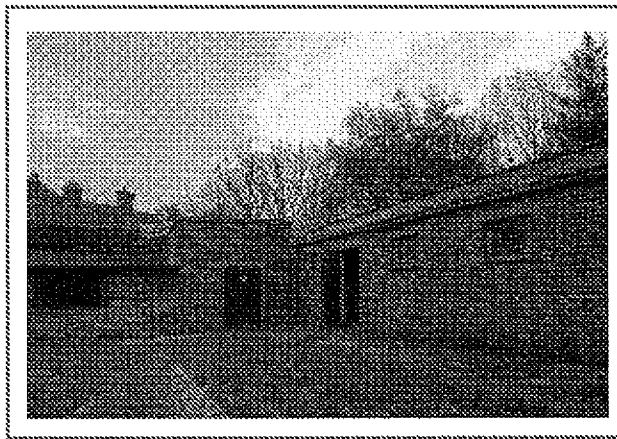


Batbox Ltd
Horsham Road
Steyning
West Sussex BN44 3AA



BAT SURVEY REPORT

Site: Buildings at Kents Yard
Climping
West Sussex

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: 9th May 2016

Executive Summary

On 9th May 2016, two surveyors from Batbox undertook a repeat bat survey of a group of redundant single-storey agricultural buildings at a site known as Kents Yard, in Crookthorne Lane, Climping, near Littlehampton, West Sussex. An overnight remote bat recording survey was also undertaken, two days before the emergence check and bat activity survey.

Planning permission has been granted to convert the buildings to residential use. The survey was undertaken on behalf of the new owners of the site, who propose to redevelop the buildings.

An initial bat survey of the site was carried out by Batbox Ltd in May 2015. During that survey, a low level of bat use was noted. It was considered likely that one or two bats were roosting on the site at that time and that a Natural England Bat Mitigation Licence would be required, in order for the proposed redevelopment to proceed. Accordingly, a suitable bat mitigation and compensation strategy was agreed and submitted to the local planning authority.

British bats will now have returned to their summer roosts and maternity colonies will be gathering, in preparation for the birth of young in June or July. All bats will emerge to feed on their insect prey, during mild and dry nights. Conditions were ideal for bat activity during the dusk emergence check/bat activity survey and during the overnight remote bat recording session.

The yard is situated in an area of mostly arable farming, which, although somewhat exposed to the prevailing wind, is considered to offer good habitat for bats. The buildings consist of a group of single-storey, flint and brick stables/cow sheds, arranged around a central yard. Many of the windows have been blocked up for security reasons, but bats could gain access to the buildings via remaining broken windows, holes in the roof and other gaps.

During the latest daytime survey several butterfly and moth wings, likely to have been dropped by feeding bats, were seen in Buildings C and A, at the west and south of the site. However, almost all of these appeared to be the same remains as noted in 2015, with only one or two fresher wings. No bats or other evidence of bat use was seen in the buildings.

During the dusk survey, a single 45kHz pipistrelle (*Pipistrellus pipistrellus*) was recorded foraging in the yard, but on this occasion it was seen to enter the site from the garden of the large old house immediately adjacent to the yard. No bat activity was recorded during the overnight remote bat recording session in Building A – in the area where a low level of bat activity had been recorded the previous survey.

It is therefore concluded that bat activity in the buildings is now virtually non-existent, with only occasional visits by individual bats whilst they forage in the yard and that therefore, the buildings can no longer be considered to be bat roosts. Therefore, a Natural England Bat Mitigation will NOT be required in order for the proposed redevelopment works to proceed. However, as small numbers of bats are active in the area, it is recommended that mitigation and compensation measures, agreed previously, are put into practice. These include best working practice when undertaking building works, the provision of temporary roosting opportunities for the duration of the redevelopment and permanent new roosting features in the refurbished buildings. Consideration should also be given to lighting around the site and to wildlife friendly planting. Advice is also given on new bird nesting provisions for the site.

1. Introduction and Background

- 1.1 Two experienced surveyors from Batbox Bat Surveys Ltd undertook a repeat daytime search and an evening emergence check/bat detector survey of disused agricultural buildings at a site known as Kents Yard, in Crookthorne Lane, Climping, West Sussex on 9th May 2016. Both surveyors hold Natural England Scientific Bat Licences. An overnight remote bat recording survey was also undertaken two days before the emergence check and bat activity survey.
- 1.2 Planning permission has been granted to convert the buildings to residential use. The survey was undertaken on behalf of the new owners of the site who propose to redevelop the site.
- 1.3 The yard is situated in an area of mostly arable farming. There is good connectivity for commuting bats via tree-lines and hedgerows, which would allow bats to commute between possible bat roosting and foraging areas. The yard is close to other old buildings also considered to have some bat roosting potential. Although a little exposed to prevailing winds, over-all, the area is considered to offer good habitat for bats and a number of species have been recorded locally.
- 1.4 **The Buildings**
The buildings consist of a group of single-storey flint and brick stables/cow sheds arranged around a central yard. Buildings have been extended over the years, and appear to date from the Victorian era to the 1940s. Many of the windows have been blocked up for security reasons, but bats could gain access to the buildings via remaining broken windows, holes in the roof and other gaps.
- 1.5 **Building A** - at the south of the site, furthest from the road. It is a brick building with an unlined, pitched, corrugated asbestos type roof with ridge vents and stable style doors. There are a number of broken panes in windows on the south side; openings on the north side have been blocked up, for security reasons. Internally, the building is divided into stalls, each with a separate door. The building links to:-
- 1.6 **Building B** - at the east of the site. Structures on this side of the site have been much altered and include a flat roofed, brick-built section with a damaged ceiling below the roof and a section with a sloping felt roof, with a ceiling creating a gap below the roof. Another section has large windows and one has a separate entrance and a sloping, corrugated asbestos roof.
- 1.7 **Building C** is at the west of the site. This consists of various sections; the south end has an unlined, pitched, corrugated asbestos roof and a concrete floor. There is a false ceiling at the south end. Windows are blocked, making the interior dark. A small entrance section links to the northern end, which has an unlined slate roof, with some missing slates. Polythene sheets have been used to cover some holes in the roof. At the east side of the entrance area there is a small built-in room.
- 1.8 **Shed**
To the north east of Building C is a small shed, formerly used as toilet and washing area.
- 1.9 **Previous Surveys**
An initial bat survey of the site was carried out by Batbox Bat Surveys Ltd in May 2015. During that survey, a single Daubenton's bat (*Myotis daubentonii*) was recorded and it was thought that this bat had emerged from one of the buildings. A single pipistrelle (*Pipistrellus pipistrellus*) was recorded flying in the yard and small numbers of butterfly wings, dropped

by feeding bats, were found inside the buildings. It was therefore considered likely that one or two bats were roosting in the buildings at that time and that a Natural England Bat Mitigation Licence would be required, in order for the proposed redevelopment to proceed. Accordingly, a proposed bat mitigation and compensation strategy was agreed and submitted to the local planning authority. This included advice on best working practice, timing of works, temporary and permanent replacement roosts and monitoring of the site during and after redevelopment.

- 1.6 British bats will now have returned to their summer roosts and maternity colonies will be gathering, in preparation for the birth of young in June or July. All bats will emerge to feed on their insect prey, during mild and dry nights.

2. Daytime Survey - Methodology

- 2.1 Where accessible, the surveyors searched the exterior of the buildings for evidence of bat use, such as bat droppings on walls and on the ground below possible roost entrances. Potential bat roosting places and access points were noted. Binoculars were used to check higher levels. The surrounding habitat was assessed for the likelihood of bat use and positions were chosen for the dusk emergence check/bat detector survey.
- 2.2 The surveyors used torches to search the interiors of the buildings, checking for bats and evidence of bat use, such as corpses, bat droppings, staining from the oil on bats' fur around well used access points and roosting places and urine stains on any stored items. Potential bat roosting places were also noted and an endoscope was used to check for bats or evidence of bat use under old fascia boards, etc.
- 2.3 Photographs were taken of all potentially relevant features and detailed notes were taken.
- 2.4 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.

3. Daytime Survey – Results

- 3.1 Building A (at south of site)
No bats were seen in Building A, but a small number of butterfly wings, dropped by a feeding bat or bats, probably a brown long-eared bat (*Plecotus auritus*), was found on the floor of these old stables. However, these appeared to be the same insect remains as had been spotted during the 2015 survey. No bat droppings or other evidence of bat use was seen. Bat roosting potential was noted behind boarded up windows, between roofing materials and in cracks in the walls.
- 3.2 Building B (at east of site – linked to Building A)
No bats were seen in Building B, but two or three moth wings, dropped by a feeding bat - probably visiting the building at some time during 2015 - were seen on the floor of this section. No bat droppings or other evidence of bat use was seen.
- 3.3 Building C
No bats were seen in Building C. A small number of very old bat droppings were seen on the floor at the south end of this building. Apart from one or two old butterfly wings, no other

evidence of bat use was seen. Potential bat roosting places were noted in cracks in the walls and behind old fascia boards.

3.4 Owls and other Birds

No fresh evidence of use by owls was noted. However, a little owl was seen flying over the site during the dusk survey. Two disused barn swallow nests were seen in building C – swallows would have been unable to gain easy access to this building since the windows were blocked. An active wren's nest was seen in ivy on an old 'portaloo' to the south of the buildings.

4. Evening 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: Within the yard (DPK)

Surveyor 2: To the south west of the site (SLW)

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, dry, humid 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 20:36.

5. Evening Emergence Check and Bat Detector Survey – Results

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

Bats seen and heard with the yard were as follows:

Time	Species	Activity
20:57	45kHz pipistrelle (<i>Pipistrellus pipistrellus</i>)	Arrived from house to east
20:57 – 21:25	As above	3 further passes from a pipistrelle foraging in the yard

6. Overnight Bat Recording Session – Methodology

- 6.1 A Batbox Griffin remote recorder was left in Building A (where it joins Building B, and where evidence of bat use had been seen) overnight on 6th – 7th May. Weather conditions were ideal for bat activity during the overnight period.

7. Overnight Bat Recording Session – Results

- 7.1 No bats were recorded in Building A during the overnight recording session. This was the building considered most likely to be used as a bat roost following the 2015 bat survey.

8. Conclusions and Recommendations

- 8.1 During the latest daytime survey several butterfly and moth wings, likely to have been dropped by feeding bats, were seen in Buildings C and A, at the west and south of the site. However, almost all of these appeared to be the same remains as noted in 2015, with only one or two fresher moth wings. No bats or other evidence of bat use was seen in the buildings.
- 8.2 During the dusk survey, a single 45kHz pipistrelle (*Pipistrellus pipistrellus*) was recorded flying in the yard, but on this occasion it was seen to enter the site from the garden of the large old house immediately adjacent to the yard. No bat activity was recorded during the overnight remote bat recording session in Building A – in the area where a low level of bat activity had been recorded the previous survey.
- 8.3 It is therefore concluded that bat activity in the buildings is now virtually non-existent, with only occasional visits by individual bats whilst they forage in the yard and that consequently, the buildings can no longer be considered to be bat roosts. Therefore, a Natural England Bat Mitigation will NOT be required in order for the proposed redevelopment works to proceed. However, as bats are active in the area, it is recommended that a number of the mitigation and compensation measures, agreed at the planning stage, are put into practice. These include:
- Best working practice when undertaking building works - Contractors undertaking the redevelopment of the buildings should take appropriate care, in case bats are present. Roofing materials should be removed carefully, by hand, and checked for bats or evidence of roosting bats, such as droppings. Bats might also be found in crevices in walls or behind stored items. Should a bat or bats be found, work on that area must stop whilst prompt advice is sought from Batbox Bat Surveys Ltd, the Sussex Bat Group, The Bat Conservation Trust or Natural England. Bats should only be handled by an experienced bat handler, but in an emergency situation, a bat could be carefully placed in a suitable container (such as a cardboard box, with lid) until help can be obtained.
NOTE: Gloves or a soft cloth must be used if a bat has to be moved out of harm's way. In the event of any biting or scratching incidents, the wound should be washed thoroughly with hot water and soap, or an antiseptic solution such as Savlon, and medical advice must be sought.
NOTE: If significant evidence of bats is found, a Natural England Bat Mitigation Licence may be required before works can proceed.

- The provision of temporary roosting opportunities for the duration of the redevelopment – Two good quality bat boxes should be fitted to trees on the site, to serve as temporary roosts for any bats which might inadvertently be disturbed during the building works.
- Permanent new roosting features for bats - These should be provided in the redeveloped buildings, both in case bat roosts are inadvertently lost and as an aid to local biodiversity. This can be achieved by fitting 4 x 1FF bat 'tubes', at a high level, on the exterior facing walls of the buildings. These should not be fitted directly adjacent to doors or windows. Alternatively, roosts could be created at ridge level by fitting clay ventilated ridge tiles, with any mouldings and fly-screens removed, into the ridges of the buildings and by ensuring that there is access through adjacent ridge tiles, over approximately one metre on each side of the access tile. This would create a roosting 'tube'. One of these should be constructed on the roofs of buildings on each of the three sides of the yard. It is also recommended that a feeding 'perch' for bats is provided by including an open fronted building with pitched or sloping roof (such as a car-port or store) on the redeveloped site. A partial ceiling should be fitted into this building, to provide roosting opportunities for void dwelling bats, above. A plan for this building can be drawn up, on request. This might also provide new opportunities for nesting barn swallows on the site.
- Lighting - consideration should also be given to lighting around the site – Light spill can be avoided on the redeveloped site by the use of timers, low-level lights, tree and shrub planting. It will be ensured that lights do not directly illuminate temporary or permanent bat roosts.
- Wildlife friendly planting – The existing planted boundaries will be retained. New plantings around the site should enhance the connectivity for commuting bats and should be of native shrubs or trees.
- Post Development Monitoring – The new bat provisions should be checked, by a licensed bat worker, on completion of works.

8.4 Owls and other Birds

During the latest survey, no fresh evidence of use by owls was noted. However, a little owl was seen flying over the site during the dusk survey. Two disused barn swallow nests were seen in building C – swallows would have been unable to gain easy access to this building since the windows were blocked. An active wren's nest was seen in ivy on an old 'portaloo' to the south of the buildings. The following recommendations are made:

- A barn owl nest box and a little owl nest box should be provided on the site (but not in the open fronted building designated for use by bats and barn swallows).
- Nesting 'cups' for barn swallows should be fitted inside the roof of the new open-fronted building (see above) to encourage nesting barn swallows.

* 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

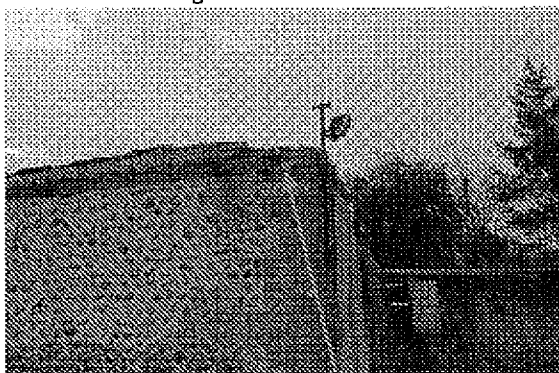
Kents Yard – May 2016



Buildings from north of site



View of Buildings from south west



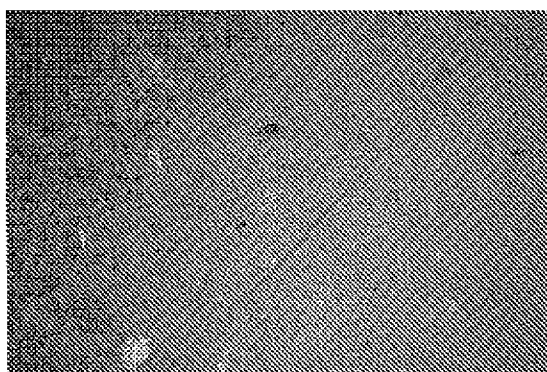
Damaged roof at south west corner



Building C from yard



Looking north from yard



moth wings dropped by feeding bat



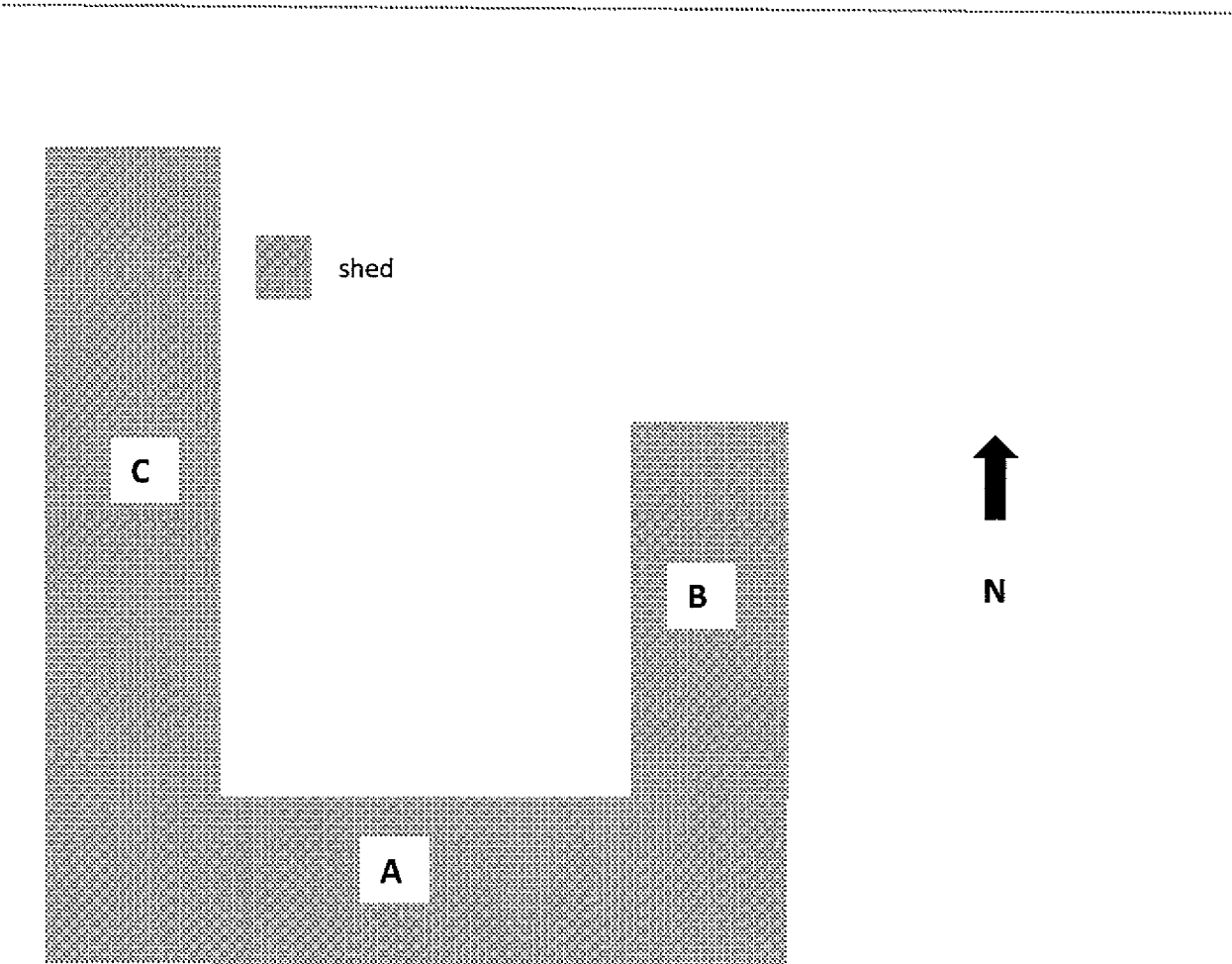
Missing window panes in stables, Building A



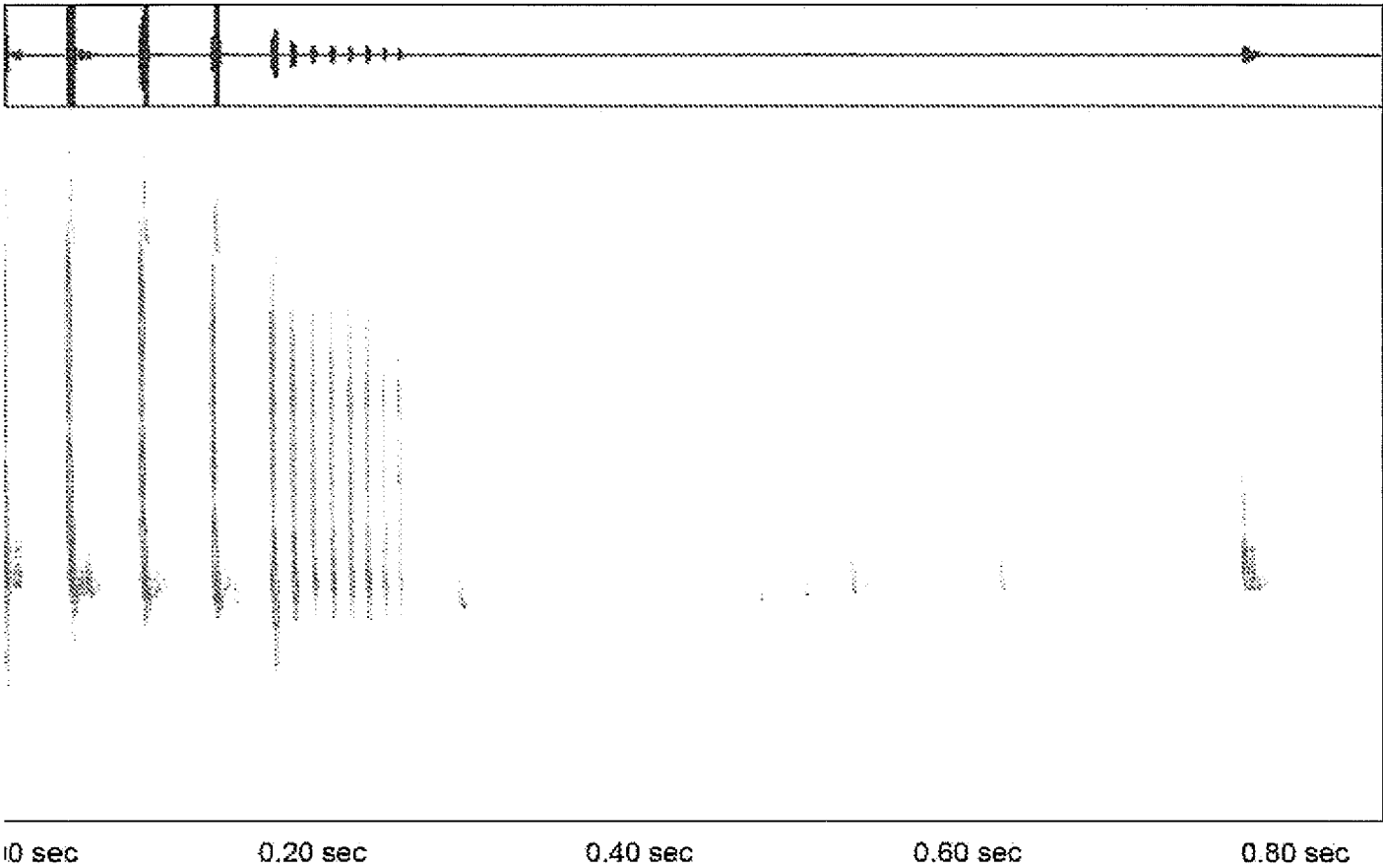
Interior of Building A

Kents Yard – Plan

Crookthorne Lane



imping – May 2016 – Bat Sonagram



45kHz pipistrelle (*Pipistrellus pipistrellus*) feeding in yard

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.