

Batscan Ltd

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BAT SURVEY REPORT

Site: Pantiles
West Walberton Lane
West Walberton
Arundel
West Sussex BN18 0QS

Client: Mr T Ayling
Pantiles
West Walberton Lane
West Walberton
Arundel
West Sussex BN18 0QS

Surveyors: D P King MEECW (NE Level 2 Bat Class Lic. No. 20116001-CLS-CLS)
NE Registered Bat Consultant RC 182
S L Wright (NE Level 2 Bat Class Lic. No. 2016-24340-CLS-CLS)

Survey Dates: 14th July, 20th July, 10th & 18th – 22nd September 2025

Report Date: 2nd October 2025

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**Bat Survey – Pantiles, West Walberton Lane, Walberton, Arundel, W Sussex BN18 0QS
OS Grid ref: SU 95810 06755**

Executive Summary

Surveyors from Batscan Ltd undertook a Phase 1 bat survey (daytime building inspection or bat scoping survey), of the detached bungalow, known as Pantiles, in West Walberton Lane, Walberton, Arundel, West Sussex, on 14th July 2025. This was followed by two Phase 2 bat surveys (dusk emergence check or presence/absence surveys), carried out on 20th July and 10th September 2025. A further loft inspection was undertaken on 18th September 2025 and a remote bat recorder was placed in the roof space until 22nd September 2025, to record any bat activity.

Walberton is a small village to the west of Arundel, just outside the South Downs National Park. The site is largely surrounded by open countryside, offering ideal habitat for bats.

The relatively large bungalow dates from the mid-20th century, with later additions. The property owners are proposing a major refurbishment, which will include the removal of the existing roof, and construction of a first floor, to provide improved family accommodation.

Because bats and their roosts are protected by law, appropriate surveys are required, where there is a risk that they may be harmed or disturbed by proposed building works. These surveys were undertaken during the bat breeding season and following the dispersal of maternity roosts, to allow a good picture of bat use of the building.

The Phase 1 survey included an inspection of the exterior of the building, a search of the roof void and an assessment of the surrounding habitat, for likely bat use. No bats were seen but a very small number of relatively fresh, small bat droppings, indicating use by a single pipistrelle bat (*Pipistrellus* sp.) were found in the roof void, adjacent to a gable wall. A small accumulation of older bat droppings, was also found, suggesting that the same roost may be used, at some times, during the year, by a long-eared bat (*Plecotus* sp.) DNA testing of the droppings confirmed the species ID as brown long-eared bat (*Plecotus auritus*).

During the July Phase 2 survey, four common pipistrelles (*Pipistrellus pipistrellus*) emerged from beneath roof tiles, on the south side of the bungalow. During the repeat Phase 2 survey, a single brown long-eared bat emerged from the roof. Bats of several species were active around the site throughout each survey. No bats were present in the roof void during the repeat building inspection but small accumulations of fresh droppings, from long-eared bats, were seen and during the remote recording period, numerous calls from one or two long-eared bats were recorded, within the roof space.

The results of this survey confirm that the bungalow is used as a day roost by very small numbers of common pipistrelles and brown long-eared bats. A Bat Mitigation Licence will be required to allow the proposed works to commence and a 'low impact' Bat Mitigation Class Licence (BMCL) will be suitable for this site. Appropriate mitigation and compensation measures have been agreed and an Outline Mitigation Plan is included with this report.

1. Introduction and Background

- 1.1 Two surveyors from Batscan Ltd undertook a Phase 1 bat survey (daytime building inspection or Preliminary Roost Assessment (PRA)), of the detached bungalow, known as Pantiles, in West Walberton Lane, Walberton, near Arundel in West Sussex, on 14th July 2025. Both surveyors hold current Natural England Level 2 Bat Class Licences and one is also an NE Registered Bat Consultant. For details of licences and affiliations, please see this report cover. This was followed by two Phase 2 bat surveys (dusk emergence check or presence/absence surveys), carried out on the evenings of 20th July 2025 and 10th September 2025. A repeat inspection of the roof void was carried out on 18th of September 2025 and an automatic remote bat recorder (ARD) was positioned within the roof void until 22nd September 2025, to check for any further evidence of bat activity in the roof void.
- 1.2 Walberton is a small village to the west of Arundel. West Walberton Lane is largely surrounded by open countryside, with excellent connectivity to large areas of mature woodland, including the National Trust's Slindon Estate, which offers ideal habitat for bats and most UK species have been recorded in this area. The site is just outside the South Downs National Park.
- 1.3 The relatively large bungalow, which dates from the mid-20th century, with later additions, is constructed of brick with pitched, tiled roofs and sections of flat, felted roof. The homeowners are proposing a major refurbishment, which will include the removal of the existing roof to allow the construction of a new, first floor, offering improved family accommodation.
- 1.4 Because bats and their roosts are protected by British and European law, appropriate surveys are required, where there is a risk that they may be harmed or disturbed by proposed works. A brief account of the laws protecting bats and of relevant planning considerations, is attached to this report.
- 1.5 In July, most female bats remain in their summer maternity roosts whilst young bats are taking their first flights. Males are roosting singly or in small groups. All bats, apart from any dependent young, will emerge to feed, during nights when weather conditions are suitable. By September, maternity colonies have dispersed and mating activity is taking place. Bats will remain actively feeding until night-time temperatures drop, usually around late October, when they will begin to move to their winter hibernation sites.



Fig. 1 – Pantiles, as existing – rear (S) side



Fig. 2 – Pantiles, as proposed – rear (S) side

2. Phase 1 Bat Survey/Bat Scoping Survey (Daytime Building Inspection) – 14th July 2025 – Methodology

- 2.1 Prior to the building inspection, Batscan consultants checked aerial maps of the area, to establish the proximity of the site to suitable bat habitat. A search of DEFRA's MAGIC (Multi Agency Geographic Information for the Countryside) website was undertaken, to establish whether any European Protected Species Licences, with regard to bats, had been granted in the surrounding area. (See below).

- 2.2 The surveyors checked the exterior of the bungalow for any obvious evidence of bat use, such as bat droppings on walls, windows and sills, or on the ground below possible roost entrances. Any potential bat roosting places and access points on the exterior of the building, were noted. Binoculars were used to check higher levels of the bungalow.
- 2.3 A search was made of the roof void for bats, evidence of bat use – such as bat corpses, droppings, urine stains, or ‘rub’ marks around any well-used roosting places.
- 2.4 The proposed works were discussed with the property owner and the surrounding habitat was assessed for the likelihood of bat activity.
- 2.5 Photographs were taken of all potentially relevant features and detailed notes were taken.

3. Phase 1 Bat Survey/Bat Scoping Survey (Daytime Building Inspection) – 14th July 2025 - Results

3.1 Desk Study

- 3.1.1 The search of aerial maps confirmed that the surrounding habitat is ideal for bat use and is relatively close to known roosts and foraging areas.
- 3.1.2 The search of the MAGIC website revealed that five EPS Licences, with respect to bats, have been granted within approximately 2km of the site. Four included non-breeding roosts for common pipistrelle (*Pipistrellus pipistrellus*), with non-breeding roosts for brown long-eared bat (*Plecotus auritus*), soprano pipistrelle (*Pipistrellus pygmaeus*), whiskered bat (*Myotis mystacinus*), Brandt’s bat (*Myotis brandtii*) and barbastelle (*Barbastella barbastellus*) also present at one or more of these sites. A fifth licence related to a maternity roost for brown long-eared bat. The licences dated from between 2011 and 2020. See MAGIC Maps, below. Please note that this data does not include ‘low impact’ or Bat Mitigation Class Licences.

3.2 Building Inspection

3.2.1 Exterior

No evidence of bat use was seen around the exterior of the bungalow. The interlocking, ‘Roman’ style, concrete roof tiles are generally tight-fitting, particularly on the north side, offering little obvious access or roosting potential for bats. However, a number of crevices, suitable for bat use, were noted, where tiles have slipped, mortar has been lost or the tiles are slightly lifted. More modern soffits are tight-fitting but there are small gaps in older, board soffits on the original section of the bungalow. One or two sections of the building were difficult to view, from ground level, owing to the flat and pitched roofed extensions, on the south side.



Fig. 3 – Pantiles, viewed from the roadside to the north



Fig. 4 – Tight fitting tiles at front (N) of property; gap where mortar has been lost





Fig. 5 – Front of property, gap where tile has slipped beneath flat-roofed section, circled
Possible position of likely access point into area of roof void, where small numbers of bat droppings seen, arrowed (W) gable.



Figs. 6 & 7 – Rear (S) views of bungalow



Fig. 8 – Rear and E sides of bungalow, viewed from SE

3.2.2 Interior

No bats were seen in the large roof void, during the Phase 1 survey but a very small number of relatively fresh small bat droppings, suggesting use by a single pipistrelle bat (*Pipistrellus* sp.) were found in the roof void, adjacent to a gable wall. These droppings were found on top of a small accumulation of older droppings, which indicated that the same roosting position has been used by a long-eared bat (*Plecotus* sp.), at some time. A sample of droppings was submitted for DNA testing, to confirm the species identity, which was confirmed as brown long-eared bat (*Plecotus auritus*). The roof is lined, internally, with bitumen felt and the floor of the void is insulated with fibre-glass material, in areas which were not boarded.



Fig. 9 – General view of roof void



Fig. 10 – Bat droppings on floor and wall of void, E end fresh droppings on top of old, powdered droppings.



Fig. 11 – Small bat dropping, possibly from pipistrelle (*Pipistrellus* sp.) on internal gable wall, E end

3.3 Surrounding Habitat

The bungalow is situated on a narrow lane, lined with mature oaks and other trees. There is excellent connectivity to extensive areas of woodland, water bodies and to open green space, offering excellent bat habitat.

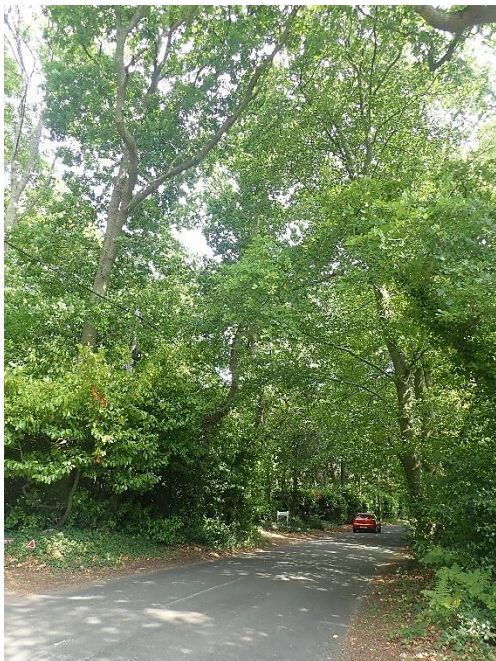


Fig. 12 – View from front driveway along lane, to east



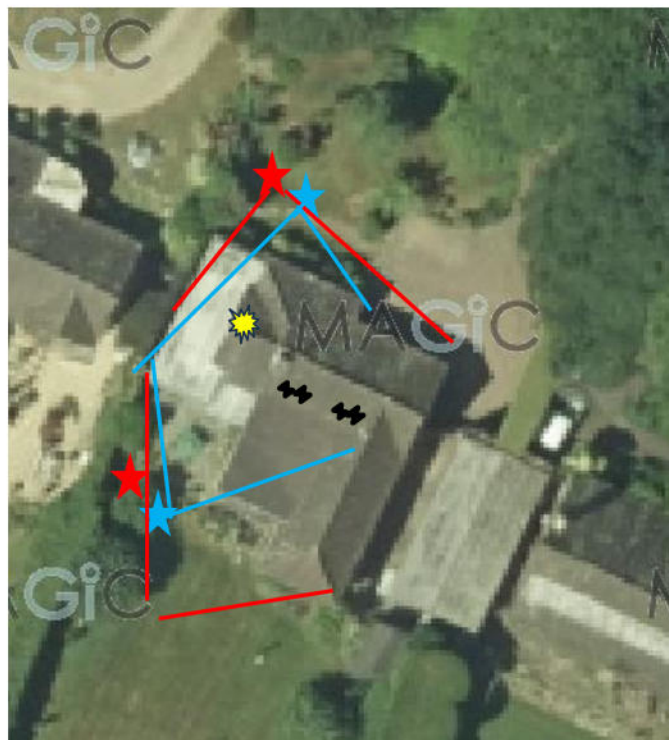
Fig. 13 - View from house across rear garden, to S

4. Phase 2 Bat Survey (Dusk Emergence Check/Bat Activity Survey 1) – 20th July 2025 - Methodology

- 4.1 Prior to the survey, Batscan consultants reviewed the findings of the Phase 1 bat survey.
- 4.2 The surveyors checked the exterior of the bungalow, for any fresh evidence of bat use, such as bat droppings on walls, windows and sills, or on the ground below possible roost entrances. Positions were chosen for the dusk emergence check.
- 4.3 At dusk, when bats emerge from their roost sites to feed, the two surveyors were positioned so as to get the best possible view of any bats emerging from the building and for bats foraging/commuting around the site. The surveyors were positioned as follows:

Surveyor 1: To the NW of the bungalow – David King (with infra-red camera)

Surveyor 2: To the SW of the bungalow – Sheila Wright (with infra-red camera)



N ↑

Fig. 14 - Surveyors' positions, Svy 1 ★ IR camera positions ★
 Approx. positions emerging common pipistrelles ↔

Bat droppings (interior of void) ★

Surveyors' lines of sight — Cameras' lines of sight — (MAGIC Maps)

4.4 Equipment

The surveyors used Batbox Griffin time-expansion recorders and Batbox Baton XD detectors to record bat echolocation calls and to identify any bats heard to species level, where possible. Recordings were made, for later computer analysis with BatScan and Sonobat software. Additionally, two Canon XA20 infra-red night vision cameras, with additional infra-red illuminators, were used to monitor any bats emerging from the bungalow. Prior to bats' emergence time, the surveyors used bat detectors to listen for pre-emergence 'chatter', sometimes heard from bat colonies before leaving their roost. The surveyors carried high powered torches and communicated via 2-way radio comms.

4.5 Weather Conditions

The survey was undertaken on a warm, calm and dry evening with 40% cloud cover. The temperature was 18°C at sunset and 17°C at the end of the survey period. Conditions were considered to be ideal for bat activity.

4.6 Timing

The dusk emergence check/bat detector survey started at 20:35. Sunset was at 21:04. The survey continued for 1½ hours.

4.7 Recommendations from the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists: Good Practice Guidelines' (4th edn)*¹ were followed for the course of these surveys.



Fig. 15 – IR camera view from N (survey 1) – NW of house



Fig. 16 – IR camera view from S (survey 1) – NW of house

5. Phase 2 Survey (Dusk Emergence Check/Bat Activity Survey 1) – 20th July 2025 - Results

5.1 During the first dusk emergence check, four common pipistrelles emerged from beneath roof tiles on the south side of the bungalow. Bats seen and heard were as follows:

| Time | Species | Activity |
|---------------|--|--|
| 20:18 | Common pipistrelle <i>(Pipistrellus pipistrellus)</i> | Emerged from beneath roof tile, S side of roof |
| 21:20 | Common pipistrelle | As above |
| 21:24 | Common pipistrelle | As above |
| 21:25 | Common pipistrelle | As above |
| 21:36 – 22:04 | Serotine (<i>Eptesicus serotinus</i>) | Fairly regular passes as bat foraged around tree canopy to front (N) side of house |
| 20:40 – 21:59 | Common pipistrelle | Fairly regular passes as small numbers of bats commuted through or foraged in the front and rear gardens |
| 21:47 | Noctule (<i>Nyctalus noctula</i>) | Pass high overhead |
| 21:54 | Long-eared bat (<i>Plecotus</i> sp.) | Bat passed low, N-S through SW side of rear garden |
| 21:59 | Barbastelle (<i>Barbastella barbastellus</i>) | Passing through front garden |

6. Phase 2 Bat Survey (Dusk Emergence Check/Bat Activity Survey 2) – 10th September 2025 Methodology

6.1 Prior to the survey Batscan consultants reviewed the findings of the previous bat surveys.

6.2 Methodology was as for Phase 2 Survey 1. The surveyors were positioned as follows:

Surveyor 1: To the S of the bungalow – David King (infra-red cameras to SW & SE of bungalow)

Surveyor 2: To the NW of the bungalow – Sheila Wright

6.3 Equipment was as for Survey 1.

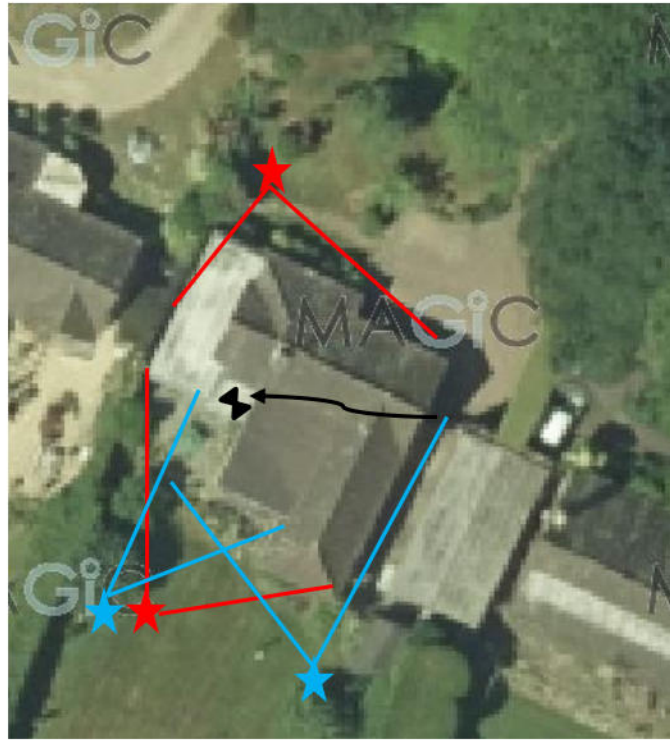
6.4 Weather Conditions

The survey was undertaken on a mild and calm evening with occasional light showers. The temperature was 17°C throughout the survey period. Conditions were considered to be suitable for bat activity.

6.5 Timing

The dusk emergence check/bat detector survey started at 19:02. Sunset was at 19:27. The survey continued for 1½ hours.





N ↑

Fig. 17 - Surveyors' positions, Survey 2 ★ IR camera positions ★
Surveyors' lines of sight — Cameras' lines of sight — (MAGIC Maps)
Long-eared bat flight from emergence ↗



Fig. 18 – IR Camera view (Survey 2, SW side) Flying long-eared bat, circled

7. Phase 2 Survey (Dusk Emergence Check/Bat Activity Survey 2) – 10th September 2025 - Results

7.1 During the repeat dusk emergence check, no common pipistrelles emerged from the bungalow. A single brown long-eared bat emerged from the building during this survey. Bats seen and heard were as follows:

| Time | Species | Activity |
|---------------|--|--|
| 19:40 | Common pipistrelle <i>(Pipistrellus pipistrellus)</i> | Pass through rear garden |
| 19:55 | Soprano pipistrelle <i>(Pipistrellus pygmaeus)</i> | Pass through rear garden |
| 20:01 – 20:45 | Common pipistrelle | Fairly regular passes from small numbers of bats through rear garden |
| 20:23 | Brown long-eared bat <i>(Plecotus auritus.)</i> | Emerged from E gable and flew to SW |
| 20:17 | Soprano pipistrelle | Pass through front garden (N side) |
| 20:22 | Brown long-eared bat | Close passes at NW of bungalow |

8. Repeat Building Inspection & Remote Recording Period – 18th September – 22nd September 2025 – Methodology

8.1 The surveyor checked the roof void for bats and fresh evidence of bat use. A Batbox Griffin was positioned within the roof void, to automatically record any bat activity over an extended period. The surveyor made a further search of the roof void on 22nd September 2025, when the recorder was collected. Recordings were then analysed using Batscan and Sonobat software.

9. Repeat Building Inspection & Remote Recording Period – 18th September – 22nd September 2025 – Results

9.1 No bats were seen inside the roof void during either of the September 2025 building searches. However, small accumulations of fresh droppings from one or two brown long-eared bats were noted, within the void, on the gable walls and on the floor, indicating recent use by one or two individuals.

9.2 Bat calls recorded on ARD were as follows:

| Date | Time | Species | Activity |
|----------------------------|------------------|---|-----------------------------|
| 19/09/2025 – 22/09/2025 | 04:27 – 04:28 | Brown long-eared bat <i>(Plecotus auritus)</i> | 258 x passes & social calls |



9.3 Bats recorded during this suite of surveys. **Roosting bats in bold type.**

- **Common pipistrelle (*Pipistrellus pipistrellus*) is common and widespread in the UK.**
- Soprano pipistrelle (*Pipistrellus pygmaeus*) is also common and widespread in the UK.
- **Brown long-eared bat (*Plecotus* sp.) - The brown long-eared bat (*Plecotus auritus*) is considered to be common and widespread throughout the UK.**
- Noctule (*Nyctalus noctula*) This large, high-flying bat, roosts almost exclusively in tree holes. Noctules appear to be declining in number in the south-east of England, in recent years.
- Serotine (*Eptesicus serotinus*) is a large bat, which roosts almost exclusively in buildings.
- Barbastelle (*Barbastella barbastellus*) - This rare, woodland bat has special legal protection under Annex II of the Habitats Regulations.

10. Constraints

- 10.1 There were no significant constraints to this suite of surveys, which were carried out at times of the year when bats were very active.

11. Conclusions and Recommendations

- 11.1 **The results of this survey confirm that the bungalow is used as a day roost by 4 x common pipistrelles (*Pipistrellus pipistrellus*), which roosted beneath roof tiles on the south side and one, or possibly two, brown long-eared bats (*Plecotus auritus*), roosting within the roof void.**
- 11.2 **A Bat Mitigation Licence will be required to allow the proposed works to commence and a 'low impact' Bat Mitigation Class Licence (BMCL) will be suitable for this site. A licence cannot be obtained until all consents are in place.**
- 11.3 **To obtain a licence, appropriate mitigation and compensation proposals must be in place. See agreed Outline Mitigation Plan, below:**

Outline Mitigation/Compensation/Enhancement Proposals – Pantiles

- **Licence Application**
Once all planning consents are in place, a Natural England Bat Mitigation Class Licence can be applied for. At least three weeks must be allowed, following application, to allow NE to process the registration. A walk-over survey of the site must have been conducted no less than three months, prior to works.
No works can commence until a licence is in place. The licence period is restricted to six months, by which time, all works relating to the licence must have been completed.
- **Timing of Works**
Ideally, works should take place in autumn or spring, when bats are not hibernating or breeding. The removal of roofing materials must not *commence* in the bat breeding season (generally considered to be May to August) and must avoid the colder winter months. This is a precautionary measure, as no evidence, has been found, to date, to suggest that the bungalow is used as a hibernation site or breeding roost.
- **Toolbox Talk & Supervision**
The removal of roof tiles in the roosting areas on the south side must be supervised by the Registered Bat Consultant, as considered necessary. The RBC will provide a toolbox talk, with regard to bats, to contractors, prior to these works.
- **Temporary Bat Roost**
As a temporary roosting option, for the period of construction, two good quality bat boxes should be erected on a mature tree, in the grounds of the property, prior to works. A suitable model would be the Eco Kent box, which is widely available from online sites such as Wildlife and Countryside Services or NHBS Ltd. The boxes should be fitted at a height of at least 3m, where there is a clear flight path, for bats, in and out of the box.
- **Crevice-Dwelling Bats – Permanent Replacement Roosts**
Permanent roosting opportunities for crevice dwelling bats, such as pipistrelles will be incorporated into the re-modelled building. Four purpose-made bat roosting units*² will be fitted into new gable walls, at a high level, but ideally, not immediately above or adjacent to doors or windows. Recommended positions are indicated in the drawings below, with two units fitted behind timber cladding on the front and two on the rear of the building.
Please note: 1F roofing felt, or a certified ‘bat-safe’ membrane, rather than a standard breathable membrane, must be used beneath tiles in all areas where bats might roost. This is because bats can become fatally trapped in woven membranes (BRMs).
- **Void-dwelling Bats – Permanent Replacement Roost**
A suitable section of the new house roof void, (measuring *approximately* 6m x 2m x 2.4m high), prior to BMCL application) will be allocated for bat use. Slots measuring a minimum of 50mm (w) x 20mm (h) will be cut through the felt below, to allow bats access to the bat loft. **(See above re. roof membrane). Access for bats will be via 2 x**

bat access tiles (or lead ‘saddles’), fitted at a high level on the W side roof slope.

- **Lighting**
Consideration should be given to any new exterior lighting and light-spill, as many bats are light-averse, so bat roosts and access points should not be illuminated. See <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>
- **Connectivity**
There should be no impact on connectivity, as hedgerows and tree-lines around the site will be retained.
- **Bat provisions will be checked on completion, so that a licence return can be submitted to Natural England.**

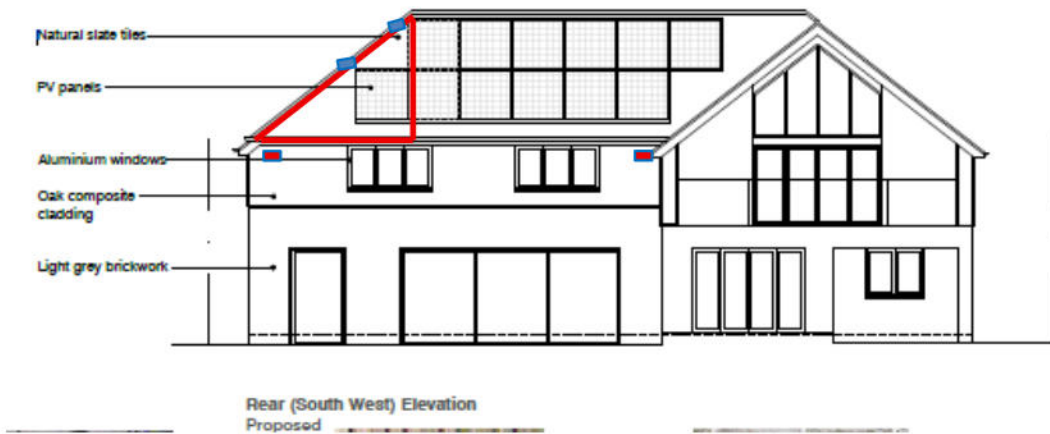


Fig. 19 – As proposed, bat roosting and access provisions



Fig. 20 – as proposed, front of house, bat roosting and access provisions

Purpose-made bat roosting units behind cladding, with only access slot visible. 2 @ front of house, 2 @ rear ■

Allocated bat loft ▴

Bat access slates x 2 ■



*1 Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edn). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

*2 [Bat Box - EcoHabitats](#)

*3 [Leadworx - Bat Access Tile For Large Profile Tiles](#) (other models are available)

Bat Sonograms

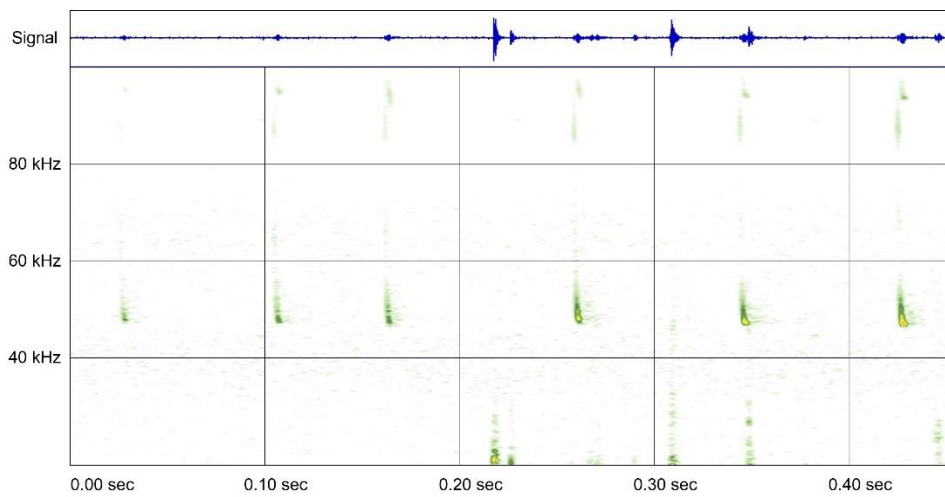


Fig. 18 – Emerging common pipistrelle (*Pipistrellus pipistrellus*)

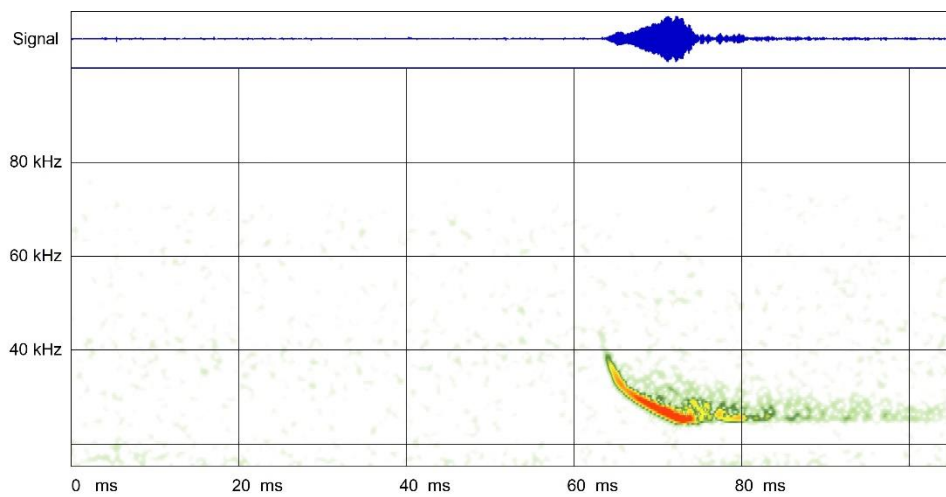
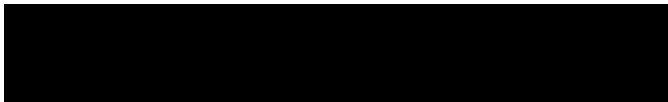


Fig. 19 – Serotine (*Eptesicus serotinus*)



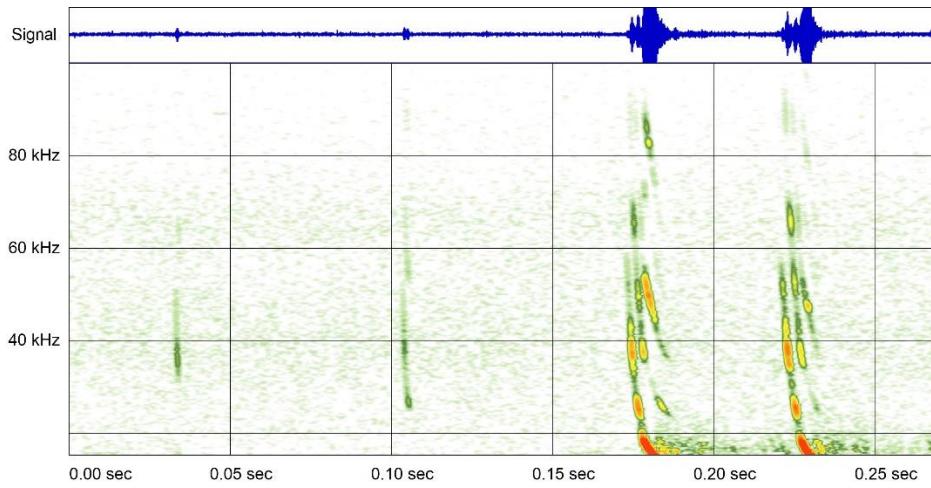


Fig. 20 – Brown long-eared bat (*Plecotus auritus*)

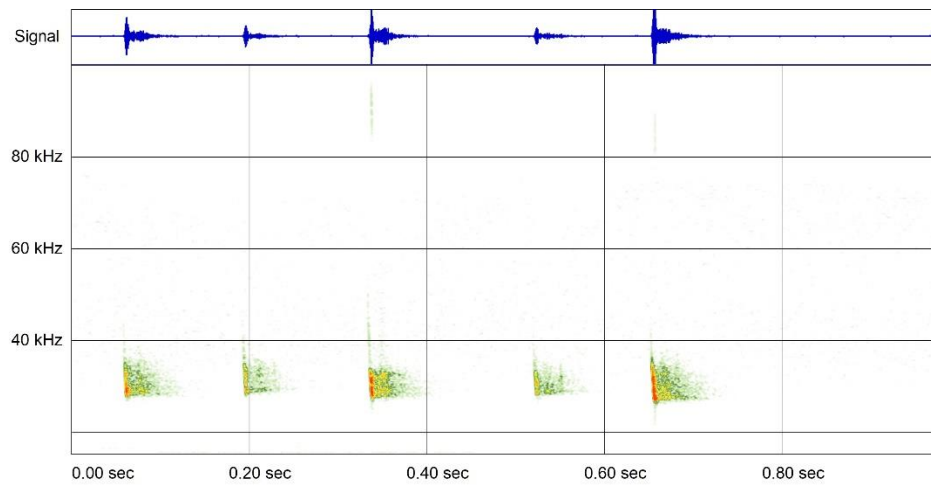


Fig. 21 – Barbastelle (*Barbastella barbastellus*)

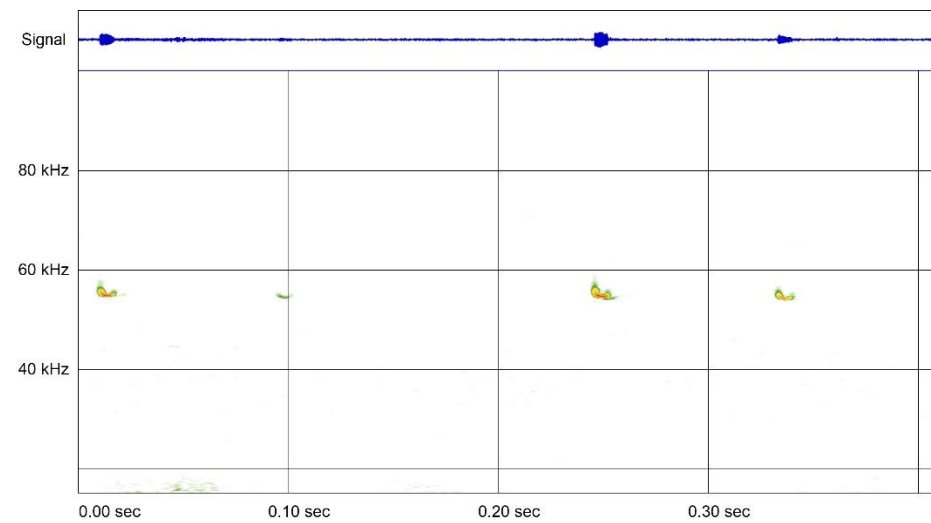


Fig. 22 – Soprano pipistrelle (*Pipistrellus*)



MAGIC MAPS



Fig. 23 – aerial view of property, circled

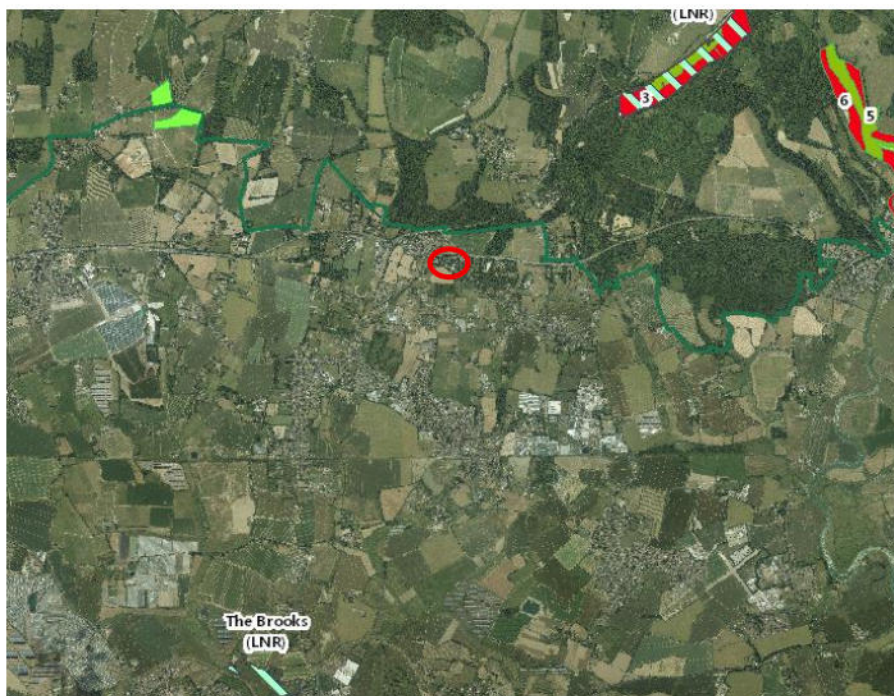


Fig. 24 - The site, circled, showing nearby designated areas



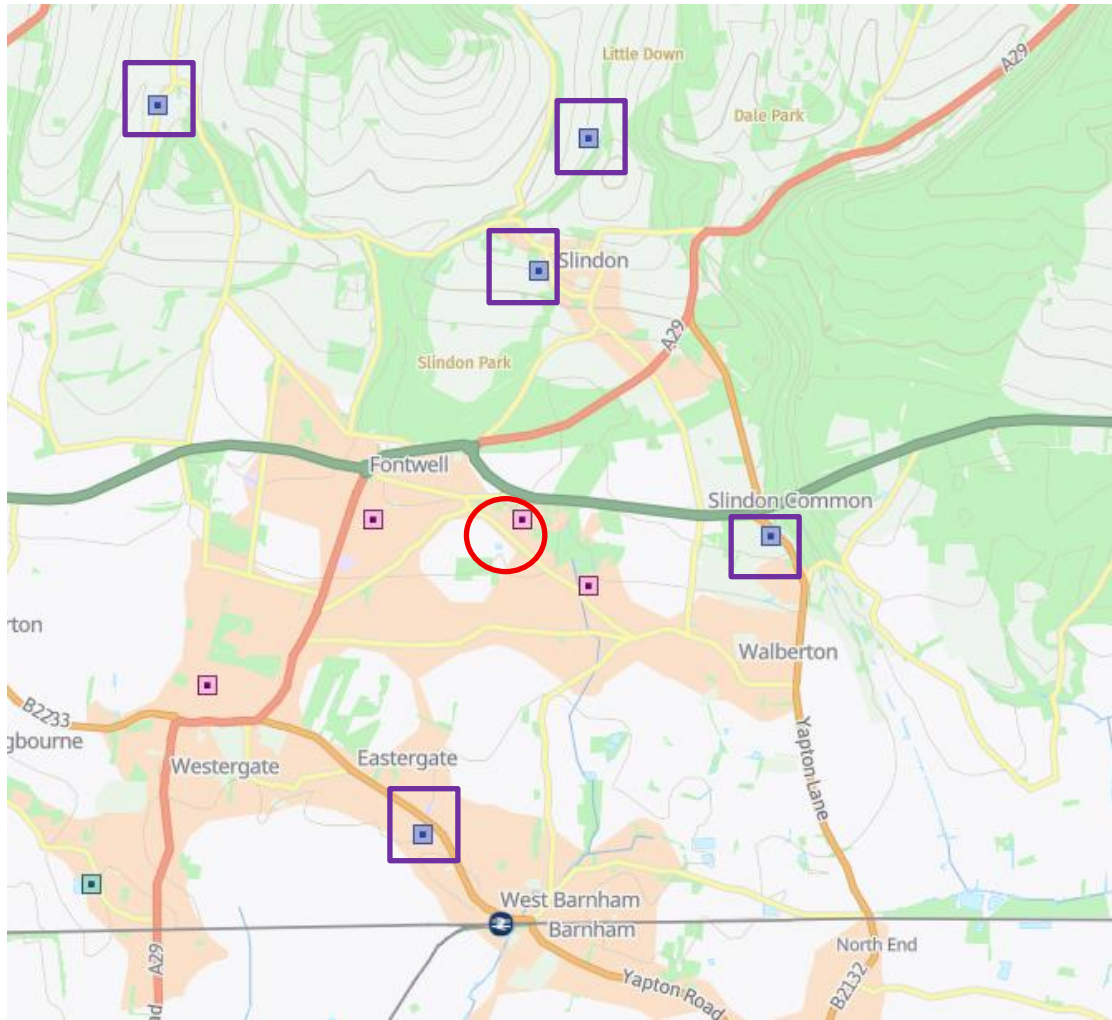


Fig. 25 - The site, circled, showing sites where NE EPS Licences (Bats) (Purple squares) have been granted, within local area



Overview of the law relating to bats – England and Wales (should not be relied on in place of professional legal advice.) - Updated January 2024 with advice from the 4th edition of the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists – Good Practice Guidelines'.*¹

Legal Protection

All bat species and their roosts in England and Wales are protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Annex II of the Council Directive 92/43/EEC 1992, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), lists species of Community interest, for which conservation requires the designation of Special Areas of Conservation (SACs), as part of the Natura 2000 network. (now referred to, in the UK, as 'the National Site Network', following Brexit). Annex IV lists species of Community interest in need of strict protection. This protection means that they are also a relevant consideration in a Habitats Regulations Assessment (HRA). All bat species are listed in Annex IV and some are listed in Annex II (greater horseshoe bat (*Rhinolophus ferrumequinem*), lesser horseshoe bat (*Rhinolophus hipposideros*), barbastelle (*Barbastella barbastellus*) and Bechstein's bat (*Myotis bechsteinii*)).

The EC Habitats Directive was transposed into UK law and the regulations implementing the Directive in the Conservation of Habitats Regs. 2017 (as amended) in England and Wales. The regulations are generally referred to as the Habitats Regulations. When the UK left the European Union in January 2020, although no longer bound by European legislation, the related domestic legislation was retained, so that bats receive the same level of protection as previously. The European Commission published an updated version of their Guidance document (EC 2021) and this remains a relevant source of information.

All species of bats found in the wild in the UK are, therefore, European Protected Species (EPS) and it is unlawful to kill, injure, capture or take a wild bat. It is also unlawful to disturb bats, particularly if the level of disturbance can be shown to impair their ability to survive, to breed or reproduce, to rear young, to hibernate or migrate and also to significantly affect local distribution or abundance. In England and Wales, this offence requires a deliberate action. Throughout the UK, it is illegal to damage or destroy a place used by a bat for breeding or resting. This offence is unique in that it is a strict liability offence which can be committed accidentally; no element of intentional, reckless or deliberate action needs to be evidenced. Under the Habitats Regulations, it is an offence to be in possession of a wild bat, alive or dead, or any part of a bat; to sell, transport or exchange a bat.

It is also illegal in England and Wales, under the **Wildlife and Countryside Act 1981 (as amended)** to intentionally or recklessly disturb a bat, whilst it is occupying a place of shelter or protection. In England and Wales, it is an offence under the W&C Act to intentionally or recklessly obstruct access to any place used by a bat for shelter or protection. As with intentional or reckless disturbance, **The Environment Act, 2021** introduces a new exception to the W&C Act offences for any actions taken under the auspices of a Habitats Regulations Licence. A further change, made in 2022, allows licences to be issued (in England) for reasons of overriding public interest, providing there is no other satisfactory solution and that the activities licensed will not be detrimental to the survival of the species concerned. This provision relates to development works. Actions, which would otherwise be illegal, can be made lawful, if licensed by the appropriate licensing body (Natural England (NE) in England). It is an offence to make a false statement in order to obtain a bat licence or to fail to comply with licence conditions.

A householder who disturbs a bat in its place of protection in a dwelling house, or obstructs access to this place of protection, does not commit an offence if they first seek and advice from Natural England and allow time for such advice to be provided. However, if the bat is within the living space of a dwelling, it is not considered to be an offence to disturb it. It is not illegal to take a disabled bat, for the sole purpose of tending it and releasing it

when appropriate, providing the person can show that it was not harmed deliberately by them. It is also not illegal to kill a bat (unless harmed by their own unlawful act), if there is no reasonable chance of it recovering. These defences only apply where there is no reasonable alternative and when the act will not be detrimental to the Favourable Conservation Status of the species, in its natural range.

Across the UK, Sites of Special Scientific Interest (SSSIs) have been identified by the Statutory Nature Conservation Bodies, including some notified for their bat interest. The relevant legislation is the W&C Act. This provides additional protection for bats and their roosts, in these sites.

The police have the power to stop and search a person who is suspected of committing a bat related offence, enter property (other than a dwelling house) without a warrant, or enter a dwelling house with a warrant. They are empowered to take with them any person or equipment required to exercise these powers.

Those found guilty of offences relating to bats can face unlimited fines in England and Wales, and/or be sentenced to six months imprisonment. Any profit arising from this criminal activity can be confiscated.

The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 aim to prevent damage to the environment, including protected species, such as bats. The regulations require the operator to take all practicable steps to prevent environmental damage and give enforcing authorities the power to serve notice and specify action required to prevent environmental damage. Remediation orders can be imposed to repair any damage which has occurred. This can be used alongside a prosecution under the Habitats Regs., to gain better outcomes.

Licensing

The two main types of relevant licence are **EPS survey licences** and **EPS mitigation licences**:

Survey Licences are granted in England by Natural England and are issued to ecologists, under the Habitats Regs and the W&C Act, to permit them to undertake activities that would otherwise be illegal – i.e. entering bat roosts and disturbing bats. The ecologist is required to be suitably qualified and experienced under British Standard BS42020. Different activities (ie, certain projects and methodologies) are licenced under separate licences. Photographing bats is only permitted under a survey licence when it is ‘an incidental part of other licensed bat work’. Where disturbing bats is proposed for the sole purpose of photography, this must be specifically licensed.

Conservation Licences are issued where improvements are made to a bat roost for the specific aim of conserving the species.

Class Licences for surveying bats in England cover all bat-related activity, outside of the NE volunteer bat roost visitor advice service, including bat box checks, hibernation surveys, general surveys and limited use of

equipment such as harp traps etc. There are four levels of licence, allowing for different bat-related activities (both voluntary and professional): **Level 1** (to survey bats by observation only, not including hibernating bats – WML-CL17, **Level 2** (to survey bats using artificial light, inc. hibernating bats, use of hand-held and static nets – WML-CL18, **Level 3** (to survey bats, including previous methods and additionally to use mist nets and acoustic lures (WML-CL19) and **Level 4**, as previous licences but including the use of harp traps.

European Protected Species (EPS) licences (derogation, mitigation or development licences) are issued under the Habitats Regs., by NE in England, after three tests have been satisfied in relation to the proposed action:

The proposed action must be for the purpose of preserving public health or safety or other reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and preventing serious damage to property.

There is no satisfactory alternative to the proposed action and: The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The Environment Act 2021 introduced a new exception to the Wildlife and Countryside Act offences, for any actions taken under the auspices of a Habitat Regs. Licence. Another change is that licences can now be issued in England for reasons of overriding public interest, providing the tests are met. This provision for development

activities was not previously available under the W&C Act. In order for the licensing tests to be correctly applied, it is essential that adequate bat survey information is supplied. Without this, a licence may not be granted.

In 2018, NE introduced a new 'low impact' licensing scheme, now titled the **Bat Mitigation Class Licence (BMCL)**. Ecologists can become 'Registered Consultants' to use this type of licence, with appropriate training and assessment. The BMCL is only suitable for low conservation status roosts of common bat species.

In 2018, NE announced the introduction of a **Bats in Churches Class Licence**, allowing appropriately trained Registered Consultants to use a more streamlined process when the presence of bats in a church is resulting in significant impacts.

In 2021, NE began a pilot of the **Earned Recognition Scheme**, where a consultant's competence in undertaking survey work and associated mitigation, etc., is assessed and accredited. Using an accredited consultant allows developers to experience a more streamlined licencing process. A competency framework defines the requirements for different levels of accreditation. A second pilot phase, known as Beta ER, is currently underway.

It is also possible, in England, to apply for an **organisational licence**, which licences organisations (under specific conditions) to carry out certain routine activities affecting bats.

Planning Policy Context

The biodiversity duty is imposed in England through the Environment Act 2021, which amends the **Natural Environment and Rural Communities (NERC) Act 2006** by adding the words 'and enhance' alongside 'conserve'. Public authorities must consider what action they can take to further the biodiversity objective.

Relevant Policy documents in England are:

National Planning Policy Framework (NPPF), Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations & their Impact Within the Planning System (2005) and National Planning Practice Guidance Natural Environment (2019).

In addition to the national policy guidance, regional and local planning policies should be consulted and **NE's Standing Advice to LPAs (GOV.UK.2022A)** may be relevant. 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. Where bats may be present, this will include the need for adequate bat surveys to establish the presence or absence of bats, to predict the likely impact on bats and their roosts and if

necessary, to design appropriate mitigation measures, etc.. In planning terms, development includes activities requiring outline or full planning permission, permitted development, listed building consent and/or prior approval to demolish. SSSI consent may also be needed. Further details are provided in Clauses 6 to 8 of BS42020 (BS1, 2013) see <https://knowledge.bsigroup.com/products/biodiversity-code-of-practice-for-planning-and-development-standard>

Additionally, the Partnership for Biodiversity in Planning (PBP) Project, funded by the Esmée Fairbairn Foundation, was a partnership of 19 organisations in the conservation, planning and development sectors and has produced an online, interactive trigger list called the Wildlife Assessment check (WAC) – <https://www.biodiversityinplanning.org/wildlife-assessment-check>