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PHASE 1 BAT SURVEY

Site: Shermanbury Place
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Shermanbury
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Client: FAO Antonia Boulsien
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Survey Dates: 26th April 2024

Report Date: 30th April 2024

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Phase 1 Bat Survey of Shermanbury Place, Brighton Road, Shermanbury, West Sussex, RH13 8HF

- OS Grid ref: TQ 21382 18822

Executive Summary

Surveyors from Batscan Ltd undertook a Phase 1 bat survey of the large, Grade II listed mansion, known as Shermanbury Place, in Shermanbury, West Sussex on 26th April 2024.

The historic property, which dates from the late 18th century, is situated adjacent to the small parish church, St Giles, in a very rural area, offering ideal bat habitat.

After decades of neglect, the property requires extensive repair and restoration and Batscan consultants were asked to undertake an initial Phase 1 bat survey of the building, to check for bats, evidence of bat use and the potential for bat use, prior to any works. 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.

Shermanbury Place is set amongst extensive grounds, a short distance from the River Adur and surrounded by open countryside, ideal for bat use.

The property owner is committed to protecting the natural environment, supporting the Weald to Waves initiative - www.wealdtowaves.co.uk, and other associated projects.

Surveys of the church and other nearby buildings, undertaken some years previously, revealed evidence of bat use by at least two species and bats of most UK species have been recorded in the area.

The Phase 1 survey of Shermanbury Place included a data search and a daytime building inspection. Roof voids and cellars were searched for bats, evidence of bats and the potential for bat use. The extent of the proposed works was discussed with the property owner.

No bats were seen during this survey but very small numbers of bat droppings, likely to be from long-eared bats, were found in the roof voids. The evidence suggests occasional visits by individual bats, over the years. Few viable access points for bats were identified, possibly accounting for the lack of any more significant bat use. No bats or evidence of bat use was seen in the cellars.

There are a number of gaps in the plasterwork, around the exterior of the building, possibly suitable for bat use but overall, **despite the discovery of minor evidence of bats having visited the roof spaces, the potential of this large building, for bat use, is considered to be low.**

It is therefore considered appropriate for a single Phase 2 bat survey (dusk emergence check) to be carried out, by four surveyors, to establish the level of bat activity around the building. Depending on the results of this survey, a suitable Method Statement can be drawn up. If evidence of more significant bat use is identified, further bat surveys can be carried out and, if necessary, a Bat Mitigation Licence can be applied for, to allow works to proceed.

1. Introduction and Background

- 1.1 Surveyors from Batscan Ltd undertook a Phase 1 bat survey of the large, Grade II listed mansion, known as Shermanbury Place, in Shermanbury, West Sussex on 26th April 2024. Both surveyors hold current Natural England Level 2 Bat Class Licences and one is also a Natural England Registered Bat Consultant.
- 1.2 The historic property, which dates from the late 18th century, is situated adjacent to the small parish church, St Giles, in a very rural area, offering ideal bat habitat.
- 1.3 After decades of neglect, the property requires extensive repair and restoration and Batscan consultants were asked to undertake an initial Phase 1 bat survey of the building, to check for bats, evidence of bat use and the potential for bat use, prior to any works. 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 building works. A brief account of the laws protecting bats and of related planning issues, is attached to this report.
- 1.4 Shermanbury Place is set amongst extensive grounds, which include a large, tree-lined lake, veteran oak trees and many acres of farmland. The mansion is a short distance from the River Adur and associated flood plains, as well as an overgrown lake, ponds and wooded areas. There is excellent connectivity, via tree-lines and hedgerows to the wider countryside.
- 1.5 The two storey mansion is constructed of white brick on a stuccoed base and consists of a central portion and 2 wings. The hipped roof is clad with slate and there are four separate roof voids, one of which is currently inaccessible.
- 1.6 The property owners are committed to protecting the natural environment, supporting the Weald to Waves Project - www.wealdtowaves.co.uk, Adur Landscape Recovery – www.sussexbay.org.uk/ and the Upper Adur Farmer Cluster Group - www.farmerclusters.com
- 1.7 By late April, bats have emerged from their winter hibernation sites and maternity colonies are forming. The weather was cool but dry during this daytime survey.

2. Bat Scoping Survey (Daytime Building Inspection) – 26th April 2024 - Methodology

- 2.1 Prior to the building inspection, Batscan consultants checked aerial maps to establish the proximity of the site to suitable bat habitat and reviewed related background information. A search of DEFRA's MAGIC (Multi Agency Geographic Information for the Countryside) website was undertaken to establish whether any European Protected Species Licences, for bats, had been granted in the surrounding area. (See below).
- 2.2 The surveyors checked the exterior of the house for any obvious evidence of bat use, such as bat droppings on walls, low level windows and sills, as well as on the ground below possible roost entrances. Binoculars were used to view features at higher levels. Any potential bat roosting places and access points, such as gaps beneath roof slates, lead flashing, or at eaves level, were noted. The proposed works were discussed with the property owner.

- 2.3 The three accessible roof voids were searched, using powerful torches to check for bats, evidence of bat use and the potential for bat use. A brief inspection was also made of the house cellars.
- 2.4 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.
- 2.6 Recommendations from the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists: Good Practice Guidelines' (4th edn)*² were followed for the course of this survey.

3. Bat Scoping Survey (Daytime Building Inspection) – 26th April 2024 - Results

3.1 Desk Study

3.1.1 Background information

Batscan surveyors carried out a bat survey of the adjacent St Giles' church, approximately fifteen years previously, when roof repairs were required. What appeared to be fairly historic evidence of use by a maternity colony of long-eared bats (*Plecotus* spp.) was found in the roof void, during the building inspection and bats of several species were active around the site, during the dusk emergence check.

3.1.2 A survey of nearby, redundant buildings, also owned by the estate was conducted by Wychwood Environmental*¹ in 2014. This revealed that the cottage, coach-house and barn were used by very small numbers of long-eared bats and common pipistrelles (*Pipistrellus pipistrellus*). Mitigation measures were proposed but the redevelopment of these buildings did not proceed.

3.1.3 A report was also received, over ten years ago, from the previous resident of Shermanbury Place, that a bat had been seen flying around the living area of the mansion. The bat could not be found when a subsequent search was carried out.

3.1.4 The search of aerial maps confirmed that the surrounding area offers diverse habitat features, very suitable for use by bats of most British species.

3.1.5 The search of the MAGIC website revealed that five EPS Licences, in respect of bats, have been granted within approximately 2km of the site, with others a short distance away. Three of these licences related to non-breeding roosts for one or more of the following species: common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared bat (*Plecotus auritus*), serotine (*Eptesicus serotinus*), whiskered bat (*Myotis mystacinus*) or Daubenton's bat (*Myotis aubentonii*). Two related to breeding roosts where common pipistrelle, whiskered bat, brown long-eared bat, Natterer's bat (*Myotis nattereri*) or soprano pipistrelle were recorded. The licences dated from between 2013 and 2019. See MAGIC Maps, below.

3.2 Building Inspection - The House

3.2.1 Exterior

There appear to be few bat roosting opportunities around the exterior of the building, although it is possible that a bat might find a roosting place where there is damage to the stuccoed walls. From ground level, several slipped slates could be seen on the roof slopes, as well as an area of damage at eaves level on the south-east elevation. However, the majority of the roof slates appeared to be tight-fitting. It is understood that the south side roof was refurbished, several years ago.



Fig. 1 - Front (North) side of house, viewed from the north-east



Fig. 2 - Example of slightly uneven slates on roof (north-east of house)



Fig. 3 – Examples of damage to plasterwork (Main entrance, north-east of house)



Fig. 4 – View of west side house, showing inaccessible area of roof (circled)



Fig. 5 – Rear (south) side of house – SW roof (not searched) circled. Area of damage at eaves level



Fig. 6 – Rear (south) side of house – area of damage at eaves level, closer view

3.2.2 Roof Voids

- **Roof Void 1** – The largest roof void, covering front (N), central section E side and south side (rear) roof - see aerial pic. - MAGIC Maps
Accessed via a ceiling hatch in first floor cupboard. Some sections of this roof are lined, internally, with timber sarking, creating possible roosting opportunities between roof lining and slates. Other areas are unlined. Some areas of floor, within the voids, are insulated with a thin layer of fibre-glass insulation material. A very small number of droppings, appearing to be quite old and most likely from a long-eared bat, were seen on the floor of this void. The roof apex is covered in cobwebs, suggesting that bats are not active in the void.
- **Roof Void 2** – A relatively small void at the north-west of house, accessed via a small ceiling hatch in a cupboard off the ground floor kitchens. No bats or evidence of bat use was seen in this void.
- **Roof Void 3** – The roof void at the north-east of the house. No bats were seen in this void, but approximately ten – fifteen droppings, most likely from a long-eared bat, and appearing more recent than those in RV 1, were seen on the floor of the void. The very small number of droppings would appear to represent an occasional visit from an individual bat, rather than any significant roosting.
- **Roof Void 4** – There are no access points into this roof void, at the south-west of the house. The void is likely to be somewhat similar to Roof Void 2, although may be somewhat warmer, internally, owing to its southerly aspect.



Fig. 7 - Roof Void with timber sarking beneath slates



Fig. 8 - Unlined Section of roof



Fig. 9 - Small number of bat droppings in Roof Void 3



Fig. 10 – jackdaw nest in roof void

3.3 The Cellars

There is a range of basement rooms beneath the building. No bats or evidence of bat use was seen in the cellars and it is unlikely that bats have been able to gain access to these areas. In recent months, low-level windows have been left slightly ajar for ventilation, but it is understood that they were previously kept closed. There is an unconverted 'undercroft' area, accessed via a door from the basement corridor, where a small point of light could be seen from an exterior wall. This area *might* be accessible for bats to find a hibernation site, but it is understood that this disused area is unlikely to be affected by the proposed restoration works.



Figs. 11/12 - Views of basement rooms



Fig. 13 - View into unconverted section

3.4 Surrounding Habitat

With veteran oaks, a river, stream, lake and ponds, woodland and largely unimproved farmland surrounding Shermanbury Place, the habitat is ideal for bat use. See MAGIC Maps, below.



Fig. 11 – View to south, towards wooded area and large, overgrown lake.

4. Constraints

- 4.1 One of the smaller roof voids in the mansion, at the south-west, could not be searched, owing to lack of access. There were no other constraints to this survey.

5. Conclusions and Recommendations

- 5.1 No bats were seen during this survey but small numbers of bat droppings, likely to be from long-eared bats, were found in the roof voids. The evidence seen suggested very occasional visits by individual bats, over the years, rather than any significant use as a roosting site. Few possible access points for bats were identified, in the roof voids, possibly accounting for the very low level of evidence. No bats or signs of bat use were found in the cellars. There are a small number of crevices around the exterior of the building, suitable for bat use. **Overall, despite the discovery of very small numbers of bat droppings, the potential of this large building, for bat use, is considered to be low.**
- 5.2 It is therefore advised that a single Phase 2 bat survey (dusk emergence check) should be carried out, by four surveyors, to establish the level of bat activity around the building and to check for any emerging bats.
- 5.3 Depending on the results of this survey, a suitable Method Statement can be drawn up, or if the findings suggest that bats might be roosting in the building, further bat surveys can be carried out. If considered necessary, appropriate mitigation and compensation or enhancement measures can be agreed and a Natural England Bat Mitigation Licence applied for, to allow works to proceed.
- 5.4 Whether or not a bat or bats is found to roost in the building, at the present time, it is likely to be advised that provisions for bats to gain entry to one or more roof voids are made available, as an aid to local biodiversity.

MAGIC MAPS

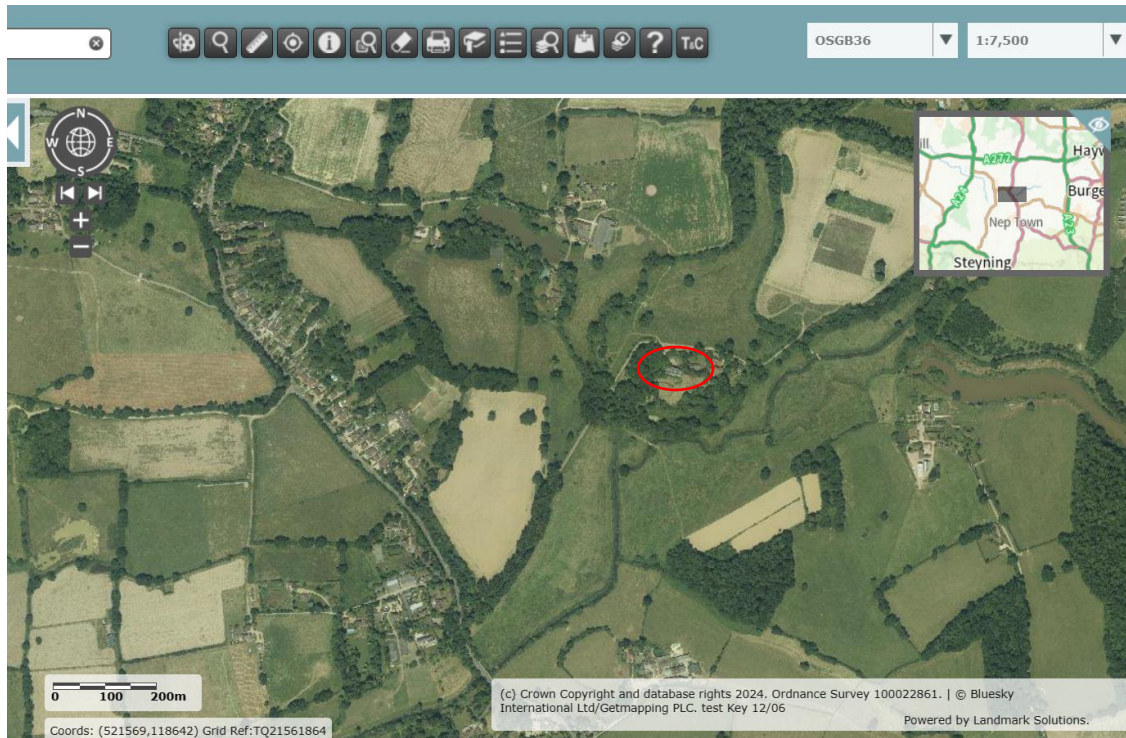
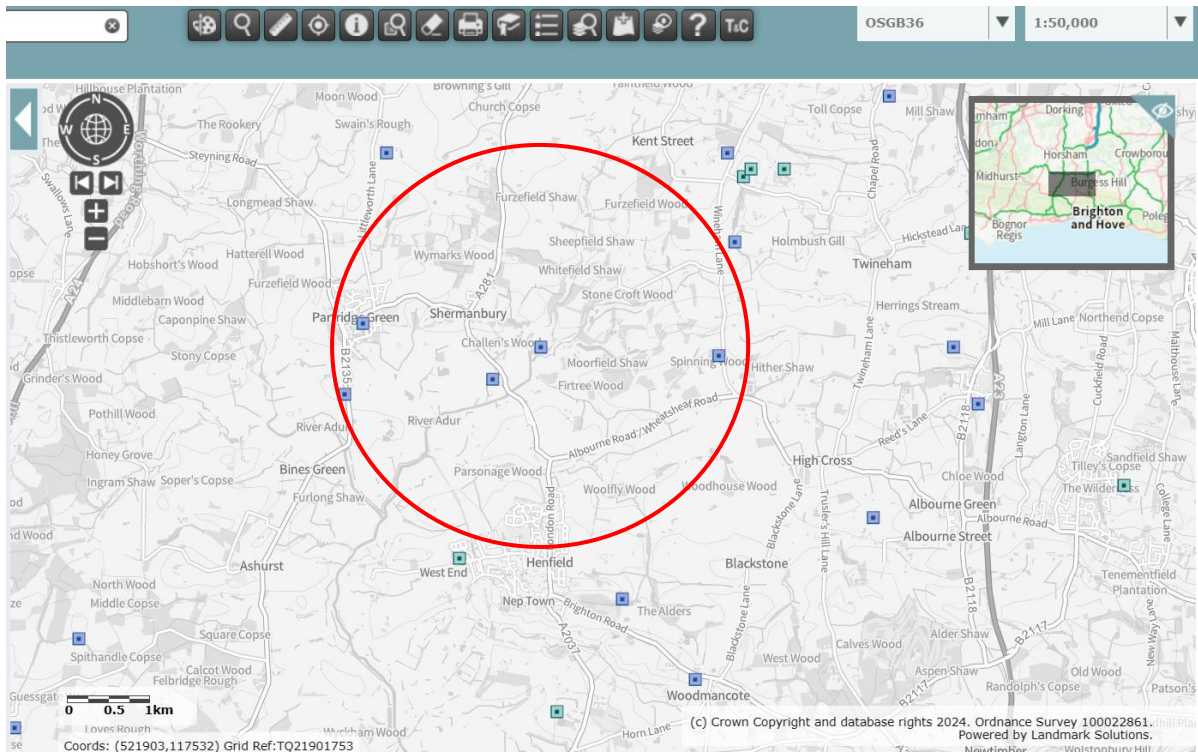


Fig.12 – The site, circled



Fig. 13 – The house – roof voids

Roof Void 1 ——— Roof Void 2 ——— Roof Void 3 ——— Roof Void 4 ———



Sites where NE EPS Licences (Bats) (Purple squares) have been granted, within approx. 2km radius

- *1 Bat and Barn Owl survey and Mitigation for: Shermanbury Place, Brighton Road, Shermanbury, near Horsham, West Sussex, RH13 8HF – Wychwood Environmental Ltd., 82, Springfield Road, Wescott, Dorking, Surrey, RH4 3PD - www.wychwoodenvironmental.com - September 2014
- *2 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

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>