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PHASE 1 BAT SURVEY

Site: 1, Bayley Paddock
Mill Lane, Littleworth
Partridge Green
W Sussex BN5 9DZ

Garage on land at Bayley Paddock
Mill Lane, Littleworth
Partridge Green
W Sussex BN5 9DZ

Client: FAO Simon Brett
c/o Environmental Assessment Services Ltd
Unit 4b (GF) The Court Yard, Holmsted Farm,
Staplefield Road, Cuckfield,
West Sussex RH17 5JT

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 Date: 18th March 2024

Report Date: 21st March 2024

Contents:

Executive Summary – Page 3

1. Introduction & Background – Page 4

2. Bat Scoping Survey – 4th March 2024 - Methodology – Page 4

3. Bat Scoping Survey – 4th March 2024 – Results – Page 5
   The House – Page 7
   The Garage – Page 9
   Surrounding Habitat – Page 11

4. Survey Constraints – Page 12

5. Conclusions & Recommendations – Page 12

MAGIC Maps – Page 13

Bats and the Law – Page 14

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Bat Scoping Survey - House on Plot 1 (1, Bayley Paddock) & Garage on Plot 3, Bayley Paddock, Mill Lane, Littleworth, Partridge Green, West Sussex, RH13 8JU - OS Grid ref: – TQ 18979 20242 (house) & TQ 19102 20154 (garage)

Executive Summary

Surveyors from Batscan Ltd undertook a bat scoping survey of two buildings at Bayley Paddock, Mill Lane, Littleworth, Partridge Green, West Sussex on 18th March 2024. The survey was carried out on behalf of agents of the property owners, who are proposing to add an extension to an existing house and to replace a detached garage/outbuilding on Plot 3, which is at the opposite end of the site, with a new dwelling.

The latest survey follows a PEA (Preliminary Ecological Appraisal) undertaken in November 2021 by The Eco Co-op Ltd*[1]. The PEA covered the wider site and included a check of the garage, but not the dwelling house, which was converted from a pre-existing stable, approximately one year ago. The stable building, understood to have been ten years old, was not included in the Eco Co-op PEA. Ecologists from Environmental Assessment Services Ltd (EAS Ltd)*[2] have recently conducted an updated PEA for the site.

Because bats and their roosts are protected by law, appropriate surveys are required, when there is a risk that they may be harmed or disturbed by a proposed development.

Littleworth is a small hamlet, just to the north of the village of Partridge Green and is surrounded by open countryside, offering excellent bat habitat.

At this time of the year, bats are emerging from their winter hibernation sites but are unlikely to have returned to their summer roosts. Therefore, a dusk emergence check (Phase 2 bat survey) cannot be carried out. The survey included an inspection of the exteriors of the two buildings, the interior of the garage and a search of the roof void of the house.

No bats or evidence of bat use was found in the house and this building is considered to offer a negligible potential for bat use.

No bats or evidence of bat use was found in the timber garage, which is considered to offer a negligible potential for bat use.

As neither building offer any potential for bat use, no further surveys of these structures should be required, prior to the proposed work. However, the wider site offers a good potential for bats to forage and commute and it is strongly recommended that provisions for bats are incorporated into new buildings on the site. Further advice is offered, in this report.

If development does not commence within a period of one year from the date of this survey, a repeat survey should be undertaken.

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1. Introduction and Background

1.1 Two experienced bat surveyors from Batscan Ltd undertook a bat scoping survey of two buildings at Bayley Paddock, south of Mill Lane, in Littleworth, Partridge Green, West Sussex, on 18th March 2024. Both surveyors hold current Natural England Level 2 Bat Class Licences and one is also a NE Registered Bat Consultant.

1.2 The survey was carried out on behalf of agents of the property owners, who are proposing to add a two-storey extension, to the existing single-storey house, on Plot 1 (1, Bayley Paddock) and to replace the existing, relatively modern, detached garage/outbuilding on Plot 3, which is at the opposite end of the site, with a new dwelling.

1.3 The small hamlet of Littleworth is just to the north of the village of Partridge Green and apart from the properties which border Mill Lane and Littleworth Lane, to the east, the site is surrounded by open countryside. This mostly consists of tree-lined pasture and arable fields, with good connectivity to areas of woodland, to waterways and to the disused railway line, which offers an ideal commuting route for bats. Most British bat species have been recorded in the locality.

1.4 At this time of the year, bats are beginning to emerge from their winter hibernation sites but are unlikely to have returned to their summer roosting sites. Therefore, a dusk emergence check (Phase 2 survey) cannot be carried out. However a bat scoping survey can be undertaken, to include checks of all structures and an appraisal of the surrounding habitat. This survey included an inspection of the exteriors of the house and garage, a check of the interior of the garage and a search of the roof void of the house.

1.5 The latest survey follows a PEA (Preliminary Ecological Appraisal), undertaken on 7th November 2021 by ecologists from The Eco Co-op Ltd*[1]. This survey covered 'land to the south of Mill Lane, Littleworth' (Plots 2 & 3 on plan) and included a check of the garage for evidence of, as well as potential for, bat use. See Eco-op report.

1.6 Batscan surveyors were informed that the dwelling house, included in the latest bat scoping survey, was converted from a pre-existing stable, approximately one year ago. The timber-clad stable was approximately ten years old, at that time and it is understood that no bats or evidence of bats were found, during its conversion. The stable was not included in the Eco Co-op PEA. Ecologists from Environmental Assessment Services Ltd (EAS)*[2] have recently conducted an updated PEA of the wider site.

1.7 Bats and their roosts are protected from harm or disturbance by British and European law. Therefore, appropriate surveys are required, when it is considered possible that a proposed development presents a risk to bats. See a brief account of the laws protecting bats, as well as relevant planning considerations, attached to this report.

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2. Bat Scoping Survey (Daytime Building Inspection) – 18th March 2024 - Methodology

2.1 Prior to the survey, the Eco Co-op PEA report was reviewed. A check of aerial maps was undertaken 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). Additionally, a data search has been commissioned from the Sussex Biodiversity Records Centre (SxBRC), by Environmental Assessment Services*[2] and this includes records of bats from a specified radius around the site.

2.2 The surveyors checked accessible sections of the exteriors of the two buildings for any obvious evidence of bat use, such as bat droppings on walls, 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 tiles or cladding, or at eaves level, were noted.

2.3 The surveyors checked the interior of the garage/outbuilding, using powerful torches to look for bats and evidence of bats, such as bat droppings, urine stains on stored items and insect remains, which may have been dropped by feeding bats. Potential access points were also noted.

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)*[3] were followed for the course of this survey.

3. Bat Scoping Survey (Daytime Building Inspection) – 18th March 2024 - Results

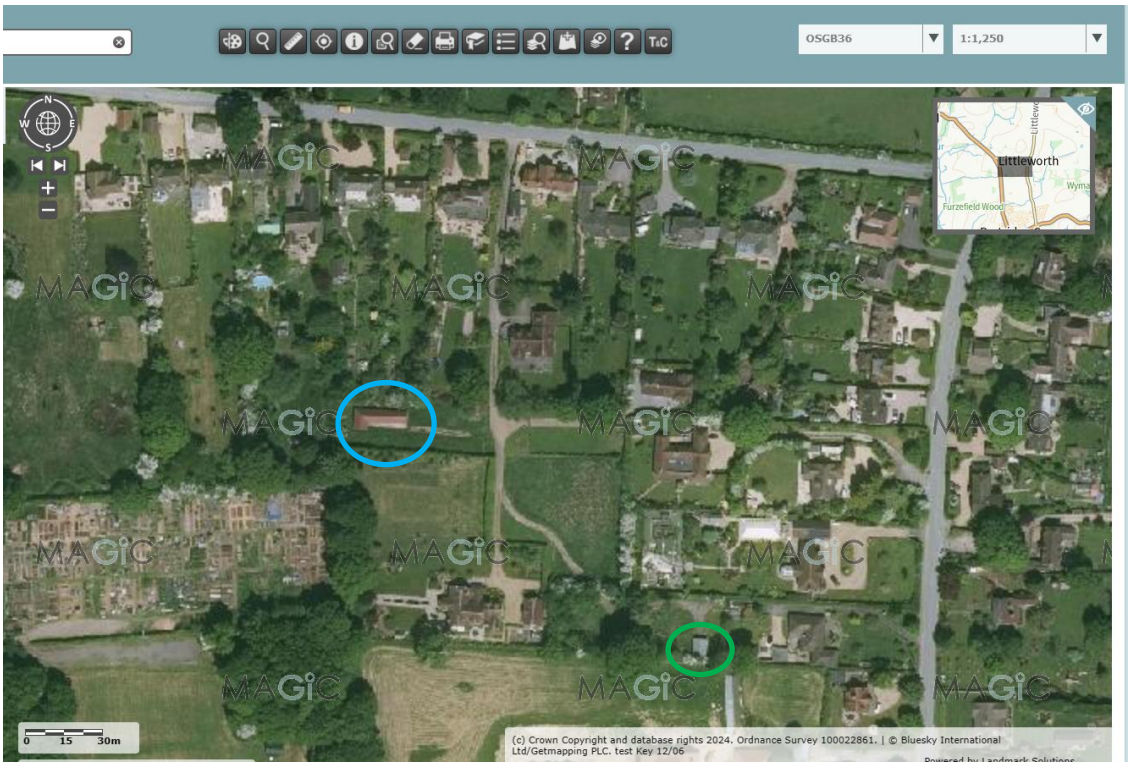
3.1 Desk Study

3.1.1 No evidence of bats was noted in the garage/outbuilding during the original PEA. However, the wider site was assessed as offering a high potential for bat use, with good foraging and commuting opportunities.

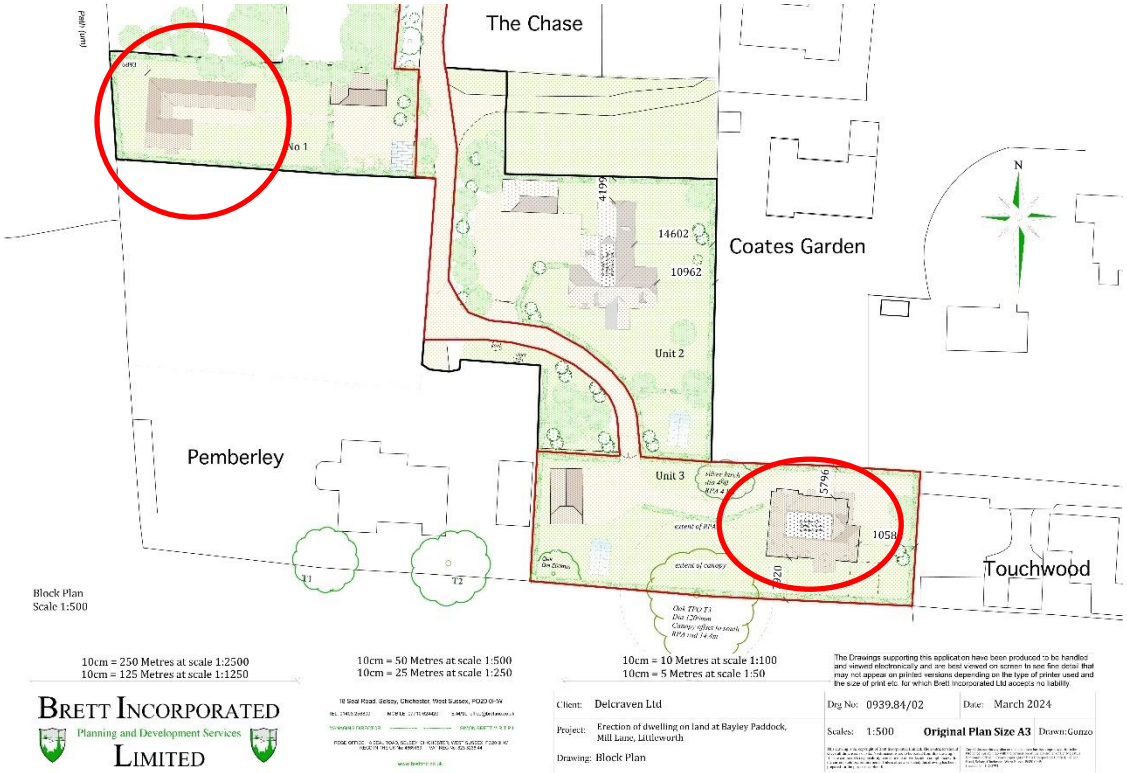
3.1.2 The search of the MAGIC website revealed that three EPS Licences, in respect of bats, have been granted within approximately 2km of the site. Each site related to a breeding roost for bats, with brown long-eared bat *(Plecotus auritus)*, common pipistrelle *(Pipistrellus pipistrellus),* soprano pipistrelle *(Pipistrellus pygmaeus),* whiskered bat *(Myotis mystacinus)* and Natterer's bat *(Myotis nattereri)* being recorded. These licences date from between 2013 and 2016. See MAGIC Maps, below.

3.1.3 The search of aerial maps confirmed that the surrounding habitat is very suitable for bat use, with mature oaks on the site and in surrounding tree-lines. These offer possible roosting opportunities, as well as providing good habitat for foraging bats.

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MAGIC Maps – Aerial view of site – circled red. The house and garage, circled blue & green, respectively



Proposed plan – showing the house with new extension (circled top left) and new dwelling on site of existing garage (circled lower left)

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3.2 Building Inspection – The House – Extension Proposed – **Negligible potential for bat use**

3.2.1 No obvious roosting or access opportunities were noted around the exterior of this modern, L-shaped dwelling house. The roof tiles are tight-fitting and mossy and the black-painted timber cladding is also extremely tight. The eaves are well sealed.

3.2.2 The roof is lined, internally, with a breathable membrane and the floor of the shallow void is insulated with rock-wool type material. No bats or evidence of bat use was found and no obvious access opportunities for bats were noted.



The house, viewed from the south-west



Timber cladding on house walls

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Tight-fitting, mossy roof tiles on house roof



Interior of house roof void



Rock wood insulation material at eaves of house

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3.3 The garage/outbuilding – to be demolished – **Negligible Potential for Bat Use**

3.3.1 No bats or evidence of bat use was found in the relatively modern, detached garage, which has unlined, timber clad walls and a slightly pitched, tightly-felted roof, which is lined, internally, with board. One or two small gaps were noted; one at the corner of an exterior door on the west side if the building and one at the front (N side) gable apex, where a bat might gain entry, but no evidence was found to suggest that bats have visited the building. The garage is considered to offer a negligible potential for bat use.



The garage/outbuilding, viewed from the NE



Front view of garage/outbuilding – small gap at apex

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Detail of small gap at front (N side) of garage (see pic, above)



Interior view of garage/outbuilding



Interior view of garage, showing boarded roof and small gap by exterior door

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3.4 Surrounding Habitat

Bayley Paddock is situated in a very rural area, with small fields bordered by hedgerows, which feature significant numbers of mature oaks. The site offers excellent foraging and commuting habitat for bats of most UK species.



View south from 1, Bayley Paddock



View west from the garage, Plot 3, Bayley Paddock

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4. Constraints

4.1 This survey was carried out towards the end of bats' winter hibernation season, when bats are unlikely to have been active for several months and any droppings left on the exterior of buildings, from the previous season's activity, would have been washed away by wind and rain during the winter months.

5. Conclusions and Recommendations

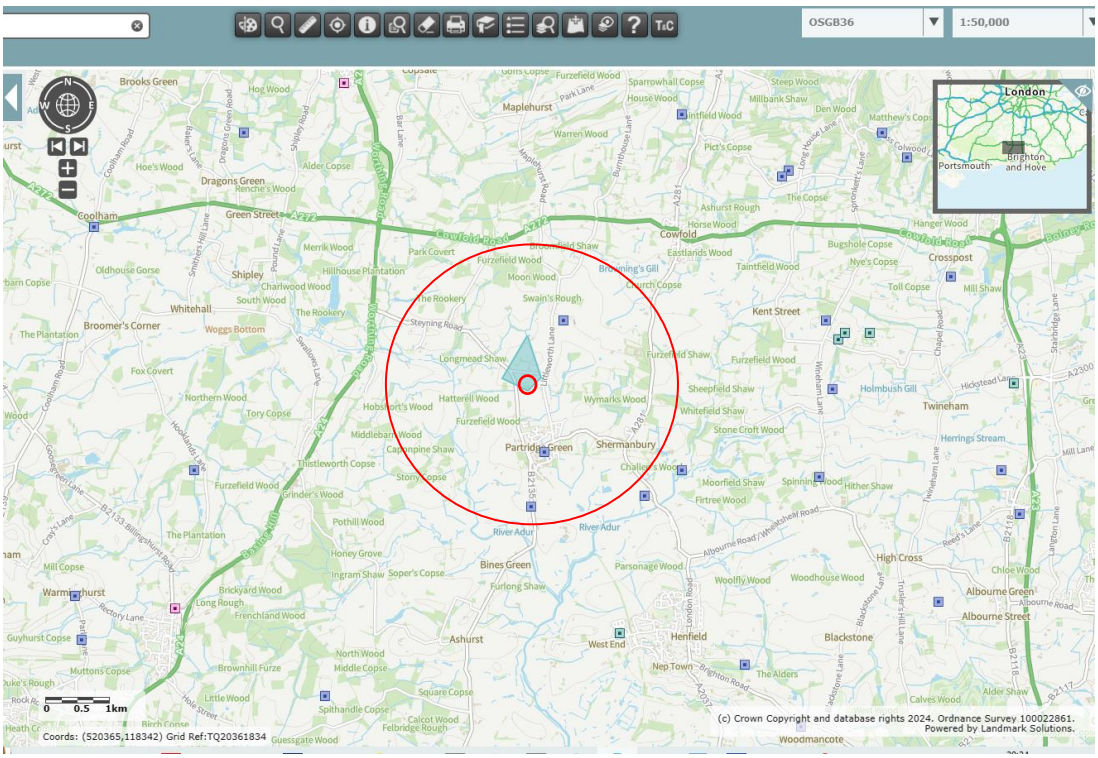
5.1 **Neither the house or garage/outbuilding at Bayley Paddock offer any potential for bat use and therefore, no further surveys of these structures should be required, prior to the proposed works.**

5.2 **However, the wider site offers a good potential for bats to forage and commute and it is strongly recommended that provisions for bats are incorporated into any new buildings. This suggestion was discussed with the property owner, who is supportive of the idea of incorporating a bat loft into his car port. Additionally, purpose-made bat roosting units could be built into the walls of the new house, or good quality bat boxes erected on exterior walls or boundary trees. Advice on suitable measures is available, on request. Consideration should also be given to minimizing light spill from any new buildings. See** Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals (theilp.org.uk)

5.3 **However, bats are highly mobile and can change roosts at any time. Therefore, if development does not commence within a period of one year from the date of this survey, a repeat survey should be undertaken.**

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MAGIC MAPS



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

*1 Preliminary Ecological Appraisal - Land South of Mill Lane, Littleworth - The Ecology Co-operation Ltd Registered Office: Greens Court, West Street, Midhurst, West Sussex, GU29 9NQ

*2 Environmental Assessment Services Ltd, Unit 4b (GF) The Court Yard, Holmsted Farm, Staplefield Road, Cuckfield, West Sussex RH17 5JT - Tel: +44 (0) 1444 882 552 email: info@easltd.co.uk website: www.easltd.co.uk

*3 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.

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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.

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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: Bioidiversity 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 Esmee 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

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