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BAT SURVEY REPORT

Site: Barlands
The Street
Warninglid
West Sussex, RH17 5SZ

Clients: Mr T & Mrs E Hillary
Barlands
The Street
Warninglid
West Sussex, RH17 5SZ

Surveyors: D P King MEECW (NE Level 2 Bat Class Lic.No. 20116001-CLS-CLS)
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T Dawson, Assistant Ecologist
S King, Assistant Surveyor

Survey Dates: 14th June & 31st August 2024

Report Date: 18th September 2024

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Bat Survey of Buildings at Barlands, The Street, Warninglid, Haywards Heath, West Sussex, RH17 5SZ
OS Grid Ref: TQ 24636 25567

Executive Summary

Surveyors from Batscan Ltd carried out combined Phase 1 (daytime building inspections) and Phase 2 (dusk emergence check/bat activity) surveys of outbuildings at the property known as Barlands, in Warninglid, West Sussex, on 14th June and 31st August 2024.

The property is situated within the High Weald Area of Outstanding Natural Beauty (AONB), in an area offering excellent habitat for bats. Because bats and their roosts are protected by law, appropriate surveys are required, prior to any building works which may cause them harm.

The surveys were undertaken on behalf of Environmental Assessment Services Ltd (EAS Ltd), on behalf of the property owners, who are proposing to convert a former Victorian stable and to link this to the main house. A more modern, detached garage will be replaced. The latest survey followed a Preliminary Ecological Assessment (PEA) of the site, carried out by EAS Ltd in August 2023*¹ and an earlier suite of bat surveys, undertaken by Elite Ecology*², in 2020 and 2021, when work was first proposed. Elite ecologists found limited evidence of bat use in the garage, during a building inspection but no bats emerged from either structure during their three Phase 2 surveys. It was concluded that bats were not roosting in the buildings, at that time, although individuals may occasionally visit the structures. EAS Ecologists noted a few old bat droppings in the former stable, during their 2023 building inspection.

The current proposals will have a minimal impact on the historic house, apart from possible disturbance to sections of hanging tiles on the north side of the building. However, the roof void of the house was included in the initial Batscan survey, for completeness.

During the first Batscan Phase 1 survey, no bats were seen in the outbuildings. Once again, a very small number of old bat droppings were found in the stable and possible roosting places were noted in the underside of the roof ridge, as well as beneath roof tiles. Small accumulations of fresh bat droppings were found in the roof void of the main house, indicating that the house is used by bats, most likely long-eared bats (*Plecotus* sp). During the June 2024 Phase 2 survey, no bats emerged from either outbuilding. No bats emerged from the low-level hanging tiles on the N side of the main house.

During the repeat survey, a small number of fresh bat droppings, from a medium sized bat species, were discovered caught in a cobweb beneath the roof apex in the stable. These were collected to allow DNA analysis to be undertaken. This confirmed that the species concerned was Natterer's bat (*Myotis nattereri*). No bats were seen emerging from either of the outbuildings, although bats of several species emerged from the house.

Accordingly, it is concluded that the former stable is used as an occasional day roost by a single Natterer's bat. The bat's roosting place will be damaged by the proposed building works and therefore a Bat Mitigation Licence must be sought, prior to the commencement of works. Further advice is provided in this report. No evidence of bat use was discovered in the garage and therefore the demolition of this building can proceed, with appropriate care.

1. Introduction & Background

- 1.1 Surveyors from Batscan Ltd carried out a combined Phase 1 (daytime building inspection) and Phase 2 (dusk emergence check/bat activity) survey of buildings at the property known as Barlands, in Warninglid, West Sussex, on the evening of 14th June 2024. Two surveyors hold Natural England Scientific Bat Licences and one of these is a registered bat consultant. The third was an assistant surveyor. The survey was repeated on the evening of 31st August 2024. For details of licences and affiliations, please see this report cover.
- 1.2 The property is situated close to agricultural buildings (under separate ownership) and is surrounded by open countryside. It is within the High Weald Area of Outstanding Natural Beauty (AONB).
- 1.3 The historic house dates from the 17th Century or earlier and is timber-framed with a brick infill and a hipped, clay-tiled roof. The current proposals will have a minimal impact on the main house, apart from possible disturbance to sections of hanging tiles on the north side of the building, where the proposed new link will join. The roof void of the house will be unaffected, but was included in the survey, for completeness.
- 1.4 The former stable, to be converted, is believed to date from the Victorian era. Two small extensions to the stable, one on the east and one on the west end of the building, have been used as a wood store and the other as a WC. The detached, double garage is of more recent construction, with brick walls and a pitched, clay-tiled roof, lined internally with 1F felt.
- 1.5 The surveys were undertaken on behalf of Environmental Assessment Services Ltd (EAS Ltd) acting for the property owners, who are proposing to convert the former stable and link this building to the main house with a new, single-storey structure. The existing garage, which is in a poor structural condition, will be replaced. The latest surveys followed a Preliminary Ecological Assessment of the site, (PEA) carried by EAS Ltd in 2023*¹ and an earlier suite of bat surveys, undertaken by Elite Ecology*², between December 2020 and July 2021, when work was first proposed, but was subsequently postponed, due to the Covid pandemic.
- 1.6 Because bats and their roosts are protected by British and European law, appropriate surveys are required, prior to any building works that may cause bats any harm. A brief account of the laws protecting bats and of relevant planning considerations, is attached to this report.
- 1.7 Elite ecologists had seen small numbers of bat and mouse droppings in the garage, during their initial building inspection, but no bats emerged from either the stable or the garage, during their three Phase 2 surveys, carried out in 2021. It was concluded that bats were not roosting in the outbuildings, at that time, although considered possible that individuals may visit the structures, during their nightly foraging activities.
- 1.8 It is understood that EAS Ecologists noted a very small number of old bat droppings on the ceiling board, which covers part of the stable, during their 2023 building inspection but no evidence of bat use was found in the garage. Both Elite Ecology and EAS Ltd undertook desk studies and results were included in their reports. The data search, commissioned by EAS from the Sussex Biodiversity Records Centre (SxBRC) revealed that bats of up to eight species have been recorded in the Warninglid vicinity. These include common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle

(*Pipistrellus pygmaeus*), noctule (*Nyctalus noctula*), serotine (*Eptesicus serotinus*), brown long-eared bat (*Plecotus auritus*), whiskered bat (*Myotis mystacinus*) and barbastelle (*Barbastella barbastellus*).

- 1.9 The Elite Ecology and EAS reports were made available to Batscan consultants, following the bat survey on 14th June 2024.
- 1.10 By mid-June, female bats are gathered in their summer maternity roosts, and births are taking place. Males are roosting singly, or in small groups. All bats, apart from any dependent young, will emerge to feed, on their insect prey, during nights when weather conditions are suitable. By late August, maternity colonies are dispersing and males are forming mating roosts or territories.
- 1.11 Batscan surveyors were told by the property owner that bats are sometimes seen circling in the garden area, between the house and the outbuilding, during summer evenings.

2. Phase 1 Survey (Building Inspection 1) – 14th June 2024 – Methodology

- 2.1 Prior to the building inspection, a further desk study was undertaken. Batscan consultants viewed aerial photographs of the property, to assess the surrounding area for its suitability for bat use. A check of the MAGIC (Multi Agency Geographic Information for the Countryside) website was carried out, to establish the proximity of the site to sites where European Protected Species Licences, in respect of bats, have been granted. (See below).
- 2.2 Batscan surveyors made a careful inspection of the exterior of the outbuilding and the garage, checking for bats, evidence of bats and for potential roosting sites. Powerful torches were used to check any accessible crevices beneath roof tiles and binoculars were used to inspect higher levels of the roofs. The surveyors also inspected crevices beneath hanging (vertical) tiles on the north side of the main house, where the new link structure will join. As well as checking for any bats which might be roosting beneath tiles or in other crevices, the surveyors looked for any bat droppings on the ground, below any roost entrances, or stuck to walls, windows or sills.
- 2.3 Powerful torches were used to inspect the interior of the outbuilding and garage for bats and evidence of bat use, such as bat corpses, droppings, urine stains and 'rub' marks, from oil on bats' fur, around well-used roosting places and access points. The surveyors also searched for insect remains, such as moth or butterfly wings, which may have been dropped by feeding bats.
- 2.4 Although the roof void of the main house will not be affected by the proposed works, the roof void was searched for bats and evidence of bat use, in order to establish whether bats roost elsewhere on the site.
- 2.5 Detailed notes were made and photographs were taken of all relevant features. Positions were chosen for the dusk bat emergence check.
- 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 these surveys.

3. Phase 1 Survey (Building Inspection 1) – 14th June 2024 – Results

3.1 The search of the MAGIC database revealed that two Natural England EPS Licences, with respect to bats, have been granted within 2km of the site. These related to a breeding roost, where roosting brown long-eared bat (*Plecotus auritus*), common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pip. pygmaeus*), and whiskered bat (*Myotis mystacinus*) were recorded. The second licence related to a non-breeding roost for brown long-eared bat and common pipistrelle. The licences dated from 2020 and 2018, respectively.

3.2 The Former Stable

3.2.1 Exterior

No bats or evidence of bat use was seen around the exterior of the single-storey outbuilding, which is constructed of brick, with a pitched, clay-tiled roof. However, there are numerous roosting opportunities for crevice-dwelling bats, beneath uneven roof tiles, particularly on the south side of the roof. Bats could access the interior of the building via gaps above the door at the south-east of the building, at eaves level or via gaps below ridge tiles.



Fig. 1, View of SW of former stable



Fig. 2 - SE end of former stable



Fig 3 – Outbuilding, viewed from W end



Fig.4 – Uneven clay tiles on roof of outbuilding

3.2.2 Interior

A very small number of old bat droppings were found on the ceiling board, which extends over the eastern section of the stable. No bats or evidence of bat use was seen elsewhere the building. Possible roosting places were noted in the underside of the roof ridge.



Fig. 5 – Interior of stable, looking towards E



Fig. 6 – bat dropping on ceiling timber



Fig. 7 – View of E section of stable, with ceiling board above



Fig. 8 – View across ceiling board



Fig. 9. – View to roof ridge of stable

3.3 The Garage

No bats, evidence of bats or significant potential for bat use was seen inside the garage or around the exterior. Internally, the roof is lined with bitumastic felt, which is in a good condition. Externally, roof tiles are tight-fitting, with no roosting or access opportunities for bats. There is a large crack, extending down the west wall but this does not offer any significant roosting potential for bats. The garage is in regular use.



Fig. 10 – The garage, viewed from the west



Fig. 11 – the garage, viewed from NW



Fig. 12 – Crack in west end wall of garage

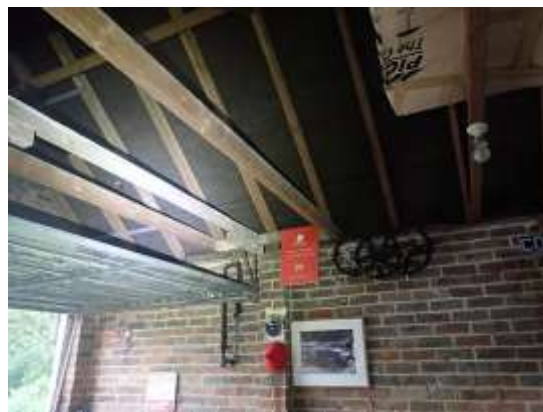


Fig. 13 – Interior view of garage

3.4 The Main House

3.4.1 Exterior – North Side Hanging Tiles

No bats or evidence of bats was seen beneath or around the hanging tiles which might be affected by the construction of the proposed link structure. A small number of the tiles are uneven, with gaps beneath, which could be accessed by bats, but a careful search revealed no signs of bat use. The remainder of the tiles on this elevation are fairly tight-fitting and sealed with mortar. Mesh has been fitted to the eaves, at some time, to deter nesting birds.

3.4.2 Roof Void - **(Not included in proposed works)**

Fairly large accumulations of fresh droppings, likely to be from long-eared bats (*Plecotus* sp.), were seen on the floor and on a gable wall in the roof void. No bats were seen but may have been concealed beneath the roof lining material. The number of droppings suggested possible use by a small maternity colony of bats.

4. Phase 2 Survey (Dusk Emergence Check/Bat Activity Survey 1) – 14th June 2024 - Methodology

- 4.1 At dusk, when bats emerge from their roost sites to feed, the surveyors were positioned so as to get the best possible view of any bats emerging from the buildings and for bats foraging/commuting in the area.

Surveyor 1: To the north of the house/south-east of the stable – Sheila Wright

Surveyor 2: To the west of the garage – David King

Surveyor 3: To the south of the stable – Tara Dawson

4.2 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 watch for and record emerging bats. 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.

4.3 Weather Conditions

The survey was undertaken on a relatively mild and dry evening with 50% cloud cover and a light breeze (1 – 2 on Beaufort scale). The temperature was 15°C at sunset and 13°C at the end of the survey period. Conditions were considered to be very suitable for bat activity.

4.4 Timing

The evening emergence check/bat activity survey started at 20:50. Sunset was at 21:18. The survey continued for 1½ hours.



Fig. 14 – Survey 1 – Surveyors positions  IR camera positions 
 Surveyors' fields of view  IR cameras fields of view 

5. Phase 2 Survey (Dusk Emergence Check/Bat Activity Survey 1) – 14th June 2024 - Results

- 5.1 A single common pipistrelle (*Pipistrellus pipistrellus*) and a soprano pipistrelle (*Pipistrellus pygmaeus*) emerged from the east gable wall of the main house and flew directly over the fence to the farm buildings to the east. (Area not included in proposed works). No bats were seen emerging from elsewhere, during this survey. Bats seen and heard were as follows:

Time	Species	Activity
21:18	Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>)	Emerged from around the E gable wall of house, flew to E

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21:33	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Emerged from around the E gable wall of house, flew to E
21:33	Soprano pipistrelle	Pass at W of buildings
21:50 – 22:30	Common pipistrelle	Very regular passes around site, small number of bats
21:47	Alcathoe bat (<i>Myotis alcathoe</i>)	Pass at W of buildings
22:05	Barbastelle (<i>Barbastella barbastellus</i>)	Pass near house and outbuilding
22:12	Long-eared bat (<i>Plecotus</i> sp.)	Pass at W of buildings (V faint recording)



Fig. 14 – IR camera view of outbuilding roof, Survey 1

6. Repeat Building Inspection (Survey 2) – 31st August 2024 - Methodology

- 6.1 During the second visit to the site, the surveyors searched the interiors of the two outbuildings for bats and any fresh evidence of bat use. Equipment and methodology was as for Survey 1.

7. Repeat Building Inspection (Survey 2) – 31st August 2024 - Results

- 7.1 No bats or evidence of bat use was seen in the garage during this survey. However, a small accumulation of fairly fresh droppings, likely to be from a medium sized bat species, was discovered, caught in a cobweb just below the ridge in the section of the stable with the board ceiling below. These were collected to allow for DNA analysis of the droppings, to confirm the ID of the bat species concerned. This was subsequently confirmed as Natterer's bat (*Myotis nattereri*), by experts at Warwick University's Ecowarwicker Ecological Forensics. (See Page 27).



Fig. 15 – Bat droppings caught in cobweb in stable roof



Fig. 16 – Area where droppings were discovered

8. Phase 2 Survey (Dusk Emergence Check/Bat Activity Survey 2) – 31st August 2024 - Methodology

8.1 Methodology was as for Survey 1, apart from the positions of the surveyors.

Surveyor 1: To the south-west of the stable – Sheila Wright

Surveyor 2: To the west of the garage and stable – David King

Surveyor 3: To the south-east of the stable/north of the house – Sophie King

8.2 Equipment

Equipment was as for Survey 1.

8.3 Weather Conditions

The survey was undertaken on a mild, humid and dry evening. The temperature was 17°C at sunset and 16°C at the end of the survey period. There was a light breeze (1-2). Conditions were considered to be ideal for bat activity.

8.4 Timing

The evening emergence check/bat activity survey started at 19:30. Sunset was at 19:48. The survey continued for 1½ hours.

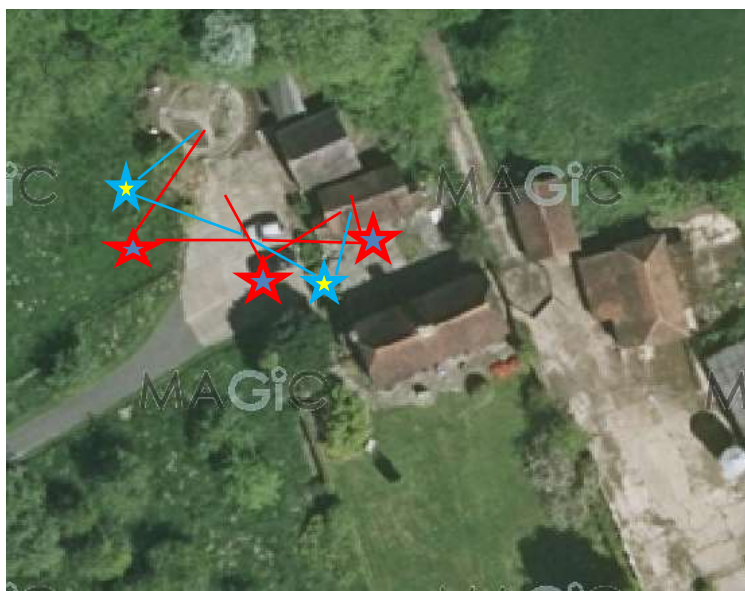


Fig. 17 – Survey 2 – Surveyors positions
Surveyors' fields of view



IR camera positions



IR cameras fields of view



9. Phase 2 Survey (Dusk Emergence Check/Bat Activity Survey 2) – 31st August 2024 - Results

9.1 No bats emerged from the garage or stable during the second survey. Bats of several species appeared to have emerged from the main house, although none of these emerged from the section that may be affected by the proposed works. Bats seen and heard were as follows:

Time	Species	Activity
19:38	Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>)	Pass between house and stable
19:49	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Pass between house and stable
19:52 – 20:18	Common pipistrelle	Fairly regular passes around buildings, with occasional social calls
20:05	Serotine (<i>Eptesicus serotinus</i>)	Emerged from main house
20:09 – 20:10	Daubenton's bat (<i>Myotis daubentonii</i>)	Pass from S of main house
20:07	Soprano pipistrelle	Pass between house and stable
20:15	Noctule (<i>Nyctalus noctula</i>)	Passing over site
21:21	Barbastelle (<i>Barbastella barbastellus</i>)	Emerged from roof of main house
20:21	Common pipistrelle	Emerged from roof of main house
20:22 & 20:24	Brown long-eared bat (<i>Plecotus auritus</i>)	Two passes, W & SW of stable

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20:23	Natterer's bat (<i>Myotis nattereri</i>)	Pass at W of outbuildings
20:27	Serotine	Pass at W of buildings
20:27	Soprano pipistrelle	Pass at W of buildings, with feeding buzz
20:27	Grey long-eared bat (<i>Plecotus austriacus</i>)	Auto ID – Pass between stable and house (See below)
20:28	Grey long-eared bat	Auto ID – Pass at W of outbuildings
20:29 & 20:30	Barbastelle	passes at W of buildings & between stable and house
20:38	Grey long-eared bat	Auto ID pass between house and stable and at W of outbuildings
20:41	Barbastelle	Pass around outbuildings

9.2 Bats Recorded during the survey: (Bats confirmed as roosting on site in bold type)

- **Common pipistrelle (*Pipistrellus pipistrellus*) is considered to be common and widespread in the UK.**
- **Soprano (or 55kHz) pipistrelle (*Pipistrellus pymaeus*) is also considered to be common and widespread in the UK.**
- **Serotine (*Eptesicus serotinus*) is a large bat, which roosts almost exclusively in buildings. Although not widespread in the UK, this species is not uncommon in SE England.**
- Daubenton's bat (*Myotis daubentonii*) – This bat is most commonly found near larger water bodies, where it forages on insects over the surface of the water.
- Noctule (*Nyctalus noctula*) is a large bat, which roosts almost exclusively in tree holes. The noctule appears to have declined in numbers, in recent years.
- **Barbastelle (*Barbastella barbastellus*) is a rare woodland species. The barbastelle has special protection under Annex II of the Habitats Directive.**
- Long-eared bat (*Plecotus* sp.) - the brown long-eared bat (*Plecotus auritus*) is common and widespread throughout the UK. The grey long-eared bat (*Plecotus austriacus*) is extremely rare but has been recorded in West Sussex. Bat sonar analysis software uses a large database of verified bat calls to compare recordings and arrives at a probability of species ID. The program produced a high confidence classification for grey long-eared bat at Barlands. Brown long-eared bats were also recorded.
- Alcathe bat (*Myotis alcathoe*) is a woodland species which has only been discovered breeding in the UK in recent years.
- **Natterer's bat (*Myotis nattereri*) is a medium sized bat which is generally associated with woodland. Natterer's bats will roost in trees or buildings.**

10. Survey Constraints

10.1 There were no significant constraints to these surveys.

11. Conclusions and Recommendations

11.1 The Garage

No bats or evidence of bat use was seen in the garage during the latest surveys and although ecologists from Elite Ecology noted bat droppings in the building during their 2020/2021 surveys, there is no evidence to suggest that this building has been used by bats since that time. Therefore, no further surveys of the garage are required, unless demolition does not take place within one year of the latest survey date, in which case a further building inspection should be undertaken. However, appropriate care should be taken during the demolition, because bats are very active around the site and it remains possible that a bat might be found. A written copy of a toolbox talk, in respect of bats, is attached to this report and gives advice on working in areas where bats may be present and on what to do if a bat, or bats, are found.

11.2 The Stable

11.1 Although no bats were seen to emerge from the former stable during either of the Batscan surveys or during the surveys carried out by Elite Ecology in 2021, the evidence found suggests that at least one bat roosts, on occasions, in the roof of this building. prior to the latest survey, in August 2024, only small numbers of old droppings were found, at ceiling level. However, a small accumulation of fresh droppings found in a cobweb beneath the roof ridge, during the latest survey, suggests that a bat has roosted there in recent months. Therefore, the building must be considered to be a bat roost, albeit an occasional one. The species identity was confirmed by DNA analysis as Natterer's bat (*Myotis nattereri*), a relatively common species in rural areas. Natterer's bat was recorded during the 2024 bat activity surveys.

11.2 The bat's roosting place will be damaged by the proposed building works and therefore a Natural England Bat Mitigation Licence must be sought, prior to works to this building. A 'low impact' or Bat Mitigation Class Licence (BMCL) will be appropriate for this site. See suggested Outline Method Statement (Mitigation Plan), below.

MAGIC MAPS



Fig. 18 – The site, circled

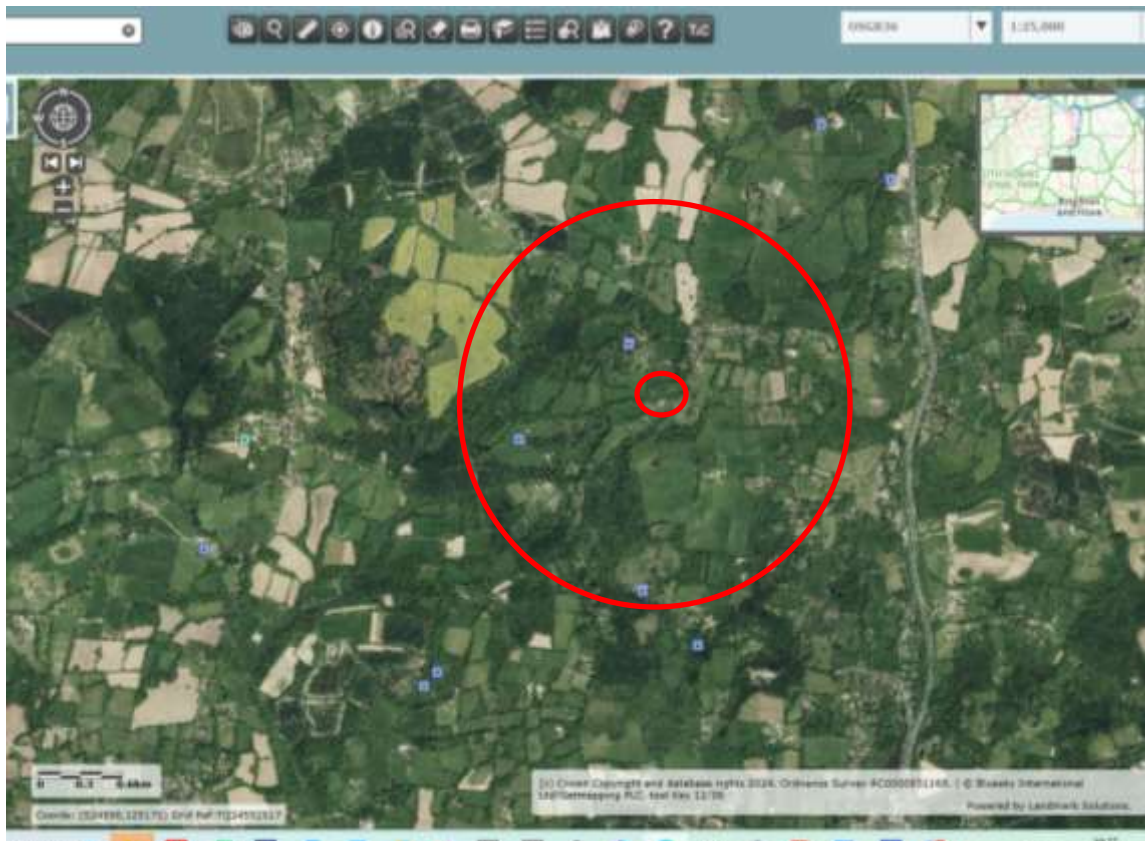
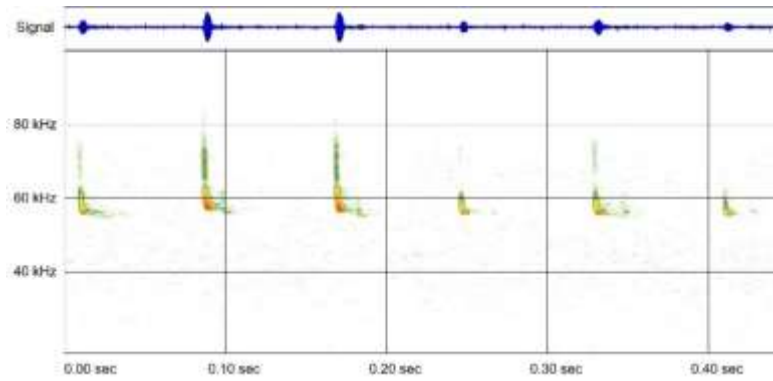
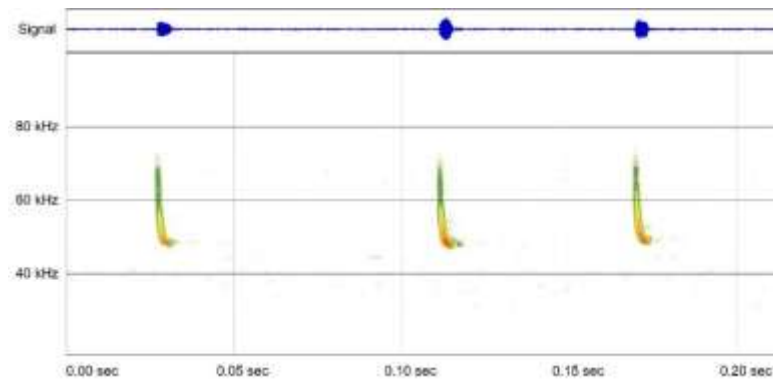


Fig. 19 – Sites where NE EPS Licences (Bats) have been granted, within approx. 2km of site (purple squares)

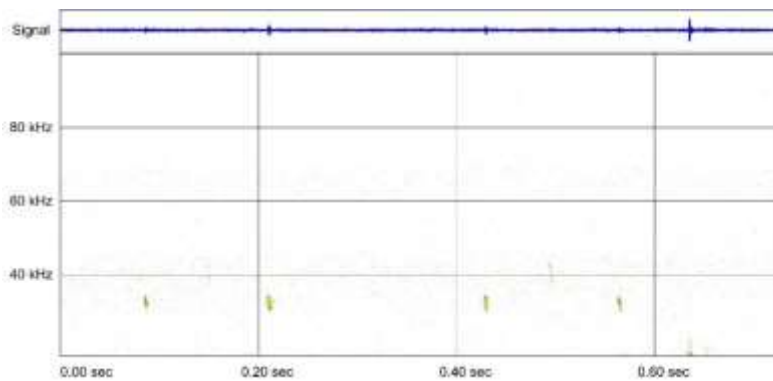
Bat Sonograms – June & August 2024 – Barlands



Soprano pipistrelle (*Pipistrellus pygmaeus*)

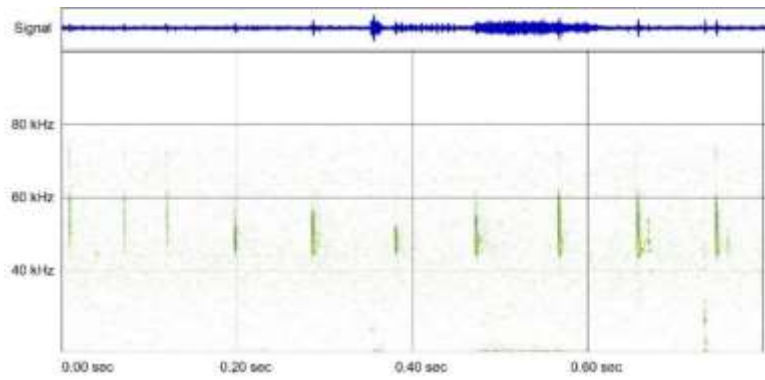


Common pipistrelle (*Pipistrellus pipistrellus*)

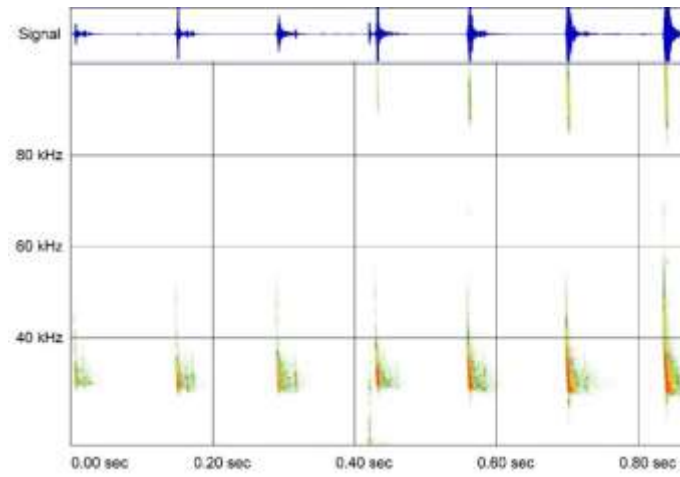


Barbastelle (*Barbastella barbastellus*)

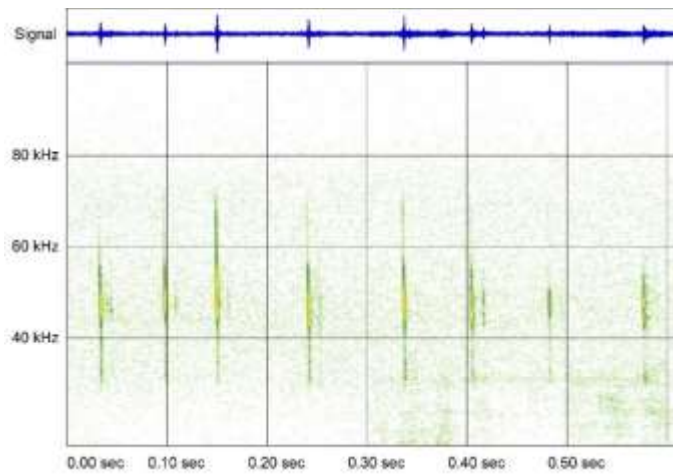
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Alcathe bat (*Myotis alcathoe*)

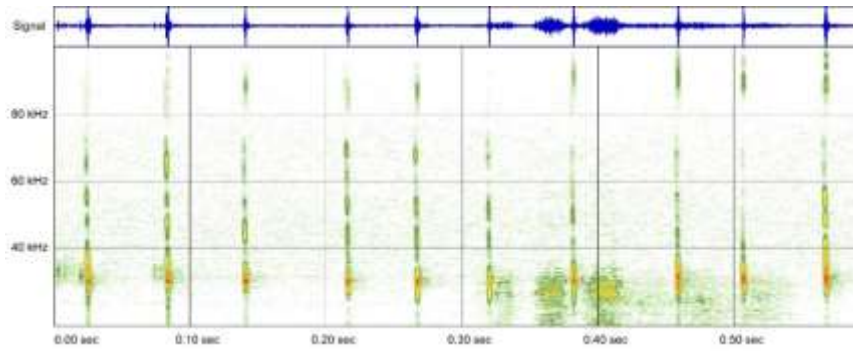


Emerging serotine (*Eptesicus serotinus*)

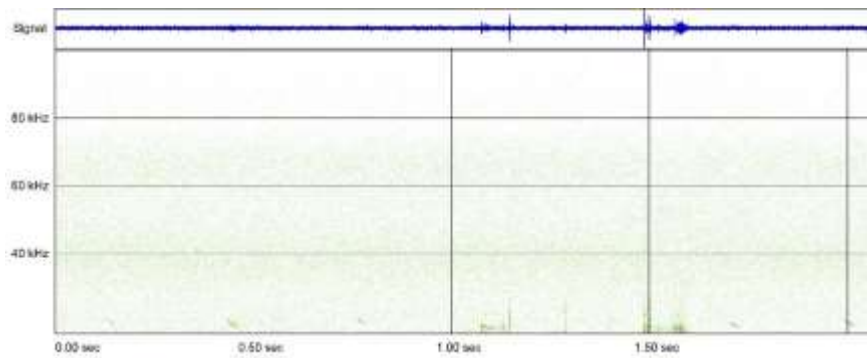


Daubenton's bat (*Myotis daubentonii*)

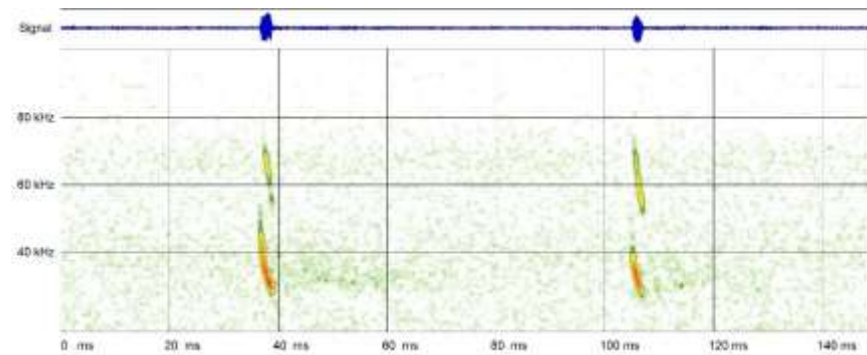
BATSCAN BAT SURVEYS



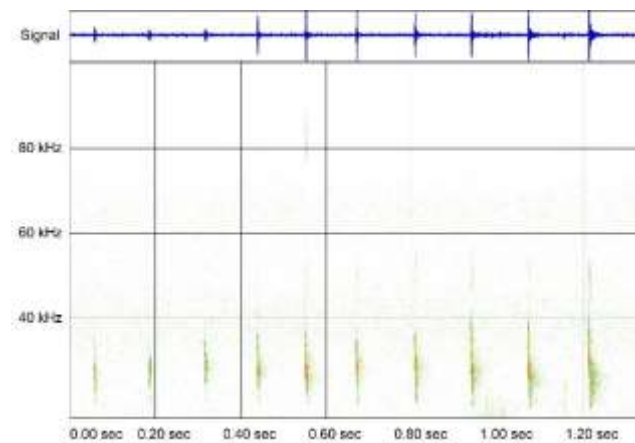
Natterer's bat (*Myotis nattereri*)



Noctule (*Nyctalus noctula*)



Brown long-eared bat (*Plecotus auritus*)



Grey long-eared bat (*Plecotus austriacus*)

OUTLINE METHOD STATEMENT – THE FORMER STABLE, BARLANDS

- **Timing**
A Bat Mitigation Class Licence (BMCL) can be applied for, once planning permission has been granted. No work can commence until the licence is in place.
- **Temporary Mitigation Measures**
Prior to the commencement of works, a good quality crevice-style bat box (such as a ‘Kent-style’ box), must be erected on a mature tree or building close to the outbuilding. The bat box should be erected at a height of not less than 3m and where there is a clear flight path in and out of the box, for any bats which might use it.
- **Toolbox Talk**
Contractors undertaking works to the former stable must be provided with a toolbox talk, by the ecologist, prior to works, to inform them of the possible presence of bats on site, their legal protection and what to do if a bat is unexpectedly found.
- **Supervision**
The area around the previously identified roost location shall be soft stripped by hand, under ecological supervision. Any bats found during the soft strip shall be caught by hand and released into the pre-erected bat box or taken into care temporarily until it/they can safely be returned to the site.
- **Permanent Compensation Measures**
Long-term roost provisions will be incorporated into the replacement building. This could take the form of two purpose-made bat access tile sets^{*4}, set into the refurbished building, immediately below the ridge (N & S sides of the ridge). Alternatively, bespoke roosting crevices can be created. Please note that a standard breathable membrane must not be used beneath tiles or cladding where bats might roost; either traditional bitumen based 1F felt or a breathable membrane, which has passed a snagging propensity test, must be used.
- **Lighting**
Any new lighting plans should comply with best practice (BCT & ILP 2023)^{*5} and avoid the direct or indirect illumination of new bat roosts and their immediate surroundings.
- **Connectivity**
The proposed works will have no significant impact on connectivity around the site.
- **Post Works Measures**
Upon completion of the works, the bat provisions should be checked by the ecologist and a licence return will be forwarded to Natural England. Some post works monitoring may be required.

- *¹ Preliminary Ecological Appraisal - August 2023 – EAS - Environmental Assessment Services Ltd - Unit 1, Winterpick Business Park, Hurstpierpoint Rd, Wineham, Henfield, West Sussex, BN5 9BJ - Phone : +44 (0) 1444 882 552- email: info@easltd.co.uk - website: www.easltd.co.uk
- *² Bat Activity Survey – August 2021 – Elite Ecology Ltd – Wellesley House, Wellesley Street, Stoke-on-Trent ST1 4FN – Phone 01782 30841 – email: enquiries@eliteecology.co.uk – website: www.eliteecology.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
- *⁴ Bat Access Tiles & Ridges | Tudor Handmade Roof Tiles, UK (tudorrooftiles.co.uk)
- *⁵ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

*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>



16 September 24

Re: Identification Results for Sheila Wright, Batscan Ltd

Job number 21125, received 06 September 2024

Sample labelled: Barlands Stable, Barlands, The Street, Warringlid, West Sussex, RH17 5SZ

PCR amplification successful. DNA sequence:

GATTCCTAAAAGAGATCCGAAATTCCATCAGGAAGAGATATTTGATGGAGCGGGTAG
GTCAATAAAGGAGTTATTGATAATTTTCATTAGGGGGTGAGATTTTCGAATGTTGGTC
AT

Phylogenetic analysis identification: *Myotis nattereri*

Confirmed by maximum likelihood, maximum parsimony, bootstrap 100%.

Best regards,

Professor Robin Allaby

The results and conclusions in this report are based on an investigation of mtDNA sequence analysis. The results obtained have been reported with accuracy. The interpretation represents the most probable conclusion for the DNA sequence obtained rather than the sample provided given current levels of species data. It should be borne in mind that different circumstances might produce different results. Therefore, care must be taken with interpretation of the results especially if they are used as the basis for commercial recommendations.

Professor Robin Allaby

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