# Bat Survey Report

Old Park Lodge, Slaugham Lane, Warninglid,
West Sussex, RH17 5TJ

January 2025

Arun Ecology Ltd

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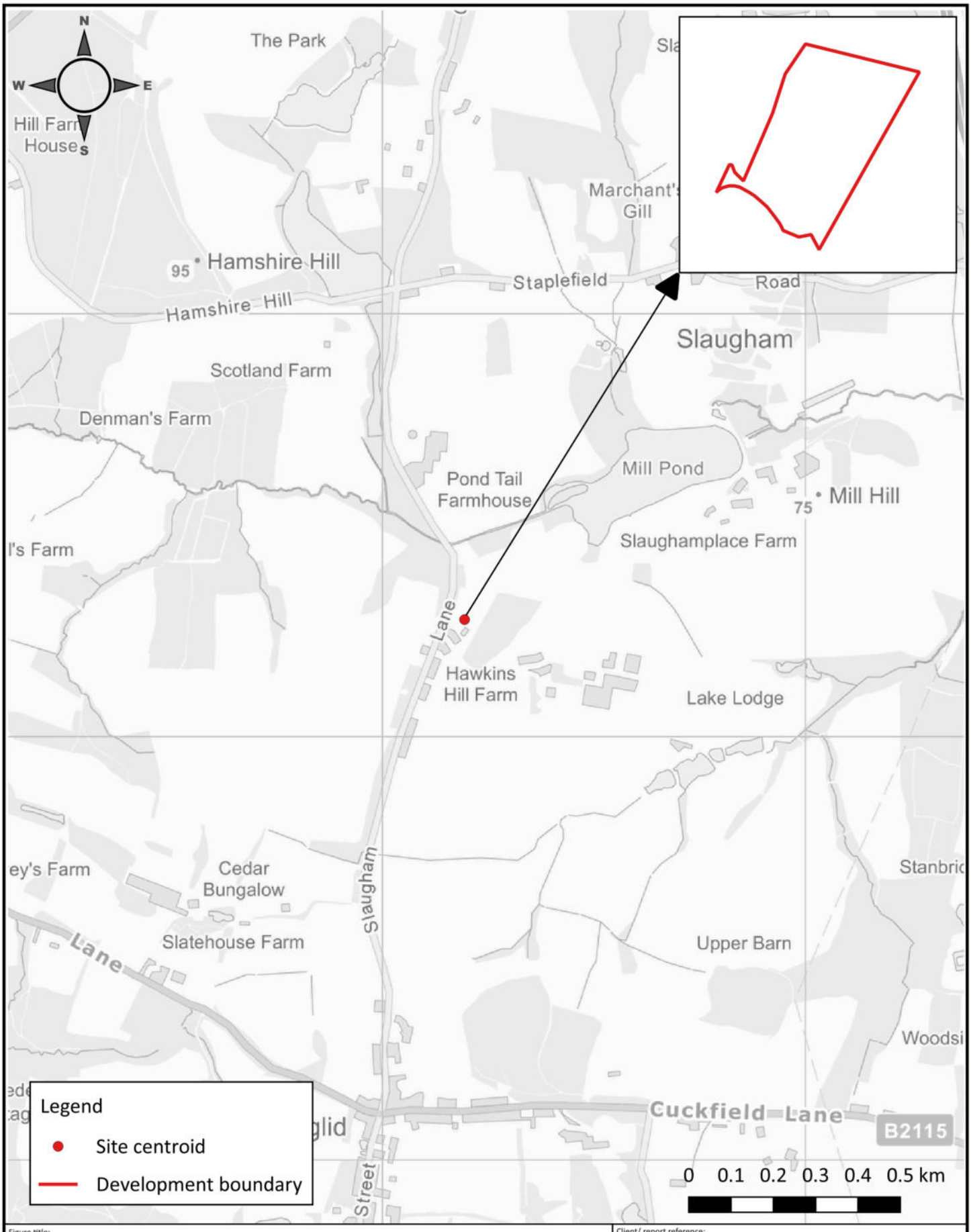
|---|---|
| Client | David Simpson and Phil Marshall |
| Project | Bat Surveys – Old Park Lodge, Slaugham Lane, Warninglid, West Sussex. |
| Version | Final |
| Project team | Joseph Baker – Project Director |
| Report reference | C-NJA-004-002-001 |

| Revision number | Date of issue | Author | Reviewer | Approver |
|---|---|---|---|---|
| 001 | 06/01/2025 | Amy Oldham and Elizabeth Boxall | Hannah Baker | Joseph Baker |

# Contents

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| Figure title: Site Location | | Client/ report reference: David Simpson and Phil Marshall C-NJA-004-002-001 |
| Site location: Old Park Lodge, Slaugham Lane, Warninglid, West Sussex | | |
| Figure number: 1 | Date drawn: 24/10/2024 | Scale at A4: 1:12000 |
| Revision: 1 | Cartographer: AO | Approver: JB |

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Legend

- Building layout
- Roof layout
- broken roof tiles
- Missing fascia board
- Missing mortar on ridge tile
- Gap under lower fascia board
- Gap between purlin and wall
- Gap in soffit box
- Bat roost location

SL - Surveyor and infra-red camera location

| | | |
|---|---|---|
| Figure Title: Bat Survey Results | | |
| Client/ Project Reference: David Simpson and Phil Marshall C-NJA-004-002-001 | | |
| Figure number: 2 | Revision: 1 | Scale at A4: 1:150 |
| Cartographer: JB | Date drawn: 23/12/24 | Approver: HB |

**Photo 1:** Infra-red camera field of view from survey location SL01 taken at the darkest point of the survey. The location of the roosts are shown.


**Photo 2:** Infra-red camera field of view from survey location SL02 taken at the darkest point of the survey.

**Photo 3:** Infra-red camera field of view from survey location SL03 taken at the darkest point of the survey.



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|---|---|---|---|
| Site Location: Old Park Lodge, Slaugham Lane, Warninglid, West Sussex | | | Project: C-NJA-004-002-001 |
| Figure Title: Bat Emergence Surveys - Infra-red camera field of view photographs. | | | Client name: David Simpson and Phil Marshall |
| Figure no: 3 | Revision no: 1 | Scale: n/a | arun ecology |
| Cartographer: AO | Date Drawn: 10/12/2024 | Reviewed by: JB | enquiries@arunecology.com www.arunecology.com |

# 1. Summary and Recommendations

| | |
|---|---|
| **Proposals** | • David Simpson and Phil Marshall are proposing a development (grid reference: TQ 25171 27248) at Old Park Lodge, Slaugham Lane, Warninglid, West Sussex (see Figure 1).<br>• The applicants seek planning permission for a development that includes the demolition of an existing residential property (building B1), demolition of outbuildings, construction of a new residential dwelling and associated landscaping within the development boundary. |
| **Surveys** | • Three bat emergence surveys were undertaken on building B1, on the 26th June, 17th July and 7th August. The bat emergence surveys were completed in suitable weather conditions with no survey limitations. |
| **Impact assessment** | • Two bat roosts were recorded at building B1 during the bat emergence surveys and included:<br>  ○ **Roost 1:** A common pipistrelle day (summer) roost located under a roof tile (where a fascia board has broken away) on the southeastern gable end of building B1, with a peak count of 2 bats; and<br>  ○ **Roost 2:** A common pipistrelle day (summer) roost located under a wooden fascia board on the southeastern aspect of building B1 with a peak count of 2 bats recorded.<br>• All bat roosts recorded at building B1 will be permanently lost as part of the development.<br>• As the development will result in adverse impacts to bat roosts and could result in harm to individual bats it will require approval under the licensing system administered by Natural England to proceed lawfully. |
| **Recommendations** | **The recommendations below represent a summary only. The full recommendations are outlined in section 6 and should be referenced to in the use of this report.**<br>• To ensure the development proceeds lawfully the bat mitigation strategy outlined in section 8 of this report should be followed, including registration of the site (subject to approval by Natural England) under the Bat Mitigation (Low Impact) Class Licence (BMCL).<br>• Bat survey data used to inform registration under the BMCL should be collected in the most recent bat survey season (typically May - September). If significant time passes prior to determination of the application or registration under the BMCL, further bat emergence surveys may be required. |

# 2. Introduction

## 2.1 Development Location

2.1.1 David Simpson and Phil Marshall are proposing a development (grid reference: TQ 25171 27248) at Old Park Lodge, Slaugham Lane, Warninglid, West Sussex, RH17 5TJ (see Figure 1). This property is hereafter referred to collectively as 'the site' and David Simpson and Phil Marshall as the 'applicant'.

2.1.2 The site falls within the governance boundary of Mid Sussex District Council (MSDC).

## 2.2 Development Proposals

2.2.1 The applicant seeks planning consent for the redevelopment of a residential property to include:

- Demolition of an existing residential property;
- Demolition of outbuildings;
- Construction of a new residential dwelling; and
- Associated landscaping within the development boundary.

2.2.2 The proposals above are hereafter referred to collectively as 'the development' their location as the development boundary and the main residential property as building B1.

## 2.3 Ecology Background

2.3.1 A Preliminary Ecological Appraisal that included a bat Preliminary Roost Assessment was completed by Arun Ecology Ltd (see Arun Ecology Ltd, 2024). The results from the PEA relevant to this report include:

- Building B1 was classified as having high suitability for roosting bats with three further bat emergence surveys recommended to determine the presence or probable absence of bats; and
- Building B2 was classified as having moderate suitability for roosting bats, with no further bat emergence surveys recommended at this time as no bat potential roosting features will be adversely impacted by the development.

## 2.4 Brief and Objectives

2.4.1 Arun Ecology Ltd were commissioned by the applicant to undertake three bat emergence surveys of building B1.

2.4.2 The key objectives of the bat emergence surveys, as per BCT Good Practice Guidelines for Ecologists (Collins, 2023) are to:

- Determine the presence or probable absence of bats;
- Characterise any bat roost types recorded and the number of bats using the roost; and
- Collect information on any bat roosts recorded in order to inform the planning application for the development and any bat mitigation licencing requirements.

2.4.3 The brief of the bat emergence surveys was to:

- Undertake a proportionate number of bat emergence surveys in line with the suitability classification assigned to them during the bat PRA and in line with the Bat Conservation Trust Good Practice Guidelines (Collins, 2023); and
- Provide a technical report supported by digitised mapping. The report will present the methods and results (including any limitations) of the bat emergence surveys. The report will also include a discussion of the relevant legislation and planning policy to bats.

# 3. Method

## 3.1 General Approach

3.1.1 The bat surveys were carried out in accordance with the Bat Conservation Trust Good Practice Guidelines for Ecologists (Collins, 2023).

3.1.2 The number and timing of the bat emergence survey visits were determined by the roost suitability classification assigned to building B1 during the bat PRA conducted by Arun Ecology (Arun Ecology Ltd, 2024).

## 3.2 Bat Emergence Surveys

### Recording Bats

3.2.1 The bat emergence surveys commenced 15 minutes before the time of local sunset (source www.sunrisesunsetmap.com) and continued for 1.5 hours after sunset.

3.2.2 The surveyors were positioned around the exterior of the building to observe all potential access/egress points and bat PRFs that were recorded in the bat PRA (see Figure 2).

3.2.3 The surveyors were aided by ultrasonic bat detectors (Elekon Batlogger M) to audibly record any bat echolocation calls from bats that emerged from or re-entered the building.

3.2.4 During the bat emergence surveys three infrared video cameras (model: Canon XA 40) were used. The cameras were used in infrared mode by the surveyors with a 7-inch monitor to act both as a visual aid when watching bat PRFs as light levels dropped and to record the survey and any bats that emerged or re-entered the building. All infrared cameras were accompanied by two Nightfox 850 nm infrared torches to illuminate the area of the building in front of the surveyor location with infrared light (see Figure 3).

3.2.5 Only bats that emerged or re-entered the building were recorded (in handwritten notes) by surveyors during the bat emergence survey to ensure concentration was retained on the bat PRFs at all times by surveyors.

### Data Analysis

3.2.6 If bats were recorded emerging or re-entering the building, associated bat calls were subject to analysis using the Elekon Bat Explorer software. These were identified to species level (where possible) or genus level, using British Bat Calls: A Guide to Species Identification, Russ J. M, 2012.

3.2.7 Infrared camera footage collected by surveyors for each survey visit was analysed (watched) using the VLC media player software.

## 3.3 Survey Dates and Conditions

### Bat Emergence Surveys

3.3.1 Information about the bat emergence surveys including the date and the weather conditions at the time of the survey are outlined below in Table 1.

**Table 1 –** Bat Emergence Survey Information

| Visit | Survey type | Date | Survey timings | | Temperature (°C) | | Rain | Wind (Beaufort Scale) |
|---|---|---|---|---|---|---|---|---|
| | | | Start | Finish | Start | Finish | | |
| **Building B1** | | | | | | | | |
| 1 | Emergence survey | 26/06/24 | 21:05 | 22:50 | 20 | 18 | No | 1 |
| 2 | Emergence survey | 17/07/24 | 20:52 | 22:37 | 18 | 17 | No | 1 |
| 3 | Emergence survey | 07/08/24 | 20:21 | 22:06 | 20 | 18 | No | 2 |

3.3.2 Temperature was measured by the lead surveyor in degrees Celsius using the inbuilt meter within the Batlogger M detectors. Wind levels were also recorded, using the Beaufort scale.

3.3.3 For the bat emergence surveys, an overall assessment of the suitability of the weather conditions was made against those outlined in BCT Good Practice Guidelines for Ecologists (Collins, 2023), which state:

*'The aim should be to carry out surveys in conditions that are close to optimal (sunset temperature 10$^{o}$C or above, no rain or strong wind)'.*

3.3.4 All bat emergence surveys were undertaken (as outlined in Table 1) in suitable conditions in-line with the above statement.

## 3.4 Surveyors

### Bat Emergence Surveys

3.4.1 A summary of the survey teams for the bat emergence surveys are outlined below in Table 2.

**Table 2 –** Bat Emergence Survey Surveyor details.

| Surveyor name | Job title and credentials | Bat survey completed |
|---|---|---|
| Josep Baker | • BSc (Hons) -Technical Director.<br>• Level 2 Class Licence to Survey Bats.<br>• 8 years bat surveying experience. | • Bat PRA (Lead Surveyor)<br>• Bat emergence Survey – Visit 3 (Lead) |
| Hannah Baker | • BSc (Hons) – Director.<br>• Level 2 Class Licence to Survey Bats.<br>• 8 years bat surveying experience. | • Emergence Surveys – Visit 1 and 2 (Lead Surveyor). |
| Molly Manwill | • BSc (Hons) - Assistant Ecologist.<br>• 3 year of bat surveying experience. | • Bat emergence Survey visits 3 |
| Amy Oldham | • BSc (Hons) – Assistant Ecologist;<br>• 1 year of bat surveying experience | • Bat emergence Survey visits 1 |
| Eleanor Dingle | • BSc (Hons) – Assistant Ecologist<br>• 2 years of bat surveying experience | • Bat emergence survey visits 1 and visit 2. |
| Robin Bassett | • Ecologist<br>• 3 Years of bat surveying experience | • Bat emergence survey visits 1, 2 and 3. |

## 3.5 Limitations

3.5.1 No limitations were recorded as part of the bat emergence surveys.

# 4. Results

4.1.1 The results of the bat emergence surveys undertaken at building B1 are summarised below in Table 3 (see Figure 2 and Figure 3).

**Table 3** – Summary of the Bat Emergence Survey Results from Building B1.

| Survey visit | Surveyor location | Infra-red camera used (✓ = yes) | Surveyor records |
|---|---|---|---|
| **Building B1** | | | |
| Visit 1<br>Date: 26/06/24<br>Start time: 21:05<br>Sunset time: 21:20<br>End time: 22:50 | SL01 | ✓ | No bats were recorded emerging/ re-entering building B1. |
| | SL02 | ✓ | No bats were recorded emerging/ re-entering building B1. |
| | SL03 | ✓ | No bats were recorded emerging/ re-entering building B1. |
| Visit 2<br>Date: 17/07/24<br>Start time: 20:52<br>Sunset time: 21:07<br>End time: 22:37 | SL01 | ✓ | No bats were recorded emerging/ re-entering building B1. |
| | SL02 | ✓ | No bats were recorded emerging/ re-entering building B1. |
| | SL03 | ✓ | No bats were recorded emerging/ re-entering building B1. |
| Visit 3<br>Date: 07/08/24<br>Start time: 20:21<br>Sunset time: 20:36<br>End time: 22:06 | SL01 | ✓ | **Roost 1** - Two common pipistrelle bats emerged from under a rooftile (where a fascia board has broken away) on the southeastern facing gable end of building B1:<br>• One common pipistrelle emerged at 20:39 (3 minutes after sunset)<br>• One common pipistrelle emerged at 20:45 (9 minutes after sunset)<br><br>**Roost 2** - Two common pipistrelle bats emerged from under the fascia on the southeastern facing gable end of building B1:<br>• One common pipistrelle emerged at 20:46 (10 minutes after sunset).<br>• One common pipistrelle emerged at 20:55 (19 minutes after sunset) |
| | SL02 | ✓ | No bats were recorded emerging/ re-entering building B1. |
| | SL03 | ✓ | No bats were recorded emerging/ re-entering building B1. |

## 4.2 Bat Roost Characterisation

4.2.1 A summary of the bat roost characterisation for each bat roost recorded at building B1 is provided in Table 5 Appendix II (see Figure 2).

### Roost 1 and Roost 2 – Common pipistrelle Day (Summer) Roost

4.2.2 Roost 1 and Roost 2 have both been characterised as a common pipistrelle day (summer) roost based upon the timing of the bat emergence surveys and due to only two bats emerging from the roost. As such, a common pipistrelle maternity roost is considered likely absent from building B1. The identification of emerging bats was confirmed via analysis of the echolocation calls recorded at the time of the bat emergence.

# 5. Legislation and Planning Policy

## 5.1 Background

5.1.1 The purpose of this section is to evaluate the legislation and planning policy that we know are relevant to the development based upon all surveys undertaken at the site to date.

## 5.2 Bats

5.2.1 As set out in Appendix II, all bats and their roosts are protected, and the following legislation and planning policy is relevant to bats:

- Conservation of Habitats and Species Regulation 2017;
- Wildlife & Countryside Act, 1981 (as amended);
- Natural Environment & Rural Communities (NERC), Act 2006;
- Countryside Right of Ways Act, 2000;
- National Planning Policy Framework, 2023; and
- Mid Sussex District Council Local Plan 2018.

5.2.2 In addition to the above, government circular 06/2005 is also relevant to the development as outlined in Appendix II.

### Building B1

5.2.3 The development will contravene the legislation and planning policy outlining the protection of bats and their roosts for the following reasons:

- The development will result in the permanent destruction of two common pipistrelle day (summer) roosts; and
- The development could result in harm (through killing or injuring) to individual common pipistrelle bats during the construction phase of the development.

5.2.4 Recommendations are outlined in section 6.2 of this report to ensure the development is compliant with the legislation and planning policy relevant bats and is able to proceed lawfully.

## 5.3 Ecological Enhancements

5.3.1 In line with the NPPF (2024) all developments should incorporate ecological enhancements for the benefit of biodiversity into the design. Enhancements should be separate to any compensation or mitigation that might be required for bats or other protected species.

5.3.2 Additional enhancements for roosting bats are outlined in section 8 of this report.

5.3.3 The ecological enhancements outlined in the PEA report (see Arun Ecology, 2024), will ensure the development is compliant with national and local planning policy.

# 6. Recommendations

## 6.1 Background

6.1.1 This section is based upon the results of all bat surveys undertaken to date and includes recommendations following the mitigation hierarchy (avoidance, mitigation and compensation; BSI, 2013) on how the development can proceed lawfully with respect to bats.

## 6.2 Bats

### Mitigation Licence

6.2.1 Bats are confirmed to be roosting at building B1. Ideally, impacts to bats should be avoided wherever possible and bat access/egress points and known roosting locations integrated into the design of the development. However, the development includes proposals that cannot avoid impacts to bats and their roosts.

6.2.2 As the development will result in adverse impact to bats and their roosts it will require approval under the licensing system administered by Natural England to proceed lawfully. The bat species, types of roost present and number of bats confirmed as present at building B1 would meet the criteria for registration of the site under Annex B of Natural England's Bat Mitigation Class Licence (BMCL).

6.2.3 The BMCL is specifically for developments which will have a low or temporary effect on bats or their roosts. The BMCL permits the disturbance and capture of bats and/ or damage / destruction of roost(s) of no more than three low conservation significance roosts, affecting no more than three of the more common species of bat present in small numbers.

6.2.4 A mitigation strategy that outlines how the development will meet the above criteria is provided in section 8 of this report.

### Survey Validity

6.2.5 Bat emergence survey data used to inform planning applications and bat mitigation licence requirements should be collected in the most recent bat survey season (typically May-September). As such, if sufficient time should pass (i.e. more than one bat survey season) before the bat survey data is assessed or the site is registered under the BMCL, additional bat emergence surveys may be required.

# 7. Conclusion

7.1.1 The development will result in the destruction of bat roosts and could harm individual bats. Despite this, it will be possible for the development to proceed lawfully, subject to the registration of the site under the BMCL and with appropriate mitigation.

# 8. Bat Outline Mitigation Strategy

## 8.1 General Approach

8.1.1 The following mitigation strategy reflects the combined results of all bat survey work undertaken and will form part of the proposed registration of building B1 under the BMCL. Where possible, mitigation has been proposed in-line with or adapted from the principles of the bat mitigation guidelines (CIEEM, 2023).

8.1.2 The proposed registration of the site under the BMCL follows the criteria set out in Annex B. This will include the two common pipistrelle day (summer) roosts.

8.1.3 Under licence, the objectives of the mitigation will be to:

- Avoid the killing or injury of bats by the appropriate supervision of works; and
- To minimise the potential for any accumulation of effects on bats locally, by voluntarily offering a suitable alternative roosting opportunity (although this is not a mandatory requirement under the BMCL for the species and roost types recorded during the surveys).

8.1.4 This outline mitigation statement is based on the assumption that the proposed development is safely delivered, and that appropriate assessment of potential asbestos containing materials at the site is undertaken. Arun Ecology Ltd reserve the right to amend this statement should the proposed action be deemed unsafe to complete.

## 8.2 Bat Mitigation Class Licence (BMCL) Registration

8.2.1 Registration of the site under the BMCL (subject to approval by Natural England) will be undertaken once planning permission has been granted for the proposed development and any relevant conditions relating to bats have been discharged, if able.

8.2.2 Registration will be undertaken on behalf of the client by a 'registered ecological consultant' (hereafter the registered consultant) who is approved by Natural England to register sites and works under Annex B of the BMCL.

8.2.3 The Registered Consultant must register the site with Natural England a minimum of three weeks and no more than a maximum of twelve weeks prior to undertaking any licensable works under the BMCL. The BMCL will be granted for the period of the licensable works. The works must normally be completed within 6 months of the licence being granted.

8.2.4 A site visit will be required and will be undertaken by the registered consultant within 3 months prior to the licence application submission. The purpose of the visit will be to ensure that site conditions have not significantly changed, prior to the registration under the BMCL.

8.2.5 The BMCL registration should be informed by a proportionate surveying effort that has been undertaken in the most recent bat season. Further bat surveys may need to be factored into the schedule of the development and registration of the site should this not be the case.

## 8.3 Safeguarding of Bats

### Avoiding the killing or Injuring of Bats

8.3.1 The registered consultant or an accredited agent will give a toolbox talk to all contractors involved in the removal of the roost features and the subsequent roof removal. The toolbox talk will cover the following points:

- Introduction to identify the registered consultant or an accredited agent to other stakeholders and contractors;
- Explanation of why a watching brief is necessary, including legal protection of bats (to include any other ecological constraints);
- What to look for, the working approach and the procedure to follow should a bat be encountered; and
- It will be explained that a copy of the mitigation strategy must remain available on site at all times.

8.3.2 Immediately prior to any works on site, the known roosting locations and any other accessible bat PRF's on building B1 will be inspected by the registered consultant under the bat BMCL or an accredited agent. If a bat is found, it will be removed using the methodology outlined in section 8.3.4 and 8.3.5.

8.3.3 Following the inspection of roost features, soft demolition of the confirmed roosting location will be undertaken by hand, under close supervision of the registered consultant or accredited agent.

8.3.4 Other potential roosting features for bats should also be removed by hand or soft stripped under supervision of the registered consultant or accredited agent. Close supervision may require the ecologist to be present on scaffolding or mechanical lifting equipment being used to strip the roof or other building features which bats might use, as far as it is safe to do so.

8.3.5 If a bat is found roosting in the building during the works, all works will stop, and the bat will be caught (either by hand wearing suitable gloves or using a static hand-net) and removed (using a cotton holding bag) by the licenced registered consultant or accredited agent. The bat will then be transferred into an appropriate bat box for the species found. Works can commence again once confirmed by the registered consultant or accredited agent.

8.3.6 If it is not possible to capture and remove a bat to safety using the above methods, a one-way excluder (such as a pro-cone square bat excluder) will be fitted in conjunction with flange-wire mesh (suitable for bats) to the roosting feature. The roosting feature will then be inspected the following morning to ensure the bat has left before the feature is dismantled. Alternatively, if it is not possible to fit a one-way excluder to the roosting feature (due to size and shape of the access egress point or if harm might come to the bat) the bat will be left in-situ and a check completed the following morning to see if the bat has left the roosting feature.

### Timing of Works

8.3.7 To ensure the development avoids any potential for unexpected encounters with any hibernating bats, the development will be timed so that all licensable actions under the BMCL are completed outside of the typical bat hibernation period between November – March.

8.3.8 As the development is only likely to encounter small numbers of non-breeding bats for (likely) short periods of time, it will be possible to undertake the licensable works between March – October (March is subject to suitable weather conditions).

## 8.4 Compensation, Mitigation and Ecological Enhancements for Roosting Bats

### Voluntary Bat Roosting Provisions

8.4.1 Two bat boxes suitable for crevice dwelling bats (1FF Schwegler Bat Box) will be installed on suitable trees located on the edge of the deciduous woodland found on the western boundary of the development. The bat boxes will be installed at a height of 3-5 m on the tree

8.4.2 One bat box will form a compensatory roosting feature for common pipistrelle. The second box will provide a suitable refuge to place any bats that are found during the soft stripping process of any roosting features at building B1 and will be left on-site thereafter.

8.4.3 If it is not possible to source the bat boxes specified above, a bat box of similar specification that is suitable for crevice dwelling bats (including pipistrelle bats) for use as a day (summer) roost will be sought in consultation with Arun Ecology Ltd.

### Ecological Enhancements for Roosting Bats

8.4.4 One integrated bat box (1WI Schwegler Summer and Winter Bat Boxes) suitable for pipistrelle bats and four specialist roof bat access tiles (or modified standard roof tiles) suitable for crevice dwelling bats will be voluntarily installed on the proposed residential dwelling to compensate for the loss of any potential roosting features for bats on building B1.

8.4.5 The proposed location of the integrated bat box is on the eastern aspect of the new building immediately below the eaves of the roof line. The bat access tiles will also be located on the eastern aspect of the new building.

### Lighting Design Strategy

8.4.6 To ensure that the development avoids adverse impacts on the proposed bat roosting features and bat foraging and commuting habitats within the development boundary, any lighting as part of the proposed development should be installed in line with current guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals: Guidance Note GN08/23 Bats and Artificial Lighting At Night (BCT & ILP 2023).

8.4.7 The lighting strategy for the development boundary as a minimum should aim to:

- Avoid illumination of the proposed bat roosting features within this mitigation statement and the adjacent deciduous woodlands to the development boundary; and
- Minimise the overall levels of light pollution within the development boundary as a result of the development by:
    - Selecting appropriate lighting sources such as LED lighting that lack UV components, have peak wavelengths higher than 550 nm and that have a warm white light (2,700 kelvin or lower);
    - Appropriate fitting of lighting to include horizontal mounting with no light output above 90° and/or no upward tilt, or as a last resort the use of baffles, hoods or louvres to reduce light spill and direct lighting to only where it is needed; and
    - Using light only when necessary, within the development boundary, by using timers and motion sensors.

## 8.5 Monitoring and Reporting

8.5.1 No post works monitoring is proposed or required for the compensation and mitigation of bat roosting features under the BMCL.

8.5.2 The registered consultant will report the actions taken under the BMCL to Natural England on completion of the works.

## 8.6 Schedule of Works

8.6.1 At present the commencement date of the project is pending the approval of planning permission. Once planning permission is finalised the start dates in the schedule outlined below can be confirmed. It is anticipated that the project would commence in 2025, and as such an indicative schedule is outlined below in Table 4.

**Table 4 –** Proposed schedule of bat licenced activities.

| Proposed Action | Task | | Proposed Timings | |
|---|---|---|---|---|
| | Description | Undertaker | Duration | Start Date |
| Updated site visit | Site visit undertaken within three months prior to site registration under the BMCL | Registered consultant | 1 day | TBC - 2025 |
| Licence Registration | Registration of building B1 under the BMCL. | Registered Consultant to use BMCL (Annex B). | 6 Months | TBC - 2025 |
| Pre-works inspection | Inspection of the known roosting locations and any other PRF's on building B1. | Registered Ecologist to use BMCL or an Accredited Agent. | 1 day | TBC - 2025 |
| Supervision of construction works | Features suitable for bats should be removed by hand / soft stripped under supervision. | Registered Ecologist to use BMCL or an Accredited Agent | 2 days | TBC - 2025 |

| | | | | |
|---|---|---|---|---|
| Installation of any bat roosting provisions | Installation of one bat box on the south-east aspect of building B1 and one bat box on a tree within the site. | Homeowner or appointed contractor | 1 day | TBC - 2025 |
| Installation of roost features | Two bat boxes | Ecologist | 1 day | TBC - 2025 |
| Reporting of actions taken | The report of actions taken under the BMCL to Natural England | Registered Consultant to use BMCL. | 1 day | TBC - 2025 |
| Installation of ecological enhancements | One integrated bat box and four bat access tiles. | Appointed contractor | 1 day | TBC - 2025 |

# 9. Bibliography


9.1.1 BSI Group (2013), BS42020 – a code of practice for biodiversity in planning and development. The British Standards Institution. (Online) Available at http://www.bsigroup.com/LocalFiles/enGB/biodviersty. Accessed April 2022.

9.1.2 CIEEM (2022) Code of conduct. Chartered Institute of Ecology and Environmental Management, Winchester.

9.1.3 Collins, J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn). The Bat Conservation Trust, London. ISBN – 13 978-1-872745- 96-1

9.1.4 Mid Sussex District Plan 2014-2031 (2018). Available at www.midsussex.gov.uk/media/3406/mid-sussex-district-plan.pdf. Assessed October 2024.

# Appendix I - Bat Roost Classification Summary

**Table 5 –** Classification of bat roosts recorded at building B1.

| Roost ID | Species | Access/ egress points | Access dimensions | Confirmed or Likely Roosting Feature | Internal void dimensions | Lighting present | Roost type confirmed | Evaluation and notes on other possible roosts. |
|---|---|---|---|---|---|---|---|---|
| **Building B1** | | | | | | | | |
| Roost 1 | Common pipistrelle | Gap under roof tile (broken fascia board) | 15cm x 3 cm | Crevice/ void under ridge tile. | Unknown | None | Day (Summer) roost | • A peak count of two bats were recorded from this roost location.<br>• It is possible that the access/ egress point recorded could lead to other roosting locations internally within building B1.<br>• It is not possible to fully rule out any structure for use by hibernating bats. However, the feature is not a classical hibernation site. |
| Roost 2 | Common pipistrelle | Under wooden fascia board. | 10cm x 5cm | Unknown | Unknown | None | Day (summer) roost | • Two common pipistrelles emergences were recorded in total.<br>• It is possible that the access/ egress point recorded could lead to other roosting locations internally within building B1.<br>• It is not possible to fully rule out any structure for use by hibernating bats. However, the feature is not a classical hibernation site. |

# Appendix II – Legislation & Planning Policy

## 9.1 Background

9.1.1 This section provides a summary of the legislation and planning policy that could be relevant to the development. Where possible we have limited this section to the areas relevant to this report. This means the legislation and planning policy outlined below is not included in its entirety.

9.1.2 This section does not constitute legal advice, and only represents the interpretation and professional judgement of the ecologists named in this report, on the legislation and planning policy considered relevant to the development.

## 9.2 Conservation of Habitat and Species Regulations, 2017

9.2.1 The Conservation of Habitats and Species Regulations, 2017 transposes the EC Habitats Directive and some elements of the EC Bird Directive into national law in England and Wales. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The directive lays down rules for the protection, management and exploitation of such habitats and species.

### Protected Species

9.2.2 The regulations include provisions that prohibit certain actions from the protection of species listed under Annex II of the Habitat Directive. It is a criminal offence for a person to 'intentionally or recklessly' take the following action:

- Deliberately capture, injure or kill any wild animal of a European Protected Species (EPS);
- Deliberately disturb wild animals of any such species in such a way as to be likely to affect significantly the local distribution or abundance of the species to which they are likely to belong;
- Deliberately take or destroy eggs of any such wild animal;
- Deliberately pick, collect, uproot or destroy a wild plant of an EPS; and
- Keep transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of an EPS, or any part of or anything derived from such an animal or plant.

9.2.3 The disturbance of such animals includes in particular; any disturbance that is likely to impact their ability;

- To survive, to breed or reproduce, or to rear or nurture their young;
- In case of animals of a hibernating or migratory species, to hibernate or migrate; or
- To affect significantly the local distribution or abundance of the species to which they belong.

### Protected Sites

9.2.4 The Conservation of Habitats and Species Regulations, 2017 puts an obligation on the appointed appropriate authority for England & Wales to establish priorities for a network of nationally important sites.

9.2.5 The aforementioned sites, often referred to as European protected sites are formed of two types of sites, Special Protection Areas (sites specifically designated for birds) and Special Areas of Conservation (specifically designated for fauna and flora). The objective is for all species and habitats covered by these sites to contribute towards the maintenance and restoration of their favourable conservation status.

9.2.6 Designation can include but is not limited to the following reasons:

- A natural habitat type specified in Annex I of the Habitat Directive;
- A species specified in Annex II of the Habitats Directive;
- For the coherence of the national network of protected sites; and
- For threats of degradation or destruction to which the sites are exposed.

## 9.3 The Wildlife and Countryside Act, 1981 (as amended)

9.3.1 The Wildlife and Countryside Act, 1981 (as amended) primarily transposes the UK Governments obligations under the Bird Directive and Bern Convention into law. The act outlines provisions for the protection of nationally important sites for nature conservation and provides protection at different levels for certain animals and plants, including certain prohibitions.

### Protection of Animals

9.3.2 Part 1 – Section 9 of the act includes certain prohibitions for the protection of certain animals named in schedule 5. In summary offences include:

- If any person intentionally or recklessly kills, injures or takes any wild animal included in schedule 5;
- If any person has in his possession or control any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal;
- If any person intentionally or recklessly damages or destroys, or obstructs access to, any structure or place which any wild animal included in schedule 5 uses for shelter or protection; or
- Disturb any such animal while it is occupying a structure or place which it uses for that purpose; and
- Sells, offers or exposes for sale, or has in their possession or transports for the purpose of sale, any live or dead wild animal included in schedule 5, or any part of, or anything derived from, such an animal, or publishes or causes to be published any advertisement likely to be understood as conveying that they buy or sell, or intends to buy or sell, any of those things.

## 9.4 Countryside Right of Ways Act, 2000 (CRoW, 2000)

9.4.1 The Countryside Right of Ways Act, 2000 (CRoW Act, 2000) makes provisions for public access, amends the law for public rights of ways and amends existing law on nature conservation and the protection of wildlife as well as makes further provisions for Areas of Outstanding Natural Beauty.

### Wildlife Legislation

9.4.2 Part III of the CRoW Act, 2000 includes provisions for wildlife protection and nature conservation and includes amendments to the Wildlife & Countryside Act, 1981.

9.4.3 Schedule 9 of the CRoW Act, 2000 increases powers for the protection and management of SSSI. There are increased powers for appropriate authorities to secure management agreements for SSSI. A duty is placed on public bodies to have regard for the continued conservation and enhancement of SSSI. Furthermore, there are increased penalties for the prosecution of wildlife crime, including for third parties that damage SSSI.

9.4.4 Schedule 12 of the CRoW Act, 2000 makes certain offences under the provision of the Wildlife and Countryside Act, 1981 arrestable. Greater powers are given to police and appointed wildlife inspectors under the CRoW Act, 2000 and enables heavier penalties for the prosecution of wildlife crime.

## 9.5 Natural Environment & Rural Communities Act, 2006

9.5.1 The Natural Environment and Rural Communities Act (NERC), 2006 is primarily intended to implement key aspects of the governments rural strategy published in July 2004. It also addresses a wider range of issues relating broadly to the natural environment.

### Section 40

9.5.2 Section 40 of the NERC Act, 2006, places a duty on any public authority and statutory undertaker to have due regard for the conservation and enhancement of biodiversity when delivering their functions, extending the provisions outlined under section 74 of the CRoW Act, 2000.

9.5.3 The policy goes on to state that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population of that habitat.

### Section 41

9.5.4 Section 41 of the NERC Act, 2006 requires the secretary of state in consultation with Natural England to outline Species of Principle Importance (SPI) and Habitats of Principle Importance (HPI) that in their opinion are important for the conservation of biodiversity.

9.5.5 The secretary of state is required to:

- Take such steps as appear to the secretary of state to be reasonably practicable to further the conservation of the living organisms and types of habitats included in any list published under this section; or
- Promote the taking by others of such steps.

9.5.6 The NERC Act, 2006 also provides some amendments to the Wildlife & Countryside Act, 1981 (as amended) and includes provisions for enforcement powers and the protection of SSSI.

## 9.6 National Planning Policy Framework (2024)

9.6.1 The National Planning Policy Framework (NPPF, Ministry of Housing Communities and Local Government, 2024) sets out the Governments planning policies for England and how these should be applied. It provides a framework which locally prepared plans for housing and other developments can be produced.

9.6.2 The NPPF supplements Government Circular: Biodiversity and Geological Conservation 06/2005 (Office of the Deputy Prime Minister, 2005).

9.6.3 Paragraph 187 states: Planning policies and decisions should contribute to and enhance the natural andlocal environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened

species such as swifts, bats and hedgehogs;

9.6.4 e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

9.6.5 f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

9.6.6 Paragraph 188 states: Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework65; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

9.6.7 Paragraph 189 states that: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in

National Parks and the Broads66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

9.6.8 Paragraph 190 states that: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development67 other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

9.6.9 Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 189), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

### Habitats and biodiversity

9.6.10 Paragraph 192 states that: To protect and enhance biodiversity and geodiversity, plans should:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

9.6.11 When determining planning applications, local planning authorities should apply the following principles:

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

9.6.12 The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;

- b) listed or proposed Ramsar sites; and

- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

9.6.13 The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

### Ground Conditions and Pollution

9.6.14 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural

environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

## 9.7 Biodiversity and Geological Conservation Circular 06/2005

9.7.1 Biodiversity and geological conservation circular 06/2005 provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the national planning policy in the NPPF, 2023 and the Planning Practice Guidance. Broadly the guidance covers designated sites, the conservation of habitats and species, including outside of designated sites, protected species by law and the duties and powers used by planning authorities.

9.7.2 Paragraph 82 of the guidance states that 'in determining the application for development that is covered by up-to-date standing advice, a planning authority must take into account this standing advice'.

### Protected Species and Planning

9.7.3 Paragraph 98 of the guidance states 'the presence of a protected species is a material planning consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'.

9.7.4 Paragraph 98 also states that 'they (the planning authority) should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species.

9.7.5 Paragraph 99 of the guidance goes on to state: 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'. Paragraph 99 also states that 'this is justified only, where there

is a reasonable likelihood of the species being present and affected by the development.'

## 9.8 Mid Sussex District Council Adopted Local Plan 2014-2031 (2018)

### Policy DP38

9.8.1 Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
- Promotes the restoration, management and expansion of priority habitats in the District; and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

9.8.2 Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

9.8.3 Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

## 9.9 Bibliography – Appendix II


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