



BAT EMERGENCE SURVEY REPORT

**Horncastle
Plawhatch Lane
Sharpthorne
East Grinstead
West Sussex
RH19 4JH**

Document date: 30th September 2024

Document ref: 5801E/24/01

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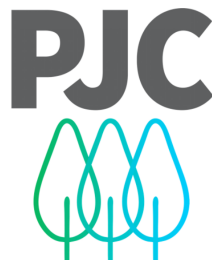
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This report has been prepared by
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on behalf of
SHC Clemsfold Group Ltd

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Tom is Director of Ecology with over ten years' experience working in the ecological consultancy industry. He gained a BSc(Hons) in Wildlife Conservation at the University of Kent in 2010 and a MSc in Conservation and Biodiversity at the University of Exeter in 2011. Tom is also a full professional member of the Chartered Institute of Ecology and Environmental Management (CIEEM). In addition, Tom is a Natural England class one licence holder for both bats and great crested newts.



arboriculture . ecology . landscape



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1 INTRODUCTION

1.1 Instruction

- 1.1.1 PJC Consultancy Ltd were commissioned by SHC Clemsfold Group Ltd to undertake a bat emergence survey of buildings B3 and B5 in support of the proposed development at Horncastle, Plawhatch Lane, Sharpthorne, East Grinstead, West Sussex (hereafter referred to as the 'Site').
- 1.1.2 As part of the initial preliminary ecological appraisal (PEA) report (Report Ref: 5567E; PJC Consultancy, 2024) which should be read in conjunction with this bat emergence survey report, buildings B3, B4 and B5 were respectively identified as having 'low' and 'moderate' suitability to support roosting bats, and therefore as per industry recognised guidance, a further emergence survey(s) was recommended.

1.2 Survey Objectives

- 1.2.1 The aim of the bat emergence survey is to identify potential ecological constraints and opportunities in respect of potential roosting bats associated with the proposed development. The objectives of the bat emergence survey is to:
- Ascertain presence or likely absence of a bat roost(s) within buildings B3, B4 and B5;
 - If present, determine which species are present and the size and nature of the roost, and
 - Evaluate the value of buildings B3, B4 and B5 for bats and provide recommendations for further survey, mitigation, compensation and enhancement measures and licensing requirements to satisfy safely legal and planning policy requirements where appropriate.

1.3 Proposal

- 1.3.1 Development proposals are anticipated to include demolishing of multiple buildings on Site to facilitate for the construction of a large, two and a half storey care home, with associated access, landscaping and residential gardens.
- 1.3.2 The following documents were used to aid the preparation of this report:
- Site location plan, ref: 1138/01 (Gerry Lytle Associates, 2006);
 - Proposed Site Layout, ref: A-1034-CA-01-A-01-P-P3 (Careless + Adams, 2023);
 - Tree discussion plan ref: PJC/6522/24/X (PJC Consultancy, 2024);
 - Tree survey schedule ref: PJC/6522/24/A (PJC Consultancy, 2024); and
 - Tree constraints plan (PJC Consultancy, 2024).

1.4 Site Description

- 1.4.1 The Site, approximately 5.57ha in size, lies south of Plawhatch Lane, within a rural landscape approximately 1.85km east of the village of Sharpthorne (centred on OS Grid Reference TQ 39163 32287). The Site is bordered to the south by grazed horse paddocks, a woodland parcel to the east, residential dwellings and further agricultural fields to the west and Plawhatch Lane lies to the north with agricultural fields and ancient woodland beyond that. The wider landscape consists of predominantly a mosaic of agricultural fields and woodland parcels on all aspects.

1.5 Legislation and Planning Policy

- 1.5.1 This bat emergence survey report has been compiled with reference to relevant wildlife and countryside legislation, planning policy and the UK Biodiversity Framework. Their context and applicability is explained as appropriate in the relevant sections of the report and additional details are presented in Appendix II.



- 1.5.2 Bats and their roosts are protected under European (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and national (Wildlife and Countryside Act 1981 (as amended)) legislation. This means that it is an offence to:
- Deliberately capture, injure or kill a wild bat;
 - Deliberately disturb wild bats; '*disturbance of animals includes in particular any disturbance which is likely:*
 - (a) to impair their ability —
 - (i) to survive, to breed or reproduce, or to rear or nurture their young; or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong.' and
 - Damage or destroy a breeding site or resting place used by this species.
- 1.5.3 Certain species of bats including the brown long-eared *Plecotus auritus* bat and soprano pipistrelle *Pipistrellus pygmaeus* are also listed as a Species of Principal Importance (SPI) under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. This means public bodies, including local planning authorities have a duty to have regard for SPI when carrying out their functions, including determining planning applications.
- 1.5.4 Due to the high level of protection afforded to bats and their habitat, a European Protected Species (EPSM) licence must be sought from Natural England before any works directly or indirectly affecting a confirmed bat roost can proceed. Licencing is subject to three tests, as defined under the Habitats Regulations 2019; the planning authority must also apply these before granting permission for activities affecting bats. For permission to be granted the following criteria must be satisfied:
- The proposal is necessary '*to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*';
 - '*There is no satisfactory alternative*'; and
 - The proposals '*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*'.



2 METHODOLOGY

2.1 Bat Emergence Survey

- 2.1.1 The bat emergence survey was undertaken in accordance with good practice guidance (Collins, 2023) and was carried out by Liam Mattingly BSc(Hons) (4+ years survey experience), Jess Malim BSc(Hons) (3+ years survey experience), Joy Boulton (1+ years survey experience), Nellie Harker (1+ years survey experience) and Alice Broadley (1+ years survey experience). During the survey, surveyors watched and listened for bats emerging from the building indicating a roost.
- 2.1.2 Building B3 was previously identified as having low suitability to support roosting bats. Therefore, a single dusk emergence survey was undertaken. Buildings B4 and B5 were previously identified as having moderate suitability to support roosting bats. Therefore, two dusk emergence surveys were undertaken. Following best practice guidelines, the dusk emergence survey began 15 minutes before sunset and continued for 120 minutes after sunset. Further details with respect to the emergence survey are presented in Table 1 below.
- 2.1.3 The surveyors used Echo Meter Touch (EMT) Pro bat detectors connected to electronic tablets to listen to and record echolocation calls of bats observed, along with two night-vision aids (NVA) (Nightfox Whisker infrared camera) to aid with bat emergence observation and species identification. A map showing the locations of the surveyed buildings and position of the surveyors and NVAs is presented in Appendix I.

Table 1: Bat emergence survey visit details.

Building	Date	Sunset Time	Start Time	End Time	Temp. (°C) start-finish	Cloud Cover (Oktas Scale)	Wind Speed (B'fort scale) start-finish	Precip. start-finish
B3, B4 & B5	05/08/24	20:39	20:24	22:39	19-17	2-1	B1-B1	None-None
B4 & B5	28/08/24	19:53	19:38	21:53	21-19	6-4	B2-B2	None-None

2.2 Limitations of Survey

- 2.2.1 Due to the transient nature of bats and the fact that the habitats present on site and their management are likely to change over time, the findings of the bat emergence survey are only considered valid for a period of up to two years.



3 RESULTS

3.1 Bat Emergence Survey

Roosting Bats

- 3.1.1 No bats were observed emerging from buildings B3 and B5 during the surveys.

Foraging and Commuting Bats

- 3.1.2 Overall, activity during the surveys was considered to be reasonably low. In total, four bat species / species groups were recorded foraging and/or commuting within the Site during the surveys. These were common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle, noctule *Nyctalus noctula* and brown long-eared. The surveys were dominated by activity from individual common pipistrelle bats, with very occasional calls from individual soprano pipistrelle, noctule and brown long-eared bats.



4 DISCUSSION AND RECOMMENDATIONS

- 4.1.1 No bats were seen emerging from buildings B3, B4 and B5 during the surveys and are therefore considered highly likely absent of roosting bats.
- 4.1.2 Development proposals are therefore considered highly unlikely to injure or kill a bat, intentionally or recklessly disturb bats or damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat.
- 4.1.3 As such, no specific avoidance, mitigation or compensation measures or licensing requirements pertaining to roosting bats are considered necessary, and buildings B3, B4 and B5 can be demolished without constraint to any known legal or planning policy pertaining to bats.
- 4.1.4 In the highly unlikely event that a bat is discovered within buildings B3, B4 and/or B5 during demolition works, all work must stop immediately, and advice sought from a suitably licensed ecologist.



5 REFERENCES

British Standards Institution (2013). Biodiversity. Code of practice for planning and development: 42020. BSI, London.

Collins, J. (ed.) (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines. 4th edition. The Bat Conservation Trust, London.

Institute of Lighting Professionals (2018). Guidance Note 08/18. Bats and Artificial Lighting in the UK: Bats and the Built Environment Series [online] Available from: <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> [Accessed 07.09.2024].



6 APPENDICES

Appendix I: Site, Building & Surveyor Location Plan



LEGEND:

Building

Surveyor / NVA Location

STATUS:

FOR INFORMATION ONLY



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CLIENT:

SHC Clemsfold Group Ltd

PROJECT:

Horncastle, Plawhatch Lane,
East Grinstead, West Sussex

TITLE:

Surveyor / NVA Location Plan

SCALE AT A4:

1:442.6

DRAWN:

TK

APPROVED:

TK

PROJECTION:

EPSG:27700

DATE:

30/09/24

DATE:

03/10/24

DRAWING No:

PJC/5801E/24/A1/V1



Appendix II: Legislation and Planning Policy

Legislation

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 is the UK transposition of the European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, or the 'Habitats Directive'. The directive provides protection of key habitats and species of European importance. Those key habitats and species are listed in Annexes II and IV of the directive.

Those species protected under the regulations and most likely encountered during development include:

- All bat species
- Hazel dormouse
- Great crested newt
- Common otter

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the primary legislation for the protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/EEC) are implemented in Great Britain. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants respectively. The Countryside and Rights of Way (CROW) Act 2000 makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site

Those species protected under the act and most likely encountered during development include:

- All bat species
- All nesting birds
- Hazel dormouse
- Great crested newt
- Common otter
- Water vole
- All native reptile species
- White-clawed crayfish

The Natural Environment and Rural Communities Act (NERC) 2006

Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'. Section 41 of the Act provides a list of habitats and species, which are of 'principal importance for the conservation of biodiversity.' This list aids decision makers such as public bodies in implementing their duty under



Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications.

Species and Habitat Specific Legislation

Bats

All native UK bat species are fully protected by UK law under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) and Schedule 6 of the Wildlife and Countryside Act (1981, as amended), and under Schedule 2 of the Conservation of Habitats and Species Regulations 2019. It is illegal to deliberately capture, injure or kill a bat or to intentionally or recklessly disturb bats. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH). Works or mitigation activities involving interference with bats or bat shelters must be carried out by a licensed bat worker.

Biodiversity Policies

National Planning Policy Framework (NPPF) 2021

Published in 2021 the NPPF sets out the Government's planning policies for England and how these are expected to be applied by local authorities. It replaces all the Planning Policy Statements and Guidance (PPSs and PPGs). The NPPF emphasises the need for sustainable development, whilst specifying the need for protection of designated sites and priority habitats and priority species (as listed in section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Paragraph 174 of The National Planning Policy Framework (NPPF) states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- 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);
- 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;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- 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
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Paragraph 179 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

- 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.”

Furthermore, paragraph 185 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- 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;
- 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;
- 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
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 181 states:

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

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- 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.”

Paragraph 182 states:

“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.”

The UK Biodiversity Framework (2011-2020).

The UK Biodiversity Framework is an important framework that is owned, governed and implemented by the four UK countries, assisted by Defra and JNCC in their UK co-ordination capacities. Although differing in details and approach, the four UK countries have published strategies which promote the same principles and address the same global targets: joining-up our approach to biodiversity across sectors; and identifying, valuing and protecting our ‘Natural Capital’ to protect national well-being now and in the future. This new framework has been developed to enhance the recovery of priority



habitats and species in England (published under section 41 of the NERC Act 2006), thereby contributing to the delivery of the England Biodiversity Strategy. The framework has been developed and endorsed by the England Biodiversity Group and wider partnership. It is the starting point for a more integrated approach to biodiversity conservation in England, building on the strengths of the former UK Biodiversity Action Plan (BAP) process and improving those areas where insufficient progress was being made.

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