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PHASE 1 BAT SURVEY

Site: Lingworth
17 Oathall Road
Haywards Heath
West Sussex RH16 3EG

Client: Mr L Shookhye
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Haywards Heath
West Sussex RH16 3EG

Surveyors: D P King MEECW (NE Level 2 Bat Class Lic. No. 20116001-CLS-CLS)
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Survey Date: 30th October 2024

Report Date: 5th November 2024

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Phase 1 Bat Survey – Lingworth, 17 Oathall Road, Haywards Heath, West Sussex RH16 3EG
OS Grid ref: TQ 33388 24255

Executive Summary

Surveyors from Batscan Ltd undertook a Phase 1 bat survey (daytime building inspection or Bat Scoping Survey) of the large, detached, Edwardian house, known as Lingworth, 17 Oathall Road, Haywards Heath, West Sussex, on 30th October 2024.

Lingworth is situated in a leafy residential area of Haywards Heath, to the east of Clair Park and surrounded by other properties, set in large, mature gardens. The surrounding area offers ideal bat habitat and bats of most British species have been recorded in the vicinity.

The property owner wishes to extend the main house and the relatively modern coach house, in the grounds of the property, for use as a care home. The wider site will be landscaped.

Because bats and their roosts are protected by law, appropriate surveys are required, where there is a risk that they may be harmed or disturbed by proposed building works. By late October, bats may be less active, as they prepare for their winter hibernation period. Therefore, only a Phase 1 survey can be carried out.

The main house is of fairly complex shape, with a flat roof above and various extensions, including a modern, pitched roof swimming pool building. The roof void, below the flat roof was searched but no bats or evidence of bat use was seen. The cellar was also searched, again with no evidence of bat use. However, there is considered to be a moderate potential for crevice-dwelling bats to roost beneath roof tiles, in gaps around dormer windows or beneath clay hanging tiles.

The Coach House could not be searched, internally, during this survey, as it is currently tenanted. However, it appears to offer a virtually negligible potential for bat use, appearing to be relatively modern, with tight-fitting roof tiles and no obvious features, suitable for bat use.

The surrounding habitat appears to be ideal for bat use and the sheltered gardens offer a high potential for use by foraging and commuting bats.

Because the main house is considered to offer up to a moderate potential for use by bats, two Phase 2 bat surveys or presence/absence surveys (dusk emergence checks) should be carried out, at an appropriate time of year (generally, May – late August), to establish whether bats are roosting on the site. This is in line with guidance from the Bat Conservation Trust's Bat Survey Guidelines *¹. Further advice can then be provided. Four surveyors would be required to watch the buildings, for each survey.

1. Introduction and Background

- 1.1 Surveyors from Batscan Ltd undertook a Phase 1 bat survey (daytime building inspection or Bat Scoping Survey) of the large, detached, Edwardian house, known as Lingworth, 17 Oathall Road, Haywards Heath, West Sussex, on 30th October 2024. Both surveyors hold current Natural England Level 2 Bat Class Licences and one is also an NE Registered Bat Consultant.
- 1.2 Lingworth is situated in a leafy residential area of Haywards Heath, to the east of a wooded public space, known as Clair Park and surrounded by other properties set in large, mature gardens. The surrounding area offers ideal bat habitat and bats of most British species have been recorded in the vicinity.
- 1.3 The main house is an Edwardian brick building, of fairly complex shape, with a flat roof above and various extensions, including a modern, pitched roof swimming pool building. The roof is tiled and the property features a number of tile-hung dormer windows.
- 1.4 There is a large, relatively modern detached dwelling, 'The Coach House', under the same ownership, at the west end of the garden, adjacent to a tennis court. The property is set in mature gardens, bordered by trees, with two small, man-made ponds, one in the front garden (east) and another on the south side of the house.
- 1.5 The property owner wishes to extend the main house and the Coach House, for use as a care home. The wider site is to be landscaped and it is understood that two trees may be removed, although it was not clear which trees are specified for removal, at the time of this survey. The main house was included in this Phase 1 survey and a brief inspection was made of the exterior of The Coach House. However, the surveyors were told that this building is currently tenanted and therefore, it was not possible to check any roof voids for bats and/or evidence of bat use, during the latest survey.
- 1.6 Because bats and their roosts are protected by British and European law, appropriate surveys are required, where there is a risk that they may be harmed or disturbed by proposed works. A brief assessment of the laws protecting bats and of relevant planning considerations, is attached to this report.
- 1.7 By late October, bats may be less active, as they prepare for their winter hibernation period and therefore, only a Phase 1 survey can be carried out. It was mild, calm and dry during this daytime building inspection.

2. Bat Scoping Survey (Daytime Building Inspection) – 30th October 2024 - Methodology

- 2.1 Prior to the building inspection, Batscan consultants checked aerial maps of the area, to establish the proximity of the site to suitable bat habitat. A search of DEFRA's MAGIC (Multi Agency Geographic Information for the Countryside) website was undertaken, to establish whether any European Protected Species Licences, with regard to bats, had been granted in the surrounding area. (See below).

- 2.2 The surveyors checked the exterior of the house, for any obvious evidence of bat use, such as bat droppings on walls, windows and sills, or on the ground below possible roost entrances. Any potential bat roosting places and access points on the exterior of the building, were noted. Binoculars were used to gain a good view of higher levels.
- 2.3 The roof void below the large flat-roofed section of the house was checked, with access gained via a small hatch in a second floor room. The surveyor used powerful torches to search for bats and any evidence of bat use, such as bat droppings, bat corpses, urine stains and 'rub' marks, from the oil on bats' fur, which might be found in well-used roosting places. The surveyor also accessed the flat roof, to inspect sections of the roof visible from a higher level.
- 2.4 There was no access available to the roof void above the lower-level, pitched roof section, at the west of the house.
- 2.5 The house cellar was searched for bats, evidence of bats and the potential for bat use.
- 2.6 The surveyors checked the exterior of the east, south and north sides of The Coach House, checking for possible roosting places and access points.
- 2.7 The surrounding habitat was assessed for the likelihood of bat activity.
- 2.8 Photographs were taken of all potentially relevant features and detailed notes were taken.
- 2.9 Recommendations from the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists: Good Practice Guidelines' (4th edn)*¹ were followed for the course of this survey.

3. Bat Scoping Survey (Daytime Building Inspection) – 30th October 2024 - Results

3.1 Desk Study

- 3.1.1 The search of aerial maps confirmed that the surrounding habitat is suitable for use by bats of most UK species, with nearby buildings offering good roosting potential and large mature gardens and parks offering excellent commuting and foraging opportunities.
- 3.1.2 The search of the MAGIC website revealed that three EPS Licences, with respect to bats, have been granted within approximately 2km of the site. Two related to non-breeding roosts for species including common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared bat (*Plecotus auritus*) and Natterer's bat (*Myotis nattereri*), with one dating from 2012 and the second from 2014. A third licence, dating from 2010, related to a breeding roost for brown long-eared bats. See MAGIC Maps, below. Please note that this data does not include 'low impact' or Bat Mitigation Class Licences. Other species found in the Haywards Heath area include serotine bats (*Eptesicus serotinus*), a large bat which roosts almost exclusively in buildings.

3.2 Building Inspection

3.2.1 The Main House - Exterior

The majority of the clay tiles on the roof appear to be relatively tight-fitting, although several slightly lifted tiles were noted in some areas, including above the front entrance bay. There is also considered to be some potential for bats to roost in gaps around dormer windows in the roof, as well as below hanging (vertical) tiles, at first floor level on the front and sides of the building. The overhanging eaves appear to be tight-fitting, although it is possible that bats might find an access point where there is any small gap, where the roof meets the wall below.

3.2.2 The modern swimming pool extension offers few roosting opportunities for bats, apart from one or two gaps in the timber soffits, which might allow bats to gain entry.



Fig. 1 – The main house, viewed from the south-east



Fig. 2 – The main house, viewed from the front (north-east) showing swimming pool and The Coach House, to rear

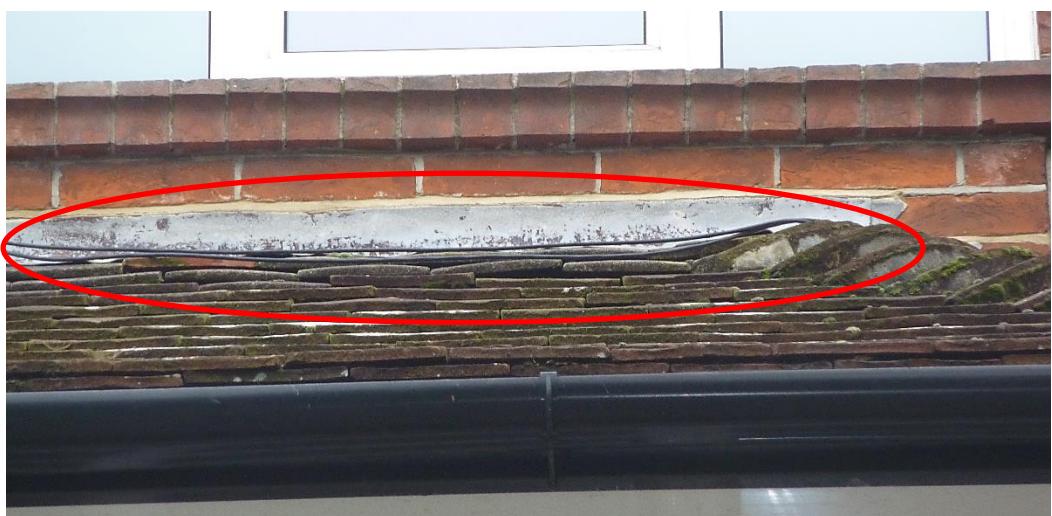


Fig. 3 - Detail of roof area circled above, showing several slightly lifted roof tiles



Fig. 4 – The rear of the house, viewed from the south-west, showing pitched roofed section with hanging tiles beneath dormer window, to left, as well as flat-roofed single-storey extension, dormer windows in main roof, with railings to flat roof above



Fig. 5 – The swimming pool building and the main house, viewed from the north-west



Fig. 6 – Mossy and tight-fitting roof tiles on main house



Fig. 7 – Looking W from main house, over swimming pool building to The Coach House



Fig. 8 – View of eaves, main house



Fig. 9 – Damaged fascia to swimming pool extension

3.2.3 The Main House – Interior

- **Roof Voids**

No bats or evidence of bat use was seen in the large (estimated at approximately 20m x 15m) but shallow roof space, below the flat roof. The roof is lined, internally, in this area, with tight-fitting timber sarking and there is no insulation material present. The void is less than 1m in height. There are no accessible hatches to allow an inspection of the lower-level, pitched roof section at the rear of the house.

- **Cellars**

The cellar, comprising several small rooms, including a warm boiler room, has been renovated over the years and there are no obvious access points for bats.

3.2.4 Overall, the main house is considered to offer a moderate potential for bat use.



Fig. 10 – View of roof void beneath flat-roofed section

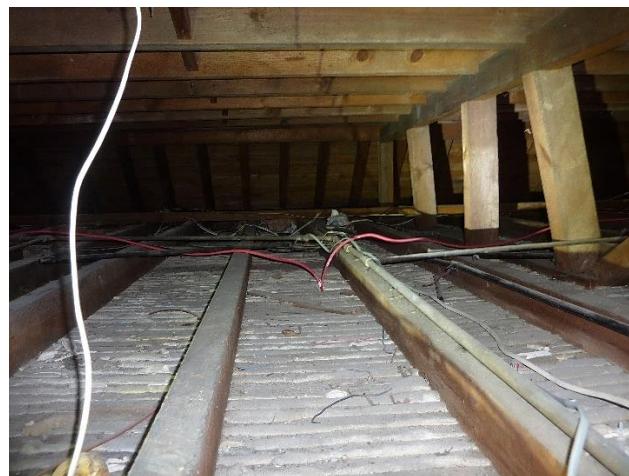


Fig. 11 – View of roof void beneath flat-roofed section



Fig. 12 – View of roof tiles on front (E) pitched roof section – photo taken from flat roof above



Fig.13 – Flat, felted roof of main house



Fig. 14 – Views of cellar/basement



Fig. 15 – Basement window, with meshed section

3.3 The Coach House – Exterior

This appears to be a relatively modern, detached building, constructed in a traditional style, of brick. The building backs on to Clair Park. With rooms in the roof and tight-fitting roof tiles, no obvious roosting or access potential for bats was noted, although there are one or two slipped tiles on the roof. As the building is occupied by tenants, it was not possible to conduct a more detailed inspection of The Coach House, during the latest survey.



Fig. 16 – The Coach House, viewed from the front (east)



Fig. 17 – View of the Coach House with trees in Clair Park, to rear (west)

3.4 Surrounding Habitat

Lingworth is situated in a mature, residential area of Haywards Heath, to the east of Clair Park and with excellent connectivity, via tree-lines and hedgerows, to similar Edwardian properties, offering bat roosting potential, as well as to other open spaces, ideal for bat use.



Fig. 18 – Looking east across garden and pond to neighbouring properties



Fig. 19 – Clair Park, view from W side boundary of Lingworth

4. Constraints

4.1 This Phase 1 bat survey was carried out towards the end of bats' active season and any droppings left on the exterior of buildings, from summer activity, may have been washed away by wind and rain. However, as the main house is considered to offer a moderate potential for bat use, the two Phase 2 surveys proposed should allow a good assessment of the extent of any bat use of the main house.

5. Conclusions and Recommendations

5.1 Main House

Because the property is considered to offer up to a moderate potential for use by bats, which could be affected by the proposed building works, two Phase 2 bat surveys (presence/absence surveys or dusk emergence checks) should be carried out, at an appropriate time of year (the optimal season is generally considered to be May – late August), to establish whether bats are roosting on the site. This is in line with guidance from the Bat Conservation Trust's Bat Survey Guidelines *¹. Further advice, on whether a Bat Mitigation Licence will be required and on any appropriate mitigation, compensation or enhancement measures, can then be provided. Four surveyors would be required, to watch the buildings, for each of these surveys.

5.2 The Coach House

This building could not be fully inspected during the latest survey. From the initial inspection, the building is considered to have a negligible to low potential for bat use. However, if possible, a check of the rear (west) side should be made, as well as a search of any roof voids, to allow a more reliable assessment of possible bat use. The building should be included in the proposed Phase 2 bat surveys. Further advice could then be provided.

5.3 Any trees which are to be removed during the redevelopment should also be included in the Phase 2 surveys.

*¹ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

MAGIC MAPS

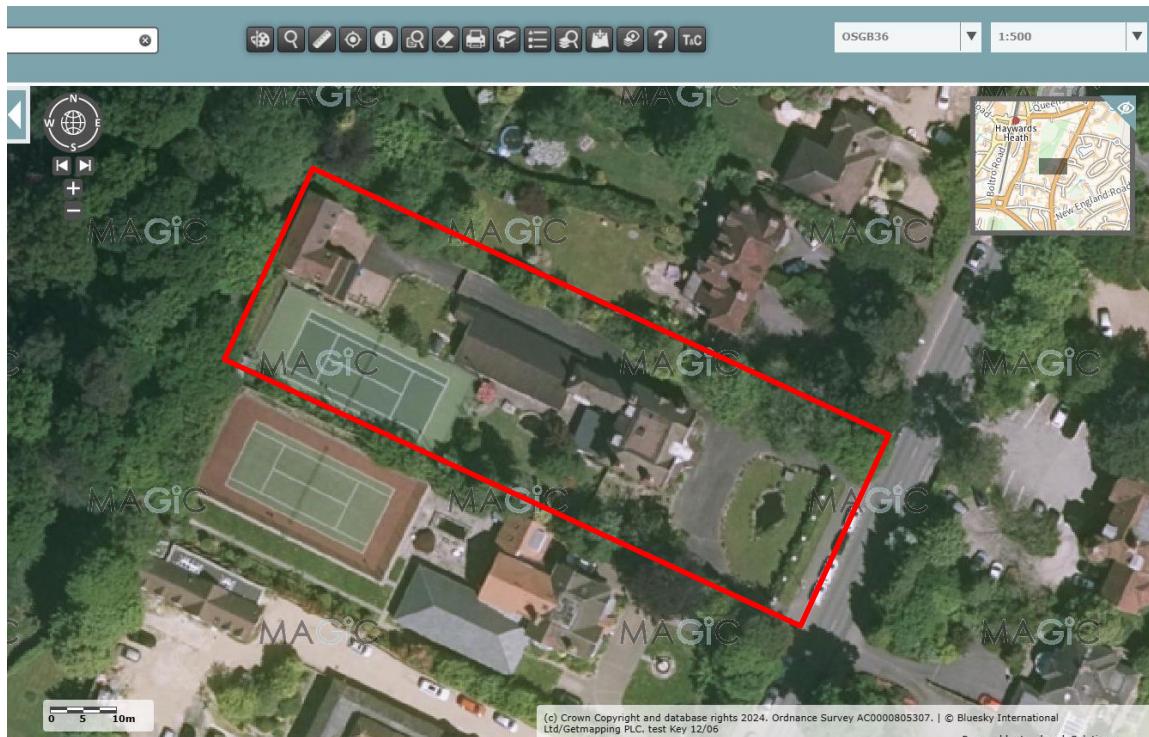


Fig. 20 – the site, showing main house with extensions, swimming pool building, The Coach House and tennis court. See also small ponds at east and south

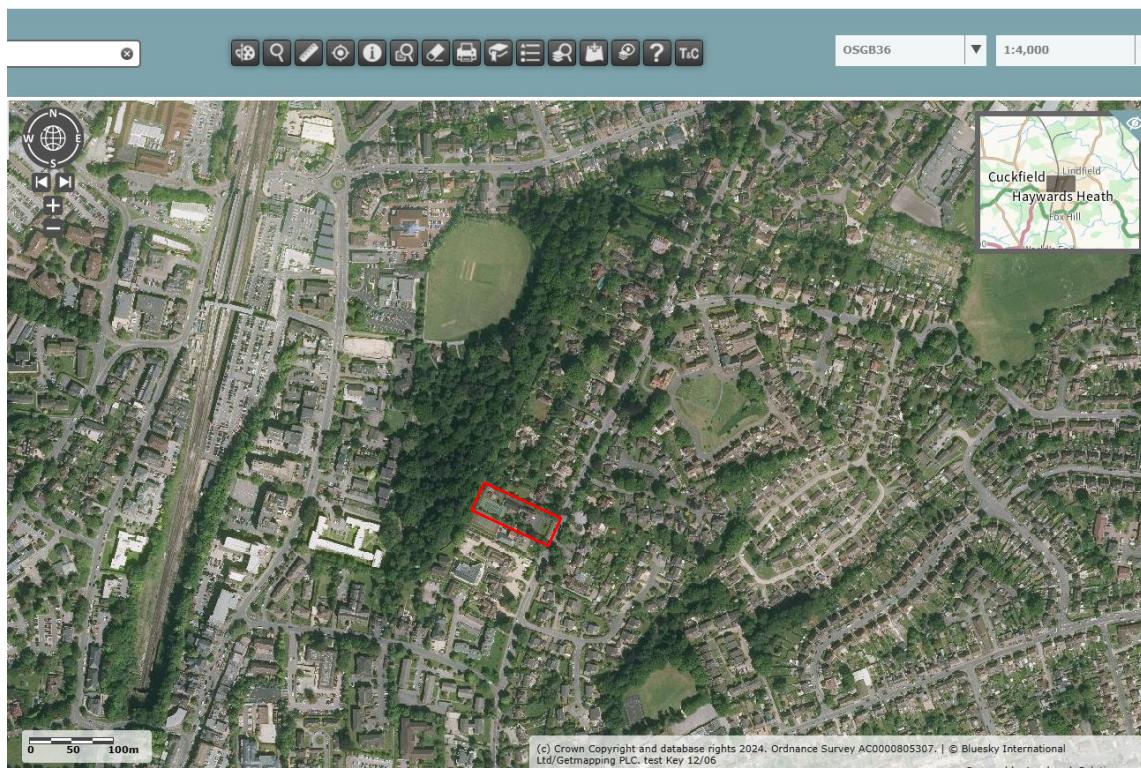


Fig. 21 – aerial view of property, showing Clair Park and connectivity to green spaces

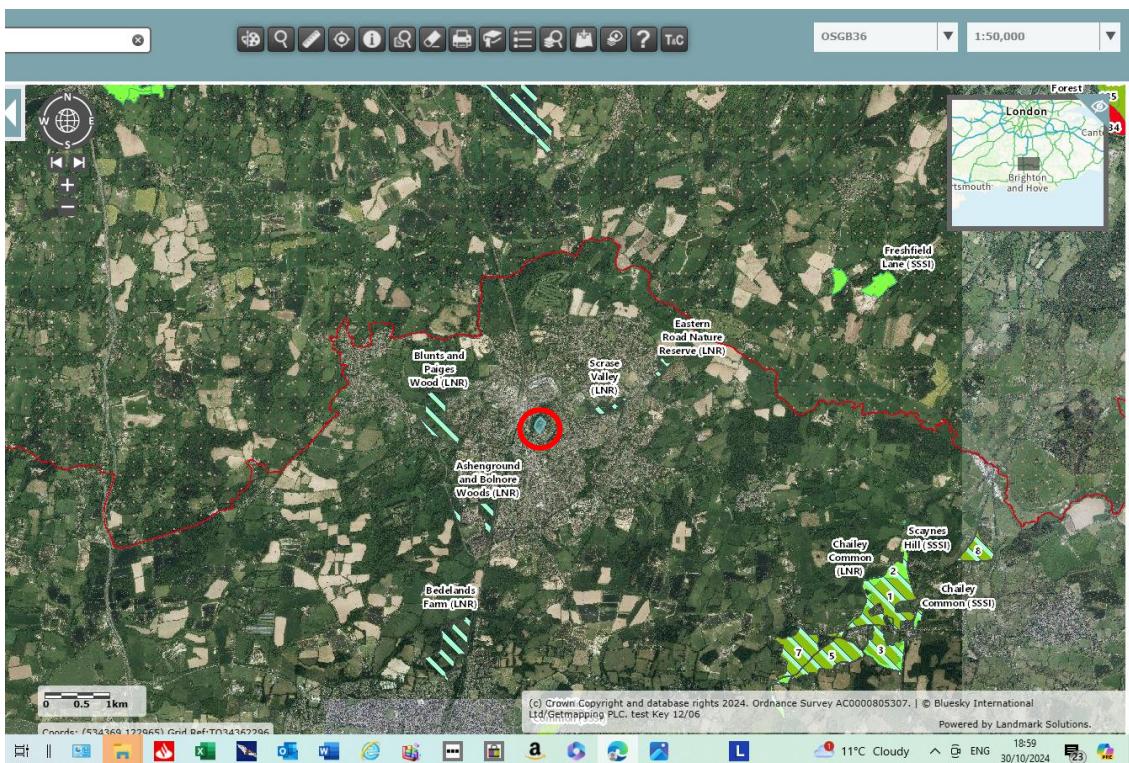


Fig. 22 - The site, showing local designated areas

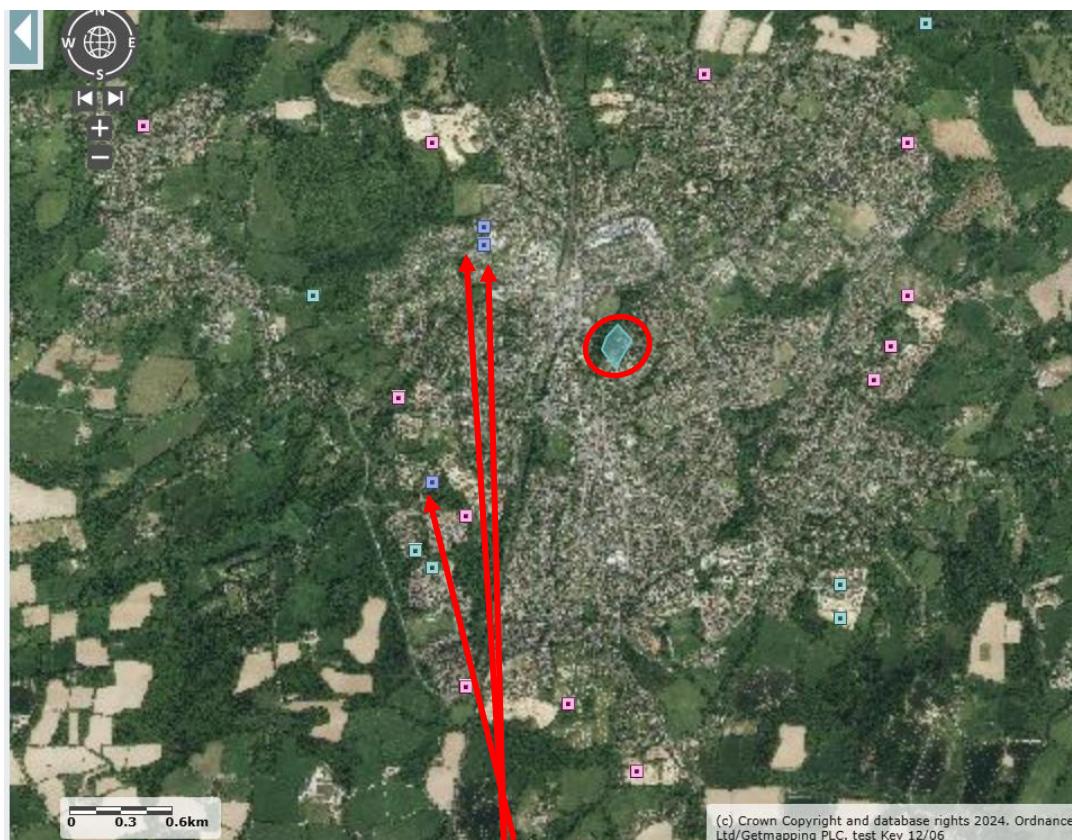


Fig. 13 - Sites where NE EPS Licences (Bats) (Purple squares) have been granted, within approx. 2km radius

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 licensing 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 Esmee Fairbairn Foundation, was a partnership of 19 organisations in the conservation, planning and development sectors and has produced an online, interactive trigger list called the Wildlife Assessment check (WAC) – <https://www.biodiversityinplanning.org/wildlife-assessment-check>