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BAT SURVEY REPORT

Site: Ancillary Building at Terwick Mill House
Mill Lane
Dumpford, Trotton
West Sussex GU31 5JT

Client: Mr & Mrs T Job
Terwick Mill House
Mill Lane
Dumpford, Trotton
West Sussex GU31 5JT

Surveyors: D P King MEECW (NE Level 2 Bat Class Lic 2015-16001-CLS-CLS) NE Registered Bat Consultant RC 182-2749A
S L Wright (NE Level 2 Bat Class Lic. - 2016-24340-CLS-CLS)
S G Dodd Msc MCIEEM MRES (NE Level 2 Bat Class Lic. 2020-48628-CLS-CLS)

Survey Date: 27th August - 17th September 2020

Report Date: 11th January 2021 (V2)

**Bat Survey of Ancillary Building at Terwick Mill House, Mill Lane, Trotton, West Sussex, GU31 5JT
OS Grid Ref: SU 83053 22157**

Executive Summary

Two surveyors from Batscan Ltd undertook a Phase 1 (daytime building inspection) of a relatively modern ancillary building at Terwick Mill House, Mill Lane, Dumpford, Trotton, West Sussex on 27th August 2020. This was followed by a Phase 2 survey (dusk emergence check/bat activity survey) carried out on the evening of 3rd September 2020 and 10 days of overnight bat recording, using an automatic recording device (ARD), between 7th & 17th September 2020.

The survey was undertaken on behalf of the property owners, who are proposing to alter the Building to a studio/gym. Terwick Mill House is situated near to the River Rother, in a very rural area, within the South Downs National Park.

There is excellent connectivity, via hedgerows and tree-lines to woodland and open countryside, which offers excellent bat habitat.

Because bats and their roosts are protected by law, appropriate surveys are required, prior to any development which may cause them harm. If bats are roosting in the ancillary building, the proposed works are likely to cause damage or disturbance to any bats present and to their roosts.

By late August, most bat maternity colonies have dispersed and bats are roosting singly or in small groups. All bats emerge to feed on their insect prey, on nights when conditions are suitable. The weather was ideal for bat activity, during the survey period.

The small building has a timber frame and is clad with unlined timber cladding. The pitched, unlined roof is covered with tight-fitting, concrete roof tiles. There is a large, open doorway on the south side of the building.

No bats were seen inside the building during the daylight inspection. Three, fairly fresh, bat droppings were seen on the floor and possible bat urine spots were noted on a games table within the building. The building appears to offer very few potential roosting places for bats, but the discovery of evidence of bat use prompted Batscan consultants to advise that a Phase 2 survey should be undertaken. During the Phase 2 survey, a single Daubenton's bat (*Myotis daubentonii*) emerged, inside the building and flew around the interior before emerging. Small numbers of common pipistrelles *Pipistrellus pipistrellus*) flew into the building, from roosts elsewhere, to forage on insects, in the sheltered interior.

During the remote recording period, bats of nine species were recorded as they flew into the building or passed very close by. Most bat passes were from common pipistrelles and soprano pipistrelles (*Pipistrellus pygmaeus*). Five passes from Daubenton's bats were recorded.

It is therefore confirmed that the building is used as an occasional day roost by a single Daubenton's bat, most likely roosting opportunistically. Other bats visit the building, during the night, to forage and in some cases, to socialise. As the building is used by a roosting bat, a Natural England Bat Mitigation Class Licence (low impact licence) will be required to allow the proposed works to proceed. Further advice is provided, in this report.

1. Introduction & Background

- 1.1 Two surveyors from Batscan Ltd undertook a Phase 1 (daytime building inspection) of a relatively modern ancillary building at Terwick Mill House, Mill Lane, Dumpford, Trotton, West Sussex on 27th August 2020. Both surveyors hold Natural England Bat Class Licences (Level 2) and one is a Natural England Registered Bat Consultant. For details of licences and affiliations, please see this report cover.
- 1.2 The initial survey was followed by a Phase 2 survey (dusk emergence check/bat activity survey) carried out on the evening of 3rd September 2020 and subsequently by 10 days of overnight bat recording. This was undertaken using an automatic recording device, between 7th & 17th September 2020. The Phase 2 survey was carried out by a third surveyor who also holds a Natural England Bat Class Licence (Level 2).
- 1.3 The survey was undertaken on behalf of the property owners, who are proposing to alter the building to a studio/gym. Terwick Mill House is situated near to the River Rother and to a large mill pond, in a very rural area, within the South Downs National Park.
- 1.4 There is excellent connectivity, via hedgerows and tree-lines, to woodland, water bodies and open countryside, offering excellent bat habitat. The site is also a short distance from Trotton Common and Iping & Stedham Commons, a Sussex Wildlife Trust nature reserve and SSSI.
- 1.5 Because bats and their roosts are protected by British and European law, appropriate surveys are required, prior to any development which may cause them harm. A brief account of the laws protecting bats, and of relevant planning considerations, is attached to this report. If bats are roosting in the building, the proposed works are likely to cause them harm or disturbance.
- 1.6 By late August, most bat maternity colonies have dispersed and bats are roosting singly or in small groups. All bats emerge to feed on their insect prey, on nights when conditions are suitable. The weather was ideal for bat activity, during the dusk emergence check/bat activity survey.

2. Phase 1 Survey (Building Inspection) – 27th August 2020 – Methodology*¹

- 2.1 Prior to the survey, aerial maps of the area were studied, to assess the surrounding habitat for likely bat use.
- 2.2 The surveyors checked the exterior of the building, searching for any evidence of bat use, such as bat droppings on the timber walls or on the ground below any well-used roosting or access points. Potential access points and roosting places were noted. Binoculars were used to view higher levels.
- 2.3 The surrounding habitat was assessed for the likelihood of bat activity.
- 2.4 The interior of the building was searched for bats and evidence of bat use, such as corpses, bat droppings, urine stains and rub marks, from the oil on bats' fur, around well-used roosting places. The surveyors also searched for insect remains, which may be dropped by feeding bats inside easily accessible outbuildings, such as this building.

- 2.5 Photographs were taken and detailed notes were made.
- 2.6 Recommendations from the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists: Good Practice Guidelines' (3rd edn)*² were followed for the course of this survey.

3. Phase 1 Survey (Building Inspection) – 27th August 2020 – Results

3.1 Exterior

- 3.1.1 No evidence of bat use was seen around the exterior of the building. The relatively small structure has a timber frame, clad with unlined timber weatherboarding, which is tight-fitting with no obvious gaps where bats might find an entry point. The pitched, unlined roof is covered with generally very tight-fitting, rather mossy, concrete roof tiles. There is a large, open doorway on the south side of the building, supported by an RSJ.

3.2 Interior

- 3.2.1 The building is currently used as a store for household items. No bats were seen inside the building, during the daylight inspection but three fresh bat droppings were seen on the concrete floor and possible bat urine spots were noted on a games table, within the building. Droppings from rodents were also seen. The building appears to offer very few potential roosting places for bats. However, the presence of droppings and urine spots suggests that bats are making some use of the building.
Some evidence of nesting birds was noted within the building.

3.3 Surrounding Habitat

The building is situated very close to other buildings which appear suitable for use by roosting bats and is close to a small stream, which connects to the nearby mill pond and to the tree-lined River Rother. Bats of most British species have been recorded in the area.

4. Phase 2 Survey (Dusk Emergence Check/Bat Activity Survey) – 3rd September 2020 - Methodology

- 4.1 Prior to the Phase 2 survey, a further inspection of the building was made. The surveyor reviewed the results of the building inspection.
- 4.2 At dusk, when bats emerge from their roost sites to feed, the surveyor was positioned so as to get the best possible view of any bats emerging from the building and for bats foraging or commuting in the area. The surveyor was positioned just outside the main door.
- 4.2 Equipment
The surveyor used a WA EMTpro detector to listen to and record bats' echolocation calls and to identify any bats heard to species level, where possible. Recordings were made for later computer analysis with Sonobat software. Mr Dodd used a Canon XA20 infra-red camera with IR illuminators, to observe bat activity after dark.
- 4.3 Weather Conditions
The survey was undertaken on a mild and dry evening with a light breeze and patchy cloud. The temperature was 17°C at sunset. Conditions were considered to be ideal for bat activity.

4.4 Timing

The evening emergence check/bat activity survey started at 19:15. Sunset was at 19:44. The survey continued for one and a half hours.

5. Phase 2 Survey (Dusk Emergence Check/Bat Activity Survey) – 3rd September 2020 - Results

5.1 During the Phase 2 survey, a single Daubenton's bat (*Myotis daubentonii*) emerged, from a roosting place somewhere inside the building and flew around, inside the building, before emerging. Small numbers of common pipistrelle bats (*Pipistrellus pipistrellus*) flew into the building, from roosts elsewhere, throughout the survey period, apparently to forage on insects in the sheltered interior.

Time	Species	Activity
19:51	Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>)	Emerged from nearby building and flew close to ancillary building
19:58	Daubenton's bat (<i>Myotis daubentonii</i>)	Emerged from an unseen point inside the building, possibly at east end where ladders are stacked.
20:00 – 21:10	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Individuals passing buildings and entering ancillary building to forage
20:10	Daubenton's bat	Flying past building

6. ARD Survey – 7th September 2020 – 17th September 2020 – Methodology

6.1 On 7th September 2020, the surveyor positioned an SM4 automatic bat recording device inside the building, to record bat activity within the building. The ARD session was completed on 17th September 2020.

7. ARD Survey – 7th September 2020 – 17th September 2020 – Results

7.1 During the remote recording period, bats of nine species were recorded, as they flew into the building or passed very close by. Of 11,241 files, crickets made up 45%, common pipistrelles 30% and soprano pipistrelles 20%. Many pipistrelle social calls were recorded, which is to be expected, at this time of the year. Daubenton's bats were included in the remaining 5%, with about five calls, including a small number of social calls. Other species which were occasionally recorded were noctule, long-eared bat, serotine, whiskered or Brandt's bat, Natterer's bat and alcaethoe.

7.2 Bats Recorded during the survey:-

- Soprano pipistrelle (*Pipistrellus pygmaeus*) is common and widespread in the UK.
- Common pipistrelle (*Pipistrellus pipistrellus*) is also considered to be common and widespread in the UK.
- Daubenton's bat (*Myotis daubentonii*) is a medium sized bat, most commonly associated with water bodies.

- Noctule (*Nyctalus noctula*) is a large, high-flying bat, which roosts almost exclusively in trees.
- Long-eared bat (*Plecotus* sp.), most likely the brown long-eared bat (*Plecotus auritus*), rather than the very rare grey long-eared bat (*Plecotus auritus*).
- Serotine (*Eptesicus serotinus*) is a large bat which roosts almost exclusively in buildings. Whilst not uncommon in the south east of England, the species is not widespread in the UK.
- Whiskered or Brandt's bat (*Myotis mystacinus* or *Myotis brandtii*) are two closely related species, which cannot be differentiated by echolocation calls alone.
- Natterer's bat (*Myotis nattereri*) is a medium sized, woodland species, which often roosts in older, timber-framed barns, where there are gaps in old mortise and tenon joints. This modern building does not offer the type of features which are preferred by this species.
- Alcathe bat (*Myotis alcathoe*) is a small bat, only recently found to be resident in the UK. A predominantly woodland species, colonies have been discovered in this area of West Sussex.

7.3 Bats will often enter open buildings, such as barns, in rural areas, during the night, to forage on insects, which may be sheltering inside. However, these spaces may also be used, particularly during the mating season, by socialising bats.

6. Survey Constraints

6.1 Although undertaken rather late in the season, the surveys were carried out in ideal weather conditions for bat activity. Bat maternity colonies are likely to have dispersed by early September, with bats roosting singly or in small groups.

7. Conclusions and Recommendations

7.1 The results of this survey confirm that the building is used as a day roost (most likely for occasional, opportunistic roosting) by a single Daubenton's bat. Other bats visit the building, during the night, to forage and/or socialising. As the building is used by a single roosting bat, of a relatively common species, a Natural England Bat Mitigation Class Licence (low impact licence) will be required to allow the proposed works to proceed.

7.2 A licence cannot be sought until planning permission is in place, and no works should be undertaken, to the building, until the Mitigation Licence has been granted.

7.3 Appropriate mitigation, compensation and/or enhancement measures must be agreed, prior to the licence application. These include consideration to timing of works and some supervision.

- 7.4 Replacement roosting opportunities should be provided, both in case roosting places are inadvertently lost and as an aid to local biodiversity. Measures that would be acceptable include the fitting of purpose made roosting units, at a high level, in the external walls of the building, and/or the inclusion of purpose made bat access tiles on the ridge or roof of the building.
- 7.5 As a temporary measure, in case a bat or bats are displaced by the works, a good quality bat box should be erected on a nearby tree, or building, at a height of not less than 3m from ground level.
- 7.6 Some of the bat species recorded during this survey are light averse – including bats of the *Myotis* genus. It must be ensured that light spill from the altered building is kept to a minimum and that any new roosting provisions are not directly illuminated. Further advice on bats and lighting are available, on request.

Please note: 1F roofing felt, rather than a breathable membrane, must be used beneath tiles in all areas where bats might roost. This is because bats can become fatally trapped in woven membranes. (BRMs)

*¹ Coronavirus - Recommended precautions regarding social distancing and other personal protection measures were in place for the duration of this survey.

*² Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1

Ancillary Building at Terwick Mill House, Trotton, West Sussex – Photographs – 27th August 2020



The ancillary building, viewed from the south east



The ancillary building, viewed from the south west



View of underside of roof and timber frame



Pipistrellus type dropping on floor of building

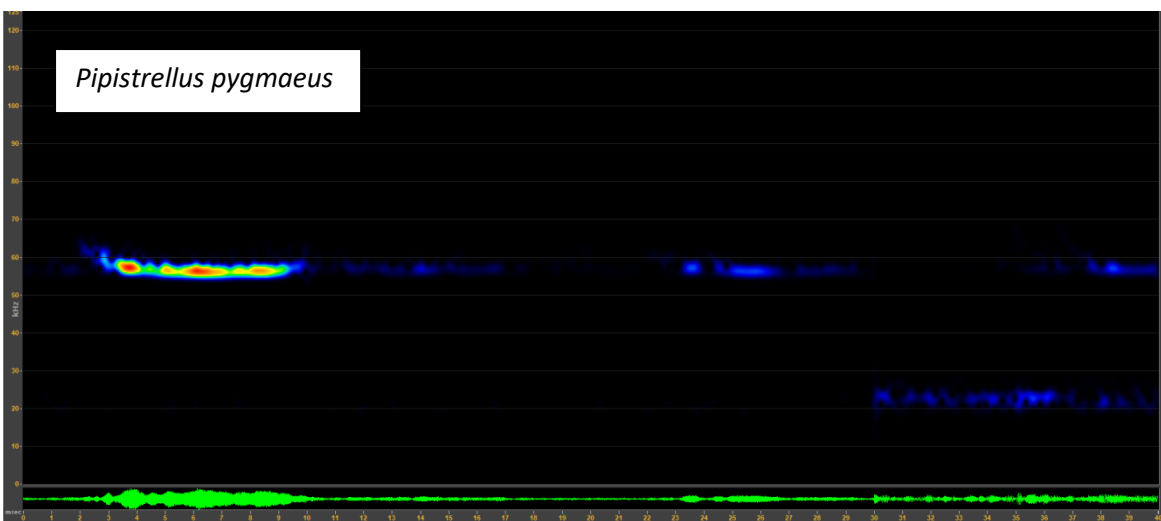
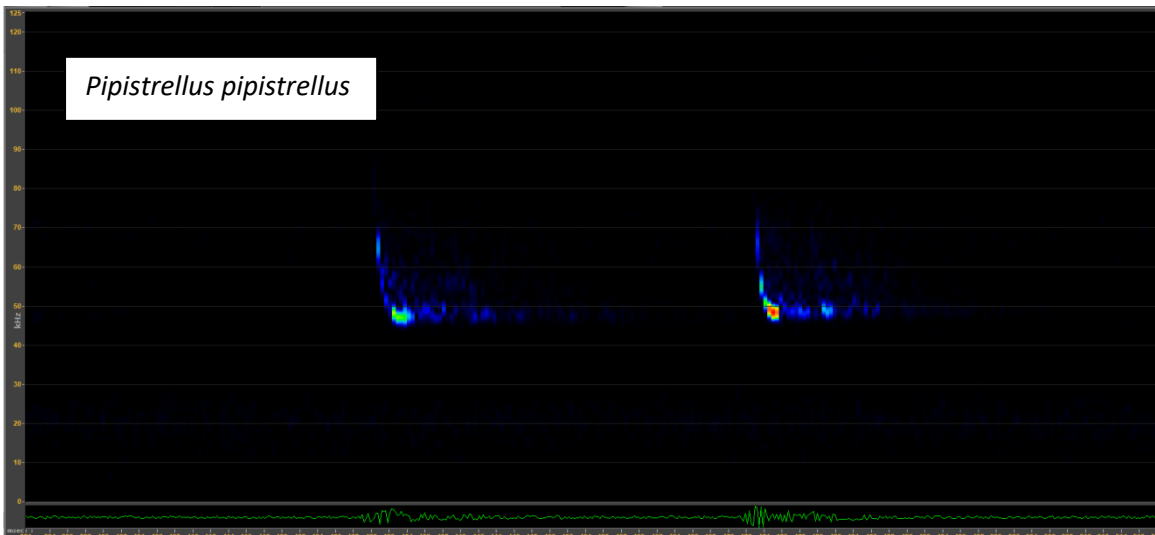
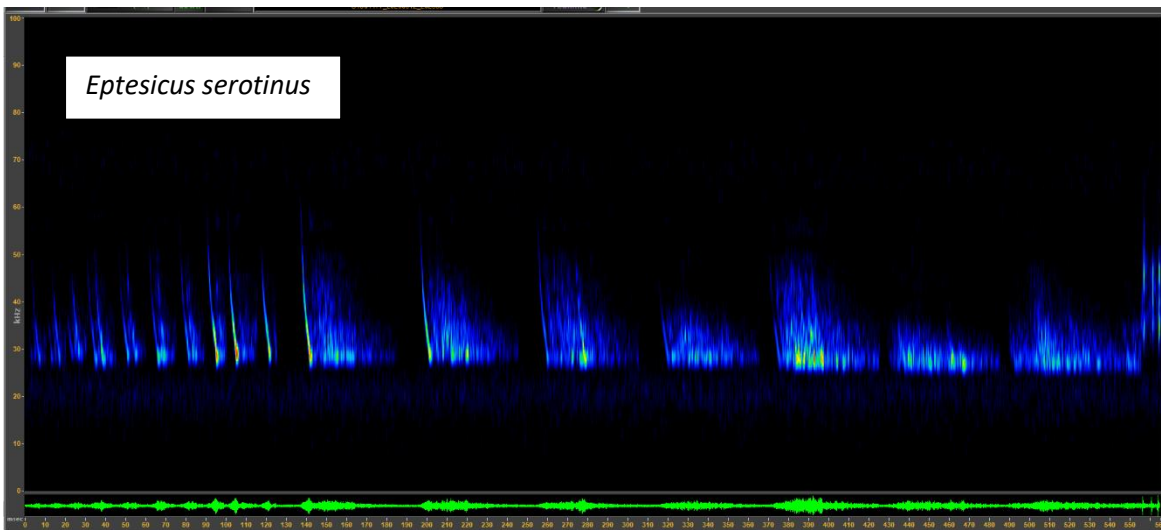


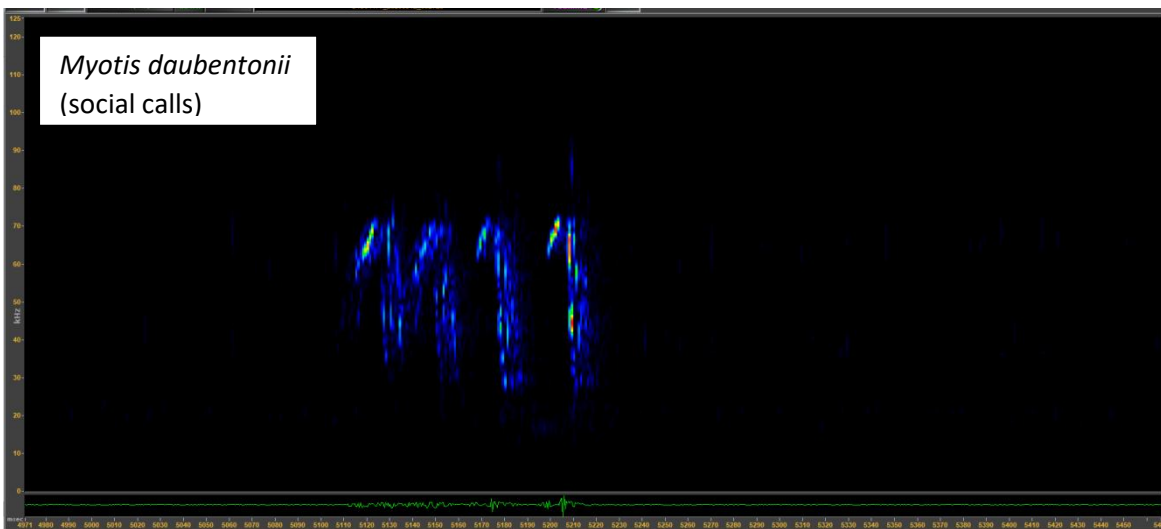
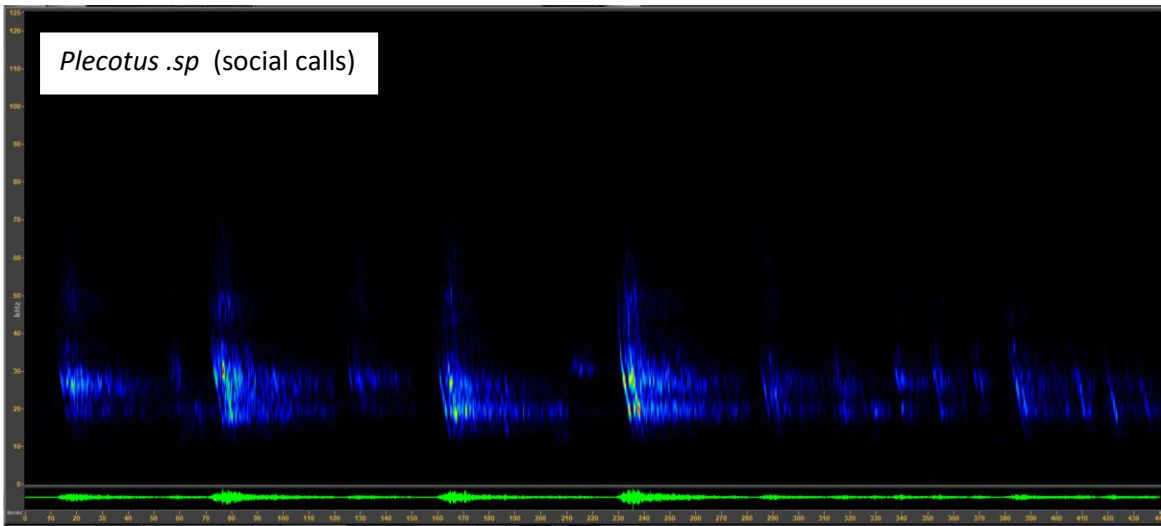
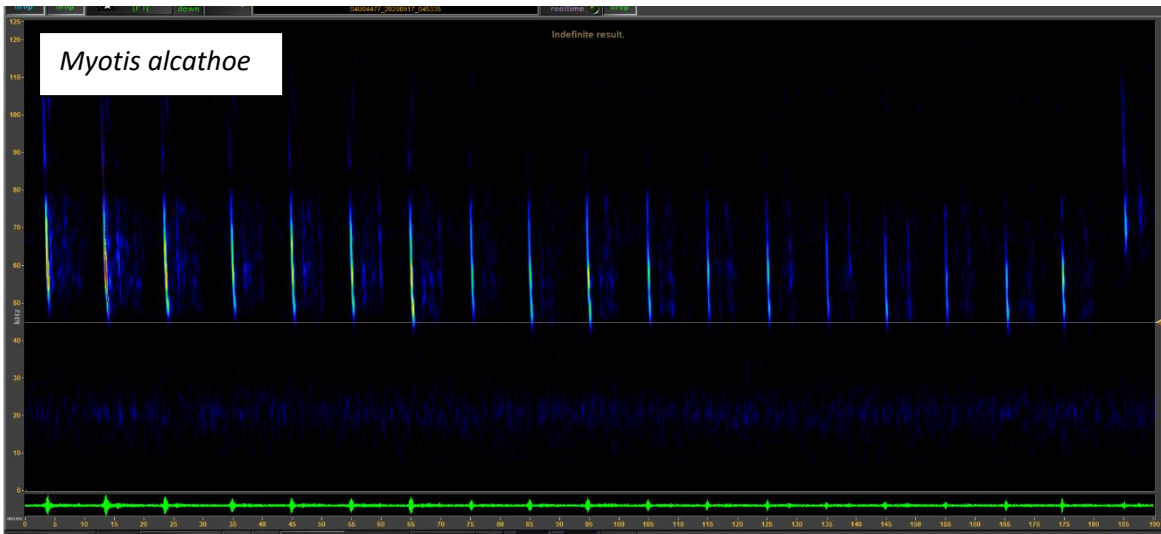
Tight timber cladding and view to eaves

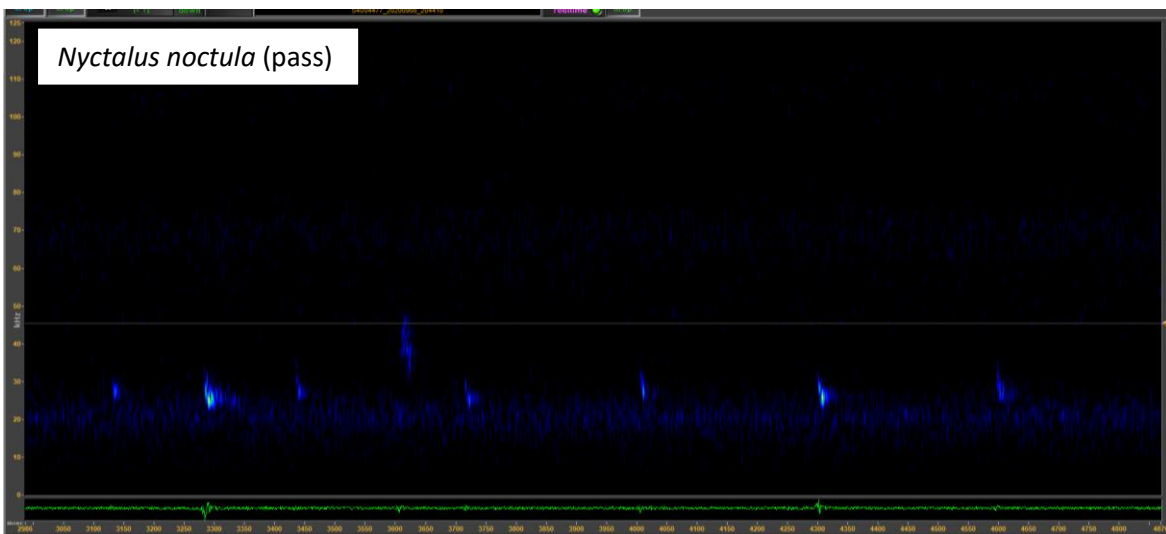
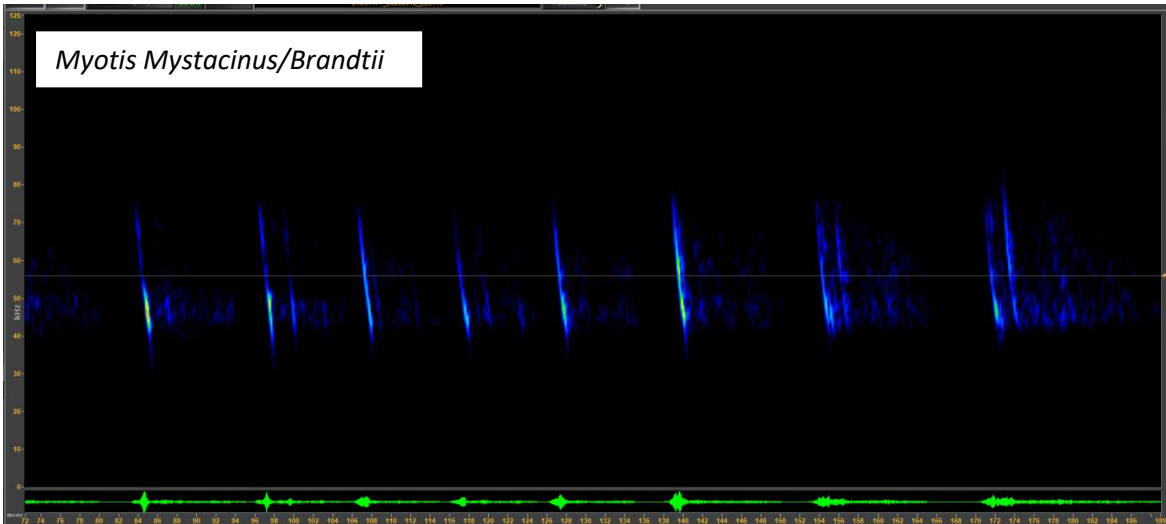
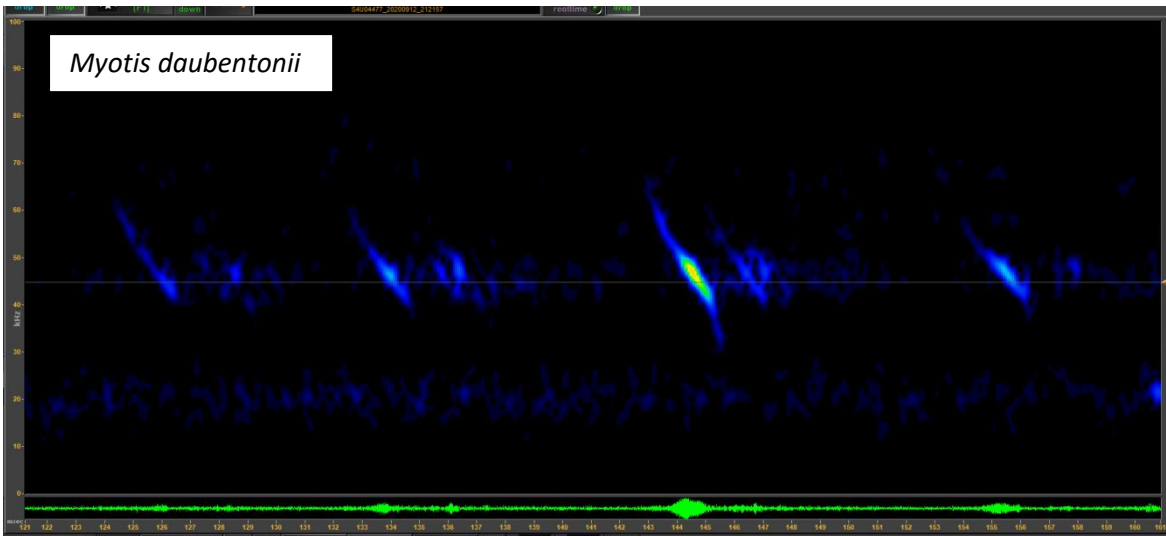


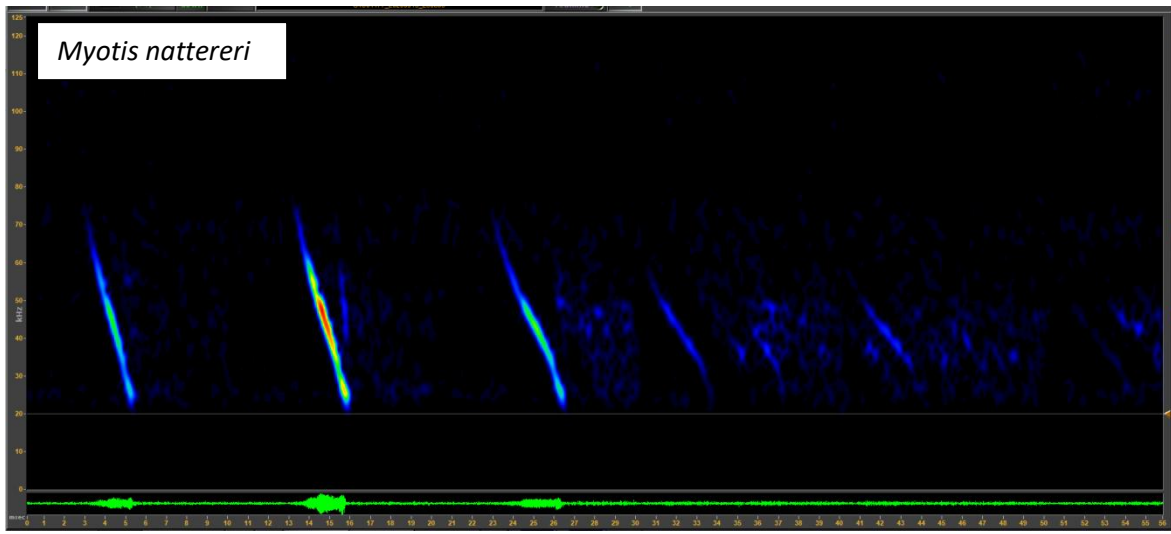
The ancillary building, viewed from the north west

Bat Sonograms – Terwick Mill House Ancillary Building









The following is our interpretation of the law relating to bats, but should not be relied on in place of professional legal advice. This may be subject to change now that Britain has left the European Union.

LEGAL PROTECTION

All bat species and their roosts in Britain are protected under Section 9 of the **Wildlife and Countryside Act 1981 (as amended)** through inclusion on Schedule 5. This Act was significantly strengthened by the **Countryside and Rights of Way Act 2000 (the CRoW Act)** which introduced a statutory duty for the government to promote steps to further the conservation of priority habitats and species listed on the UK Biodiversity Action Plan (UKBAP). The Countryside and Rights of Way Act has made a number of important changes to the Wildlife and Countryside Act 1981 in England and Wales. These include making Section 9 offences 'arrestable offences', and increasing fines for these offences to £5000 per bat and/or a period of imprisonment of up to 6 months.

Bats are also included on Annex IV of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive). As a result of the UK ratifying this directive, all British bats were protected under The Conservation (Natural Habitats etc.) Regulations 1994 (the Habitat Regulations), now consolidated as the **Conservation of Habitats and Species Regulations 2010**. These make it illegal to kill, injure, capture or disturb or obstruct access to, damage or destroy bat roosts. Under the law, a roost is any structure or place used for shelter or protection. Since bats tend to use the same roosts, the roost is protected whether the bats are present or not. Four bat species (greater horseshoe, lesser horseshoe, Bechstein's and barbastelle) are also on Annex II of the Regulations, which requires the designation of Special Areas of Conservation (SAC) to ensure that the species is maintained at a favourable conservation status. In the UK, this is being done through the designation of certain selected SSSIs. The Habitat Regulations impose a duty on public bodies, in the exercise of any of their functions, to have regard to the European Habitats Directive (EC Directive 92/43/EEC) on the conservation of natural habitats and wild fauna and flora.

Changes made to the Habitats Regulations increase the legal protection given to bats and their roosts. Previously, if damage was 'an incidental result of a lawful operation' and reasonable precautions had been taken to avoid it, there would have been no offence. This defence has been removed, as has the so-called 'dwelling house' defence. Therefore, there is now a significant risk of operators committing an offence if they do not take necessary checks and seek licences where required. However, the threshold level for disturbance of bats has been raised. New guidance was given in early 2009 on recent changes to the Habitat Regulations, but basic principles remain the same, in that the destruction of a bat roost is illegal, but that some low-level disturbance of bat roosts, considered to be below an agreed threshold of significance, would not constitute an offence. Expert advice, from a suitably qualified ecological consultant, should be sought on what constitutes significant disturbance to protected species or their habitat. Guidance now states that it is an offence to: 'intentionally or recklessly disturb a group of bats where the disturbance is likely to either (a) impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or to hibernate or migrate, or (b) to affect significantly the local distribution or abundance of the species, in either case whether in a roost or not.'

UK signatory to the Agreement on the Conservation of Bats in Europe was set up under the **Bonn Convention**. The Fundamental Obligations of Article III of this agreement, require the protection of all bats

and their habitats, including the identification and protection from damage or disturbance of important feeding areas for bats.

Section 40 of the **Natural Environment and Rural Communities Act 2006 (the NERC Act)** states that (1) 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.'

Six species are listed on the UKBAP. These are the greater horseshoe bat (*Rhinolophus ferrumequinum*), the lesser horseshoe bat (*Rhinolophus hipposideros*), barbastelle (*Barbastella barbastellus*), Bechstein's bat (*Myotis bechsteinii*), brown long-eared bat (*Plecotus auritus*) and soprano (55 kHz) pipistrelle (*Pipistrellus pygmaeus*).

Planning Policy Context *

Government policy guidance for biodiversity and nature conservation throughout the UK is provided in the following planning guidance and statements, which are current at the time of writing:

England:

- National Planning Policy Framework 2012 (DCLG, 2012)
- Government Circular 06/2005: Biodiversity and geological conservation – Statutory obligations and their impact within the planning system (DCLG, 2005)
- Circular 02/99: Environmental impact assessment 1999 (DCLG, 1999)

In addition to the national policy guidance outlined above, regional and local planning policies should be consulted and other country-specific guidance, such as NE's standing advice to Local Planning Authorities (LPAs) may also be relevant.

Government planning policy guidance throughout the UK requires LPAs to take account of the conservation of protected species when considering and determining planning applications. This biodiversity duty is imposed in England Wales through the Natural Environment and Rural Communities (NERC) Act 2006, which states that 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

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. This requirement has important implications for bat surveys as it means that, where there is a reasonable likelihood of bats being present and being affected by the development, surveys must be carried out before planning permission is considered.

Adequate surveys are therefore required to establish the presence or absence of bats, to enable a prediction of the likely impact of the proposed development on them and their breeding sites or resting places and, if necessary, to design mitigation, enhancement and monitoring measures.

The term 'development' used in these guidelines includes activities and proposals that could impact bats. In planning terms, this includes activities requiring outline and full planning permission but also those that meet the criteria for permitted development, require listed consent and require prior approval to demolish.

Further details on the standard of information required to assess a planning application is detailed in Clauses 6 & 8 of BS42020. (BSI 2013) and additionally in Clause 7.3. The Code of Practice set out within British Standard for Biodiversity – BS42020:2013 provides recommendations and guidance for those in the

planning, development and land use sectors who work might affect or have implications for the conservation or enhancement of biodiversity.

The planning system should also deliver overall net gains for biodiversity (enhancements) as laid out in the National Planning Policy framework and other planning policy documents.

*Collins, J. (ed.) (2016) Bat Conservation Trust 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition) The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1

As a result of the Judicial Review Judgement 5th June 2009: **Woolley v Cheshire E Borough Council & Millennium Estates Limited** the role and responsibilities of planning authorities has been clarified. In the course of its consideration of a planning application, where the presence of a European protected species is a material consideration, the LPA must satisfy itself that the proposed development meets three tests as set out in the Directive. The proposed development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequence of primary importance for the environment'*. In addition the authority must be satisfied that, (a) *'that there is no satisfactory alternative'* and (b) *'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'* The recent ruling states that *'if it is clear or perhaps very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of over-riding public interest" then the authority should act on that and refuse permission.'*

Surveys and mitigation strategies for bats should generally not be made a requirement of a planning condition or be undertaken after permission has been granted. The Woolley Judgement clarified this. Local planning authorities are unable to fulfil their duty under Regulation 3(4) of the Habitats Regulations and cannot properly weigh protected species issues (see above) without complete information. However, in a small number of circumstances, conditioning strategies may be the most appropriate course of action. The local Natural England Species Officer should be consulted, where this might be the case.

Following the judgement in the recent case of *Morge (FC) v Hampshire County Council* (2011) UKSC 2 considered the application of local authority duty with in relation to European protected species. It came to the conclusion that, if the Planning Authority concludes that the carrying out of the development for which permission has been applied for, even if it were to be conditioned, would be likely to offend Article 12(1) by say causing the disturbance of a species with which that Article is concerned, then it must consider the likelihood of a (Natural England) licence being granted. Further detailed standing advice on

European Protected species was subsequently produced and is now available at:

www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx

Should works be proposed that are likely to result in the disturbance of bats or a bat roost, Natural England can advise regarding the legal protection. However, the developer should consult with their ecologist on whether a licence is required as this decision is based on whether it is reasonably likely that an offence may occur. The licence application is made to the Natural England Wildlife Management and Licensing Service. This licence was formerly known as a DEFRA Licence.

Planning authorities should be aware that developments which compromise the protection afforded to European protected species, including all British bats, will normally require a NE EPS licence under the law. Planning issues relating to bats need to be resolved prior to the application for a licence.

The three tests detailed above must be satisfied before NE can issue a licence under Regulation 44(2)(e) to permit otherwise prohibited acts.

Further guidance on the three tests can be found in the Natural England publication entitled 'European Protected Species: Mitigation Licensing – How to get a licence'^{1a}

Ultimately it is for the developer to ensure compliance with the law during the actual implementation of the development, not the planning authority. It is for the planning authority to monitor whether planning conditions are being properly discharged.

Further advice on Bats and the Law can be obtained from:

[Wildlife Management and Licensing Service, Natural England, 2 The Square, Bristol, BS1 6EB](#)

[Tel: 0845 601 4523](#) [Fax: 0845 601 3438](#)

^{1a} Available to download http://www.naturalengland.org.uk/Images/WML-G12_tcm6-4116.pdf

Also see: *Local Plan* (Chichester District Council, adopted April 1999; policies saved Sep 2007).

^s *Focus on Strategic Growth Options: A consultation on the options for major development in Chichester District 2011-2026* (Jan 2010).