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# **Preliminary Bat Roost Assessment Report**

Snowhill Cottage, Roman Landing, West Wittering, PO20 8AS

On behalf of LGM Developments

Version 01

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## 1. Executive Summary

<b>Site Details</b>
<ul style="list-style-type: none"> <li>• Snowhill Cottage, Roman Landing, West Wittering, PO20 8AS (OS Grid Reference: SZ 77428 98724)</li> </ul>
<b>Scope of Works</b>
<ul style="list-style-type: none"> <li>• Imprint Ecology was commissioned to undertake a retrospective bat roost assessment at a site which is required to inform a planning proposal for alterations and renovations to the building.</li> </ul>
<b>Key Ecological Constraints</b>
<ul style="list-style-type: none"> <li>• In Britain, all bat species and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).</li> </ul>
<b>Results</b>
<ul style="list-style-type: none"> <li>• A site visit was carried out on the 6<sup>th</sup> November 2023. A thorough inspection of the building found no evidence of bats using the building.</li> <li>• The building was assessed as having negligible-low suitability for roosting bats.</li> <li>• No further surveys are recommended.</li> </ul>
<b>Mitigation</b>
<ul style="list-style-type: none"> <li>• The small gaps around the new window frames will be carefully inspected before being filled.</li> <li>• Artificial Lighting At Night (ALAN) will be avoided. Construction lighting will kept to a minimum. If ALAN is to be installed, this will be done under an ecologically sensitive scheme such as setting short timers, considering warm/red lights, and avoiding lighting nearby vegetation and trees.</li> <li>• No vegetation is located within the impact zone to be removed to accommodate the proposals. No nesting bird or other protected species habitat will be affected.</li> <li>• Any habitats within the impact zone on the ground are carefully searched each day before works begin, to rescue any small mammals, amphibians or reptiles that may be present.</li> </ul>
<b>Biodiversity Enhancement Recommendations</b>
<ul style="list-style-type: none"> <li>• Enhancements for bats, birds and other wildlife on site in line with local and national planning policies.</li> </ul>

## 2. Introduction

### 2.1 Background and Proposed Development

Imprint Ecology was commissioned by LGM Developments to undertake a retrospective bat roost assessment at Snowhill Cottage, Roman Landing, West Wittering, PO20 8AS, hereafter referred to as the 'site'. The proposed development is for a proposed bay window on the north elevation, the addition of a circular window on the southern elevation, front door to be replaced with a box bay window on the east elevation and two existing windows on the west elevation to be replaced with painted sash windows.

### 2.2 Experience of Ecologists

Emily Sabin BSc (Hons) (*Wildlife Conservation*) AMRSB, Accredited Agent under a Natural England WML-CL18 Level 2 Bat Licence (number 2018-34434). She is an ecologist and bat rescuer for Sussex Bat Group with four years' experience in ecological consultancy and a background in conservation research. She is experienced in carrying out a range of protected species surveys and is also the Water Vole Officer at the People's Trust for Endangered Species.

### 2.3 Purpose of the Report

This report contains the findings of an ecological assessment of the building and surrounding habitat. It seeks to identify potential ecological constraints that the proposals may have upon bats or other protected species and provides recommendations for further survey, impact avoidance, mitigation and enhancements where required. This report is valid for a maximum of 24 months from the date of issue. Should the proposals or site alter in any way, an ecologist should be consulted to re-inspect the site and confirm that this report is still accurate.

### 2.4 Site Description

The site is located in the village of West Wittering. There was one building set in a large plot with large gardens to the west. Habitats on site are ornamental in nature comprising hardstanding for patio, modified grassland (frequently mown lawn), small introduced shrubs, small trees, swimming pool, and vegetated garden. The wider environ is typified by mudflats, coastal saltmarshes, ancient and deciduous woodland, sealed surfaces, coastal floodplains

and grazing marshes and similar-sized residential houses and gardens. See Figure 1 for the site location and Figure 2 for an aerial view of the site.

Figure 1 - Site Location. Map data ©OpenStreetMap contributors 2023.

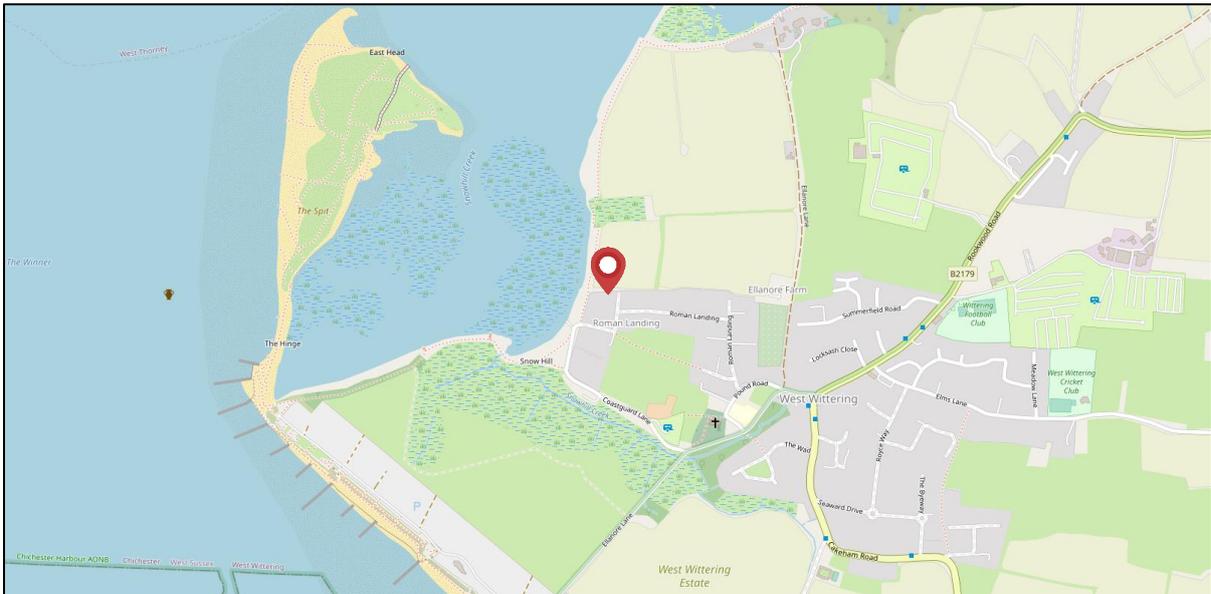


Figure 2 - Site boundary aerial view outlined in red. ©Google Earth (2023)



## 3. Methods

### 3.1 Desk Study

A desk study was undertaken to obtain ecological information about the site in context with the surrounding area. The [Multi-Agency Geographic Information for the Countryside \(MAGIC\)](#) website was accessed on 6<sup>th</sup> November 2023 to identify local statutory designated sites, priority habitats and European Protected Species Licences (EPSLs). The [Chichester District Council Interactive Map](#) was also used to search for Bat Movement Network sites.

Satellite imagery from Google Earth, MAGIC and Ordnance Survey maps were used to understand the site's connections to surrounding countryside.

### 3.2 Site Assessment

A visual inspection of the site was undertaken during daylight hours by ecologist Emily Sabin (Accredited Agent under a Natural England bat survey Class Licence WMLCL18 – number 2018-34434) on 6<sup>th</sup> November 2023, commencing at 16:00hrs.

A camera, binoculars, telescopic ladders, and high-powered torches were used to search for evidence of bats and determine the potential for the building to support bats and other protected species.

The presence of potential roosting features (PRFs) and access/exit routes which bats could use to enter these features were surveyed. Evidence of use by bats was also looked for, such as scratch marks, urine stains, lack of cobwebbing, feeding remains e.g. moth wings, droppings, and actual bats. An assessment of potential commuting routes and surrounding habitat was also undertaken to determine their potential to support bats.

Bat PRFs are usually found in specific areas, such as joints, cracks, gaps and cavities within structures like mature trees and buildings. These were prioritised as areas to check for bat evidence. Roosting bat evidence is not easy to find and not always visible, so any potential roosting locations were also noted.

Following inspection, the building(s) were categorised as having the following suitability for bats: 'high', 'moderate', 'low', 'negligible' or 'none'. These categories are based on observations made during the survey and in the context of the descriptions laid out in Table 1.

Table 1 - Categorisation of bat roosting potential of structures (adapted from Collins, J. 2023.)

<b>Suitability</b>	<b>Description</b>
<b>Confirmed bat roost or resting place</b>	Presence of bats or evidence of bats.
<b>High</b>	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.
<b>Moderate</b>	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).
<b>Low</b>	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats).
<b>Negligible</b>	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
<b>None</b>	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).

### 3.3 Site Inspection Constraints

One single site assessment represents a 'snapshot' in time, and it is possible that bats may not have been present at the time of survey but are present at other times of the year. For this reason, the building, surrounding habitats and connecting features were assessed for their potential to support bats, even where no direct evidence of bats was found.

## 4. Baseline Ecological Conditions

### 4.1 Desk Study

#### 4.1.1 Statutory/non-statutory designated sites and protected/priority habitats

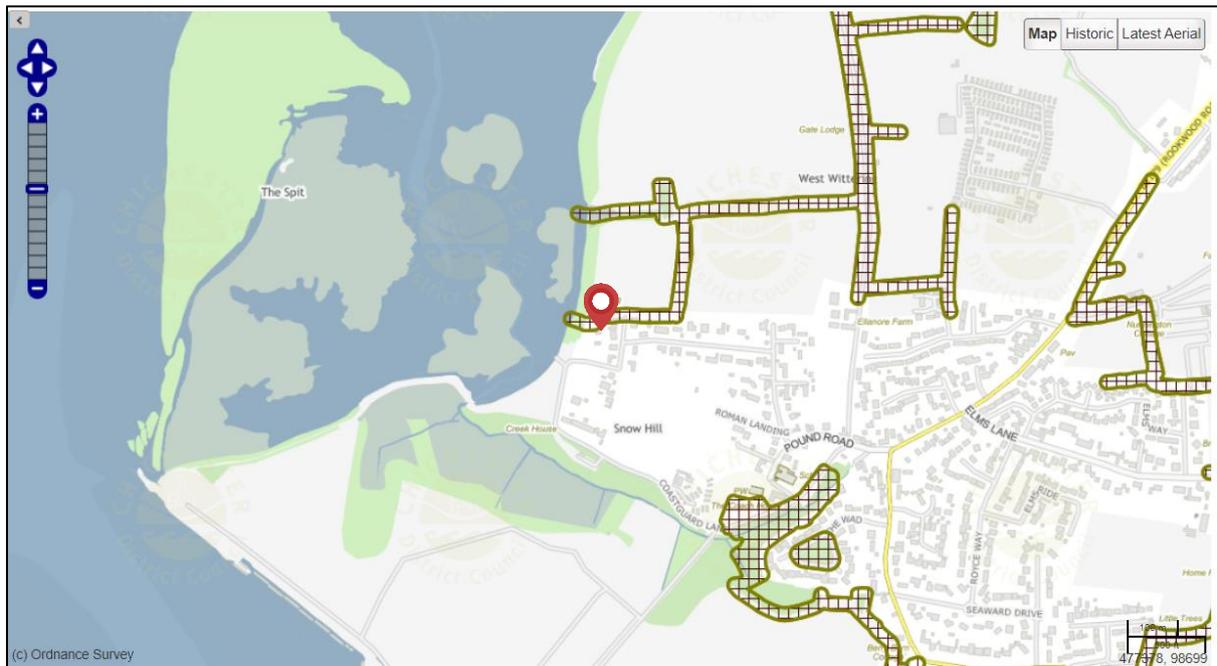
The site is located in the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and within the impact risk zone for Chichester Harbour SSSI which abuts the site to the west. The proposed development type is not listed as a possible high risk for this designation.

Chichester Harbour holds various national and international designations associated with the conservation of coastal habitats and wildlife. Designations comprise Chichester Harbour SSSI Chichester and Langstone Harbour Ramsar; Special Protection Area (SPA); and Solent Maritime Special Area of Conservation (SAC). The site falls within the 5.6km zone of influence for Chichester and Langstone Harbours Special Protection Area (SPA). It is therefore subject to the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), along with relevant provisions within Policy 50 of Chichester District Council Adopted Chichester Local Plan: Key Policies 2014-2029. The Harbour is a large estuarine basin in which at low water extensive mud and sandflats are exposed, drained by channels which unite to make a common exit to the sea. The site is of particular significance for wintering wildfowl and waders and also breeding birds both within the Harbour and in the surrounding permanent pasture fields and woodlands. There is a wide range of habitats which have important plant communities.

Bracklesham Bay SSSI lies 1.1km southeast. This site consists of a long stretch of coast with some rough unimproved grazing pastures which are important for the bird populations they support. The coastal habitats include a small area of salt marsh, shingle bank, the rifes (wide flowing ditches) and associated reed beds, together with a long stretch of intertidal exposures of high geological interest.

The site is bound by the Bat Movement Network (BMN) on its northern boundary. There are several BMN corridors within 500m of the site suggesting high quality habitat for bats in close proximity. Bats use linear features such as hedgerows, woodland edges, watercourses and lines of trees to navigate between different roosts and foraging areas. These natural corridors provide dark, sheltered, safe routes and sources of insects for foraging. See Figure 3 for the locations of the nearest BNMs.

Figure 3: Bat Movement Network. Copyright: Chichester District Council 2023



There are no notable habitats within the site but priority coastal sand dunes lie 700m to the west. Coastal priority saltmarshes/mudflats, scrub, and priority floodplain grazing grassland all lie within 100m to the west and southwest of the site.

These habitats of Principal Importance are listed in Section 41 of the NERC Act, 2006. Section 40 places a duty on Local Planning Authorities to have due regard to biodiversity.

#### 4.2 Preliminary Inspection for Bats

The main dwelling was a semi-detached brick-built two-storey house located in the northwest of West Wittering. The house had multiple pitched roofs and gabled sides. It was clad with wooden hanging tiles which appeared in good condition across the building with limited gaps beneath the tiles that could support crevice dwelling bats. This main roof is unaffected by the current proposals.

The west (rear) facing elevation proposed with two new windows which had been recently installed several days earlier was inspected thoroughly from the ground and from the scaffolding tower. The two new windows had narrow gaps around their frames where they had been installed recently. These gaps were inspected with a high-powered torch and no bats or evidence of bats were found.

The north elevation single-storey extension proposed with a new bay window was clad with wooden horizontal weatherboarding and this was inspected by torch. The cladding was tightly fitted and there were no crevices, gaps or raised boards which could allow access for bats. The large boarded window frames on the north and south elevations of this extension left small gaps behind which bats could potentially use but these gaps would not be suitable for bats at this time of year before the winter hibernation season and appeared to be exposed to the elements, susceptible to varying temperatures and therefore not considered ideal conditions for bats.

The east (front) elevation of the house proposed with a new bay window contained a porch due to be removed. The porch was well sealed to the main building and the hanging tiles around the porch were in a good state of repair, with no large gaps or raised tiles that bats could exploit.

The south elevation proposed with a new circular window comprised hanging tiles which were in good condition. These were inspected with binoculars and using high-powered torches and again no crevices beneath the tiles were found.

On other areas of the building, there were a small number of hanging tiles lifted or raised which would allow access for crevice-dwelling bats. However, none of these potential roost features (PRFs) were in the construction impact zone.

**In accordance with Table 1 and the guidance in Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition) (Collins J (ed.) (2023), the building has been assessed as having negligible-low suitability for bats. See photos 1-12.**

Snowhill Cottage – Retrospective Bat Roost Assessment

Photo 1: Northwest corner



Photo 2: West facing elevation



Photo 3: Boarded window seen from scaffolding



Photo 4: Boarded window seen from scaffolding



Photo 5: North facing single-storey elevation



Photo 6: East facing elevation porch



Snowhill Cottage – Retrospective Bat Roost Assessment

Photo 7: Small circular window to south of front porch proposed with removal



Photo 8: Small circular window to north of front porch proposed with removal



Photo 9: South facing gables (new window proposed in red circle)



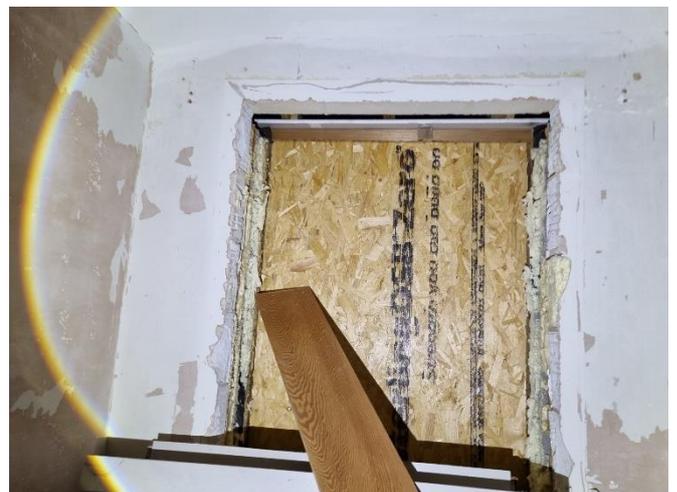
Photo 10: South facing elevation with new windows



Photo 11: Inside of new window frame upstairs



Photo 12: Inside new window frame north elevation



## 5. Mitigation

**In accordance with the findings of the inspection and the criteria given in Table 1 adapted from guidance in *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition) (Collins J (ed.) (2023)*, the preliminary assessment of the site established that the house had negligible-low suitability for bats.**

Given the small scale of the proposals it is considered highly unlikely that the development will have an impact upon any bat roosts or other wildlife. The proposals can proceed lawfully and with minimal risk to bats at this time.

No further surveys for bats are required at this time. Should works be delayed by more than 24 months beyond the date of this report, a re-inspection of the building by a suitably qualified bat ecologist should be conducted before proceeding.

The proposed development has a responsibility to avoid and mitigate impacts upon protected species. Such measures are in line with the National Planning Policy Framework (NPPF) (2021) and within policy 49 of the Chichester District Local Plan.

Policy 49 of the Chichester Local Plan states that: *“Planning permission will be granted for development where it can be demonstrated that: /... 1. the biodiversity value of the site is safeguarded; 2. Demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated.”*

It is important that the following mitigation measures are acknowledged to protect wildlife that may be using the site:

1. The gaps around the first-floor window frames are to be filled carefully after inspection using a torch to check for the presence of any bats. In the unlikely event that a bat is found during the final stages of construction on site, a licenced bat ecologist will be contacted in order to determine how to proceed.
2. Lighting – Given the proximity to the Bat Movement Network and priority coastal habitats, it is recommended that no external lighting will be installed on site. If lighting is proposed this must be done under an ecologically sensitive lighting scheme. Artificial Light At Night (ALAN) adversely affects bats, invertebrates and other nocturnal animals

(Bat Conservation Trust and the Institute of Lighting Professionals, 2023). ALAN creates a barrier for bats and disturbs their natural foraging and commuting patterns, and it must be avoided across the site.

If exterior lighting is to be installed on site, this will be kept to a minimum and the following measures will be taken:

- No exterior lighting, including during construction, will be directed at bat boxes, vegetation, or the oak tree at the rear of the site to the north which forms part of the Bat Movement Network
  - Luminaires will face downwards and mounted horizontally, with no light output above 90° and no upward tilt.
  - Security lighting will be set on motion sensors and set to a short timer. For residential purposes, a 1 or 2 minute timer is likely to be appropriate.
  - All luminaires will lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
  - LED luminaires will be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
  - A warm white light source (2700Kelvin or lower) will be adopted to reduce blue light component.
3. Construction – To be undertaken in accordance with best practice advice with regards to minimising dust, noise, light and emissions during and post-construction. The level of impact on designated sites and protected/priority habitats is expected to be negligible.
  4. Excavations/pipes – All holes/excavations must be covered overnight, or provided with a safe escape route for small animals such as a gently sloping ramp e.g. a plank of wood with grooves/chicken wire wrapped over it for grip. Open pipework must be checked they are empty and then closed off at the end of each working day to avoid small animals entering them.
  5. Debris removal – Any piles of rubble, debris, paving slabs or pots shall be checked by hand prior to removal, to avoid harming any protected species like hedgehogs, slow worms, common frogs and toads, as well as ubiquitous species such as mice and voles.

6. Pollution – Silt and water run-off must not pollute the site. Any chemicals or fuel must be stored appropriately, fully-sealed and kept on existing hard surfaces.
  
7. Planting replacements – Any ornamental planting lost or damaged during works will be replaced post-construction with appropriate species from the [RHS 'Plants for Pollinators' lists](#).

## 6. Enhancements for Biodiversity

Development proposals are expected to demonstrate an overall positive impact on the natural environment as set out in local and national planning policies.

Policy 49 of the Chichester Local Plan states that: “Planning permission will be granted for development where it can be demonstrated that: *...the proposal has incorporated features that enhance biodiversity as part of good design and sustainable development.*”

The following ecological enhancements will be considered on this site in order to result in a net gain in biodiversity.

- Pollinator-friendly flowers grown around the garden in beds, pots, or in hanging baskets will improve its ecological value greatly. Always try to choose organic, pesticide-free plants and seeds. Plants should be chosen from the [RHS 'Plants for Pollinators' lists](#). Alternatively, the following list of low-maintenance flowering plants has been recommended by the ecologist for this site:
  - Borage *Borago officinalis*
  - Bugle *Ajuga reptans*
  - Catmint *Nepeta spp.*
  - Chives *Allium schoenoprasum*
  - Cranesbill geranium *Geranium spp.*
  - English lavender *Lavandula angustifolia*
  - Nasturtium *Tropaeolum majus*
  - Rosemary *Rosmarinus officinalis*
  - Sunflower *Helianthus annuus*
  - Thyme *Thymus spp.*
  - Winter-flowering heather *Erica carnea*
  
- One bat roosting feature is recommended to enhance the site for bats. An integrated bat box, external\* bat box or tile with a suitable gap (or readymade ‘bat tile’) could be incorporated into the designs. Erected 3-5m above ground, facing between southwest and southeast, receiving several hours of sunlight during the day. No artificial lighting will shine on these new bat roosting opportunities. See Figures 4-7 for examples.

*\*WoodStone/Woodcrete boxes are recommended rather than timber boxes. They safeguard against attacks from predators and the material insulates the box which creates a more consistent internal temperature.*

Figure 4 – [‘Chillon’ Woodstone Bat Box](#)



Figure 5 - [Beaumaris Woodstone Bat Box](#)



Figure 6 – [Tudor Bat Access Tile](#)



Figure 7a (left) and 7b (right) – [BirdBrickHouses](#)  
[Integrated Bat Boxes](#)



(7b suitable to install behind timber cladding)

- One bird nest box is recommended to enhance the site for birds. An integrated bird nest box or an external WoodStone/Woodcrete bird nest box could be incorporated into the designs. Erected 3-5m above ground facing between northwest and northeast avoiding direct sunlight and prevailing winds. Alternatively, an open-fronted external bird nesting box could be installed sheltered within a shrub. See Figures 8-11 for suitable examples of bird nesting opportunities.

Figure 8 – [Vivara Pro](#) Woodstone Standard  
External Bird Box



Figure 9 – [Vivara Pro](#) Woodstone Open-  
Fronted External Bird Box



Figure 10a (left) and 10b (right) – [BirdBrickHouses Integrated Bird Boxes](#) (10b suitable to install behind timber cladding)



Figure 11 – [Vivara Pro](#) Woodstone House Sparrow Terrace External Bird Box



- A 13x13cm hole in the garden fence could be installed in one fence on site. This size gap is sufficient for hedgehogs to pass through and is too small for most dogs/cats. A small solid wooden hedgehog house (Figure 12) could also be installed in a quiet corner of the garden. Information for providing a hedgehog friendly garden can be found [online here](#).

Figure 12 – Solid Wooden Hedgehog Box



## 7. Conclusion

Imprint Ecology Limited was commissioned by LGM Developments to undertake a retrospective bat roost assessment at Snowhill Cottage, Roman Landing, West Wittering.

A daytime inspection was carried out on 6<sup>th</sup> November 2023 and the house was considered to have negligible-low suitability to support roosting bats. Given the small scale of the development it was considered highly unlikely that the works would have had an impact on bats, and no other protected species were recorded. No further surveys are considered necessary.

Given the nature of the proposals, impacts upon nearby designated sites or significant habitats is considered to be negligible. Mitigation has been proposed to minimise the risk of any harm to protected species and ubiquitous wildlife and to avoid any contravention of legislation.

The suggested ecological enhancements will result in a positive net gain over time in line with local and national planning policies.

## 8. References

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## Appendix 1: Planning Policy

The latest National Planning Policy Framework (NPPF) (Defra, 2022) was published in July 2021. The National Planning Policy Framework (2021) outlines the government's responsibility to minimise adverse impacts on biodiversity and bestow biodiversity net gains where possible.

Paragraphs of relevance within the NPPF include: Paragraph 174 of the NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by: /... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*

Paragraph 179 of the NPPF states that *“To protect and enhance biodiversity and geodiversity, plans should: /... 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.”*

Paragraph 180 of the NPPF states that “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<sup>1</sup> 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.*

The NPPF is also complemented by the Circular 06/2005: Biodiversity and Geographical Conservation – Statutory Obligations and Their Impacts Within The Planning System (Office of the Deputy Prime Minister, 2005). Paragraph 99 states that “*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.*”

The site is within the Chichester District; the proposals should be assessed against the Chichester District Local Plan – Key Policies 2014-2029. Policy 49 covers Biodiversity; the following criteria must be met for planning applications to be supported:

1. *The biodiversity value of the site is safeguarded;*
2. *Demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated;*
3. *The proposal has incorporated features that enhance biodiversity as part of good design and sustainable development;*
4. *The proposal protects, manages and enhances the District’s network of ecology, biodiversity and geological sites, including the international, national and local designated sites (statutory and non-statutory), priority habitats, wildlife corridors and stepping stones that connect them;*
5. *Any individual or cumulative adverse impacts on sites are avoided;*
6. *The benefits of development outweigh any adverse impact on the biodiversity on the site. Exceptions will only be made where no reasonable alternatives are available; and planning conditions and/or planning obligations may be imposed to mitigate or compensate for the harmful effects of the development.*

## Appendix 2: Legislation of Relevant Species/Habitats

The following legislation is relevant to survey findings and is only a summary.

### Statutory Designated Sites

Designation	Relevant legislation
SSSI (Site of Special Scientific Interest)	Wildlife and Countryside Act 1981 (as amended)
SPA (Special Protection Area)	Conservation of Habitats and Species Regulations 2017 (as amended)
SAC (Special Areas for Conservation)	Conservation of Habitats and Species Regulations 2017 (as amended)
AONB (Area of Outstanding Natural Beauty)	Countryside and Rights of Way Act (CROW) 2000
Habitats of Principal Importance	Section 41 of the NERC Act 2006 and National Planning Policy Framework (2021)

### Protected/Priority Species and Habitats of Principal Importance

#### Bats

All UK bats are European Protected Species.

All British bat species are defined in UK law as 'Protected Species' under Schedule 2 of the Conservation of Habitats and Species Regulations, 2017 (as amended). All bat species in England are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which confers additional protection under Section 9 of the act, and through the Countryside and Rights of Way (CRoW) Act, 2000.

All UK bats are listed in Appendix II and III of the Bern Convention. Bats and their habitats are listed in Appendix II of the Bonn Convention. Seven bat species are listed under Section 41 of the NERC Act 2006.

This combined legislation means that it is a criminal offence to:

- Deliberately kill, injure or capture bats
- Deliberately disturb bats, including in particular any disturbance which is likely to impair their ability to survive, to reproduce or to rear or nurture their young, or their ability to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance
- Damage or destroy a breeding site or resting place of a bat

- Damage or destroy, or obstruct access to, any structure or place which any bat uses for shelter or protection
- Disturb bats while occupying a structure or place used for that purpose.

If proposed development work is likely to destroy or disturb bats or their roosts a license may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. With suitable approved mitigation, exemptions can be granted from the protection afforded to bats under regulation 39 by means of a European Protected Species Licence (EPSL).

Natural England, for the Secretary of State for the Department for Environment, Food and Rural Affairs (DEFRA) is the appropriate authority for determining license applications for works associated with developments affecting bats. In cases where licenses are required, certain conditions should be met under the Habitats Regulations 2017 (as amended) to satisfy Natural England. These are:

1. Regulation 55(2)(e) states that licenses may be granted 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.
2. Regulation 55(9)(a) states that a license may not be granted unless Natural England is satisfied ‘that there is no satisfactory alternative’.
3. Regulation 55(9)(b) states that a license cannot be issued unless Natural England is satisfied that the action proposed ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Natural England expects the planning position to be fully resolved as this is necessary to satisfy tests 1 and 2. Full planning permission, if applicable, will need to have been granted and any conditions relating to bats fully discharged. For test 3, Natural England should be satisfied that sufficient survey effort has been carried out and that the impact assessment and proposed mitigation measures (submitted with the license application) are adequate to maintain the species concerned at a favourable conservation status.