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Preliminary Bat Roost Assessment Report

15 Ashburnham Close, Chichester, PO19 3NB

On behalf of Steve Niebel

Version 01

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1. Executive Summary

Site Details
<ul style="list-style-type: none">15 Ashburnham Close, Chichester, PO19 3NB (OS Grid Reference: SU 87019 03776)
Scope of Works
<ul style="list-style-type: none">Imprint Ecology was commissioned to undertake an assessment for bats at a site which is required to inform a planning proposal for the removal of the existing roof, conversion of the loft and installation of a dormer window.
Key Ecological Constraints
<ul style="list-style-type: none">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).
Results
<ul style="list-style-type: none">A site visit was carried out on the 21st August 2023. A thorough inspection of the bungalow found no evidence of bats using the building. The building was assessed as having negligible suitability to support roosting bats.No further surveys are recommended.
Mitigation
<ul style="list-style-type: none">Artificial Lighting At Night (ALAN) will be avoided on site. Construction lighting will be 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.Pruning/removal of hedgerows, trees or shrubs will not be undertaken during bird nesting season unless following a nesting bird check.Any habitats within the impact zone are carefully searched each day before works begin, to rescue any small mammals that may be present.
Biodiversity Enhancement Recommendations
<ul style="list-style-type: none">Enhancements for birds and bats on site in line with local and national planning policies.Planting and landscaping suggestions to support pollinating insects in line with local and national planning policies.

2. Introduction

2.1 Background and Proposed Development

Imprint Ecology was commissioned by Steve Niebel to undertake a Preliminary Bat Roost Assessment (PBRA) for bats at 15 Ashburnham Close, Chichester, PO19 3NB (OS Grid Reference: SU 87019 03776), hereafter referred to as 'the site'. The proposals include the removal of the existing roof, conversion of the loft and installation of a dormer window.

2.2 Experience of Ecologists

Emily Sabin BSc (Hons) (*Wildlife Conservation*) AMRSB, Accredited Agent under George Sayer's Natural England WML-CL18 Level 2 Bat Licence 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 within a suburban area within the city of Chichester. The bungalow is set within a small sized plot, comprising hardstanding, amenity lawn, and beech hedgerow. Scattered trees and ornamental shrubs are present within nearby and adjacent gardens. See Figure 1 for the site location and Figure 2 for an aerial view of the site.

15 Ashburnham Close – Preliminary Roost Assessment for Bats

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

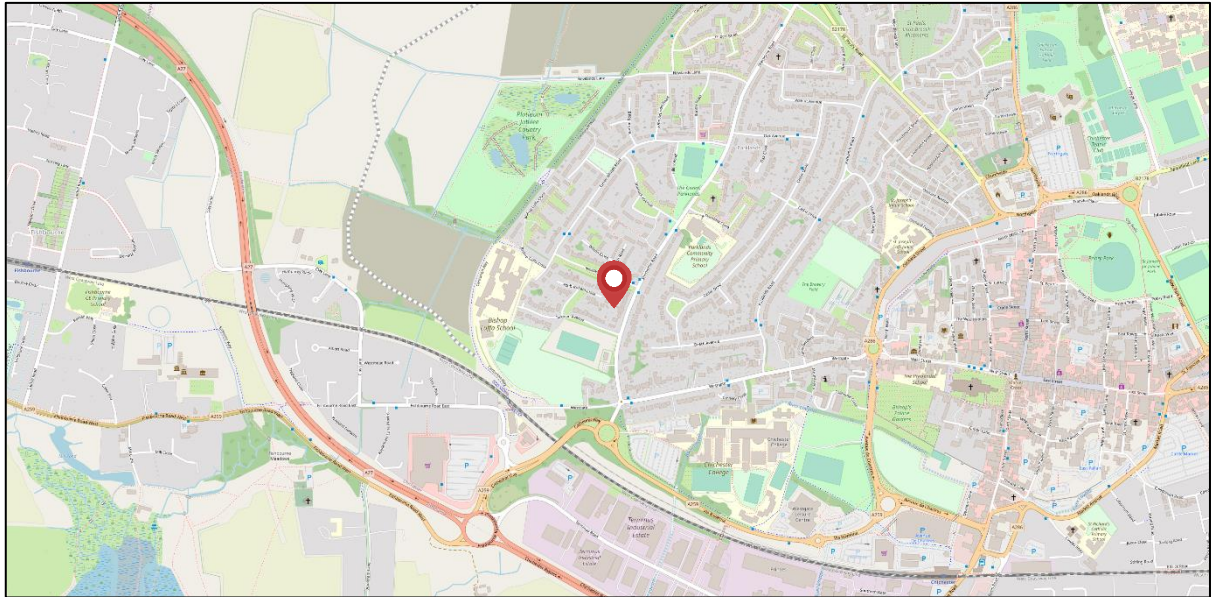
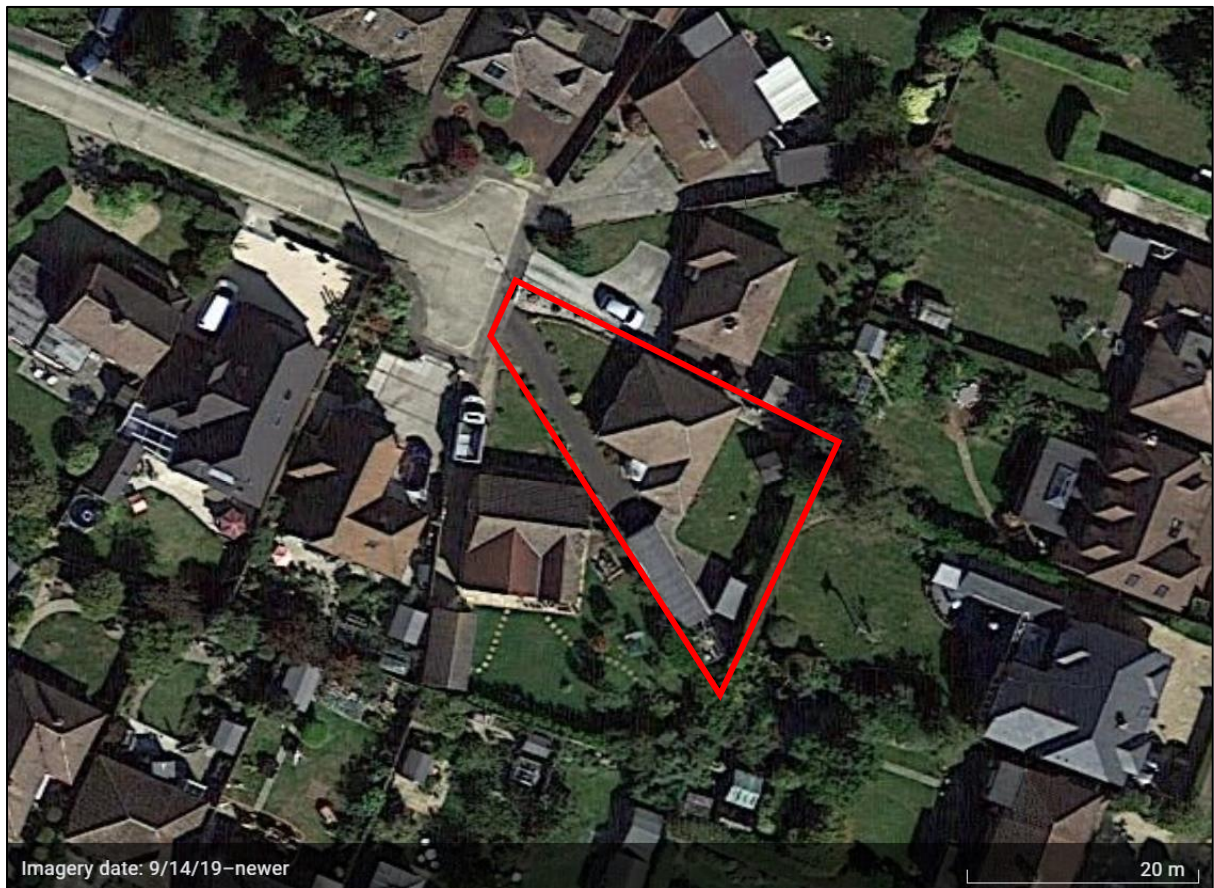


Figure 2 - Site boundary aerial view outlined in red. ©Google Earth (2023)



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 21st August 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 non-statutory designated 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 George Sayer's Natural England bat survey Class Licence WMLCL18 – number 2018-34434) on 21st August 2023, commencing at 12:00hrs.

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 buildings were categorised as having either 'high', 'moderate', 'low' or 'negligible' potential to support bats or as a 'confirmed roost or resting place for bats'. 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. 2016.)

Suitability	Description
Confirmed bat roost or resting place	Presence of bats or evidence of bats.
High	Structure with many areas suitable for large numbers of roosting bats, with numerous potential access points. With good connectivity to high-quality foraging habitat, such as hedgerows, woodland and/or waterbodies. No evidence of current use by bats. E.g. large, uncluttered, draft-free loft spaces with access point or gaps beneath hanging tiles in a rural location.
Moderate	Structure with features suitable for moderate numbers of roosting bats, with good connectivity to the wider countryside. No evidence of current use by bats. E.g. cracks in walls, wooden soffit box with holes, gaps beneath fascia boards, under lifted roof tiles or lead flashing in a suburban or rural setting.
Low	Structure that offers a low number of roosting opportunities which could be used opportunistically by individual bats. Unlikely to be used by large numbers of bats on a regular basis. No evidence of current use by bats. E.g. small gaps under roof tiles, fascia boards or lifted lead flashing, with limited connectivity to fair-quality foraging or commuting habitat.
Negligible	Structure with no or very limited roosting opportunities for bats and/or where the structure is isolated from foraging habitat. No evidence of use by bats.

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 not located within any sites designated for nature conservation importance but it is located within the impact risk zone for Chichester Harbour SSSI which lies 1.2km southwest. Regard must be given to Paragraph 175 of the NPPF, which states that:

“... proposed development on land within or outside a Site of Special Scientific Interest, likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted.”

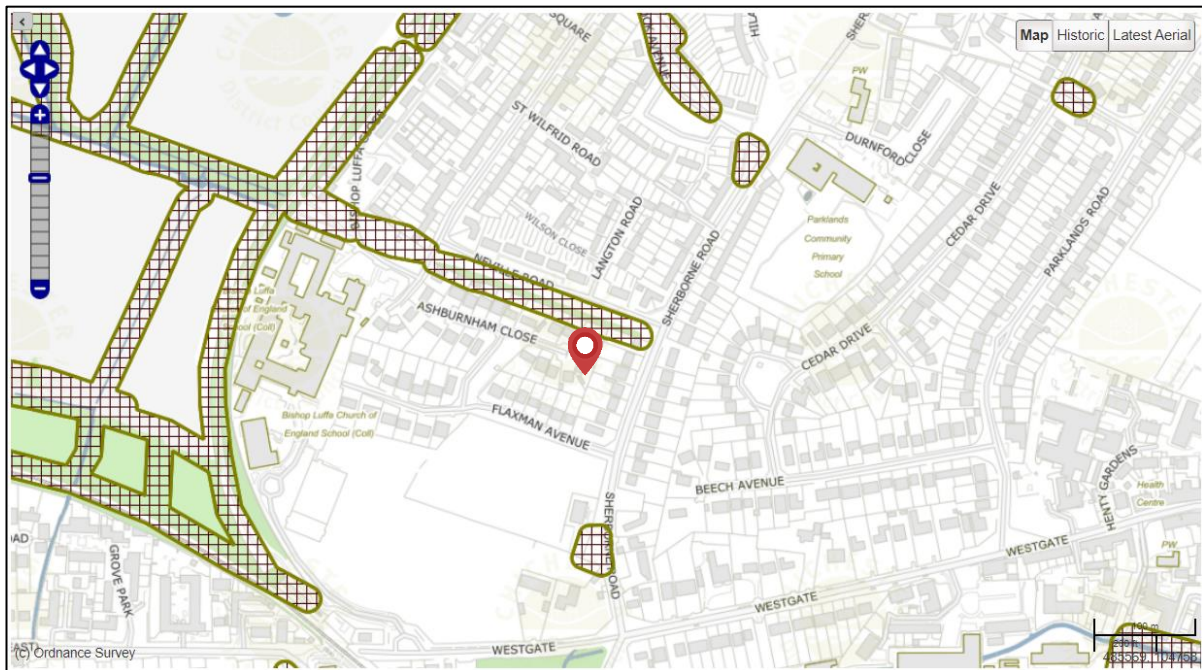
Chichester Harbour holds various national and international designations associated with the conservation of coastal habitats and wildlife, including a rich assemblage of wintering birds. The site falls within the 5.6 km zone of influence for Chichester and Langstone Harbours Special Protection Area (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 site lies 9.4km south of the Singleton and Cocking Tunnels Special Area of Conservation (SAC), SSSI and is therefore within the 12km wider conservation area. Within this area, significant impacts upon bats and breaking of flightlines must be considered in line with South Downs Policy SD10. The tunnels are important especially for barbastelle *Barbastella barbastellus* and Bechstein's bat *Myotis bechsteinii*.

The following non-statutory designated sites lie within 2km of the site: Chichester Canal 1.2km southeast; River Lavant Marsh 1.4km south; Fishbourne Meadows 1km southwest; and Brandy Hole Copse 1.4km north.

The site is not bound by any Bat Movement Network (BMN) corridors but 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 BMNs.

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



The following protected/priority habitats lie within 2km of the site:

- Deciduous Woodland
- Ancient Woodland
- Woodpasture and Parkland
- Lowland Meadows
- Mudflats
- Coastal Saltmarsh
- Traditional Orchard
- Reedbeds
- Coastal and Floodplain Grazing Marsh

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.

4.1.2 Bats

The MAGIC online resource showed the following European Protected Species Licences (EPSL) have been granted within a 2km radius of the site, as follows:

- Destruction of a common pipistrelle resting place, 1.2km south-west of the site, granted in 2019
- Destruction of a common pipistrelle and soprano pipistrelle resting place, 1.7km north of the site, granted in 2012
- Destruction of a common pipistrelle, soprano pipistrelle, serotine and brown long-eared bat resting place, 1.7km north of the site, granted in 2013
- Destruction of a common pipistrelle resting place, 1.8km east of the site, granted in 2012

4.2 Preliminary Inspection for Bats

The main dwelling was a detached brick-built bungalow and a detached prefabricated garage to the east. The main dwelling roof was clad with flat machine made clay tiles which appeared in an excellent state of repair with no gaps, cracks, missing, slipped or loose tiles noted across the building. All ridge and hip tiles were tightly sealed to the roof.

Soffits and fascia were present and made of uPVC material which appeared in excellent condition and tightly sealed to the building leaving no gaps at the eaves or other ingress opportunities for bats into crevices or the main loft void. There were no chimney stacks emerging from the roof.

The doors and windows were of a casement design, uPVC framed and appeared in good condition with no visible damage, cracks or openings which bats could exploit.

The brick work was in good condition with no cracks or splits that would allow access for bats into the walls or interior wall cavity.

The garage had a shallow pitch roof clad with bitumen roofing felt. There were no PRFs noted on the garage.

Internally, the main loft void of the bungalow was accessible from the hallway. The void was empty of household items. There was artificial lighting present. The timber roof frame was exposed and the loft contained lots of loose fibre insulation. The roof was lined with a modern Breathable Roofing Membrane (BRM). Evidence of an old chimney stack could be seen within the loft but this had been boarded up.

No evidence of bats was found within the loft void.

Garden and surrounding environment

The garden to the rear was laid to lawn which appeared to be frequently mown with a summerhouse in the north-east corner. A patio area was also present. A beech hedgerow was present along the eastern boundary of the site which presented suitable nesting opportunities for widespread species of garden birds. The front garden was laid to a well-maintained lawn, ornamental shrubs, and paving for parking. Overall, habitats on site were assessed as having low ecological suitability with the hedgerow having moderate suitability for nesting birds.

5. Mitigation

In accordance with the findings of the inspection and the criteria given in Table 1, the preliminary assessment of the site established that the building on site has ‘negligible’ potential to support bats. 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.

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

1. **Vegetation removal** – The beech hedgerow to the eastern boundary of the site will be retained as a wildlife corridor and nesting habitat for birds and will not be disturbed or damaged during the construction work phase. Any pruning of the hedgerow will take place outside of bird nesting season, therefore avoiding March to August inclusive. The removal of any ornamental shrubs to the front of the house will be undertaken outside of bird nesting season or immediately after a thorough check for any bird nests. If an active nest is found, the nest will be given a 5m buffer until the young have fledged.
2. **Lighting** – 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 trees at the rear of the site.
- Red spectrum lighting to be considered in place of white lighting. (Bats are more sensitive to white light compared to red light).

- 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.

Bollard/low-level downward-directional luminaires will not be installed on site. This is due to a considerable range of issues, such as unacceptable glare, poor illumination efficiency, unacceptable upward light output and increased upward light scatter from surfaces which makes them unsuitable for most sites.

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 ubiquitous species such as mice and voles, to accord with the Protection of Mammals Act 1996.
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

The proposed development has an opportunity to enhance habitats on site. Such enhancement measures are in line with the National Planning Policy Framework (NPPF) (2021) and within policies 40 and 49 of Chichester District Council Adopted Chichester Local Plan: Key Policies 2014-2029.

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.*”

- To increase the ‘green footprint’ of the site, a living wall (Figures 4-5) could be installed in the rear garden. Living walls are vertical gardens that take up less space than traditional planting methods. They are ideal for small outdoor spaces and can be planted with a range of wildlife-friendly plants, herbs, fruits and vegetables. Insect hotels and bird boxes can also be incorporated into a living wall.

We recommend [PlantBox](#) living wall systems which do not require daily watering due to a capillary wicking felt system.

Figure 4: [PlantBox](#) Living Wall Example



Figure 5: [PlantBox](#) Living Wall Example



- Due to the site's small size, one bat roosting feature would be proportionate 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 new extension design. Erected at eaves height onto the new roof design, facing south/south-west 3-5m above ground and receiving sunlight during the day. No artificial lighting will shine on these new bat roosting opportunities. See Figures 6-11 for examples.

Figure 6 – 'Chillon' Woodstone Bat Box



Figure 7 - 'Vivara' Pro Woodstone Bat Box



Figure 8 – 'Tudor' Bat access tiles



Figure 9 – BirdBrickHouses
Integrated brick bat box



Figure 10 – BirdBrickHouses
Integrated mesh-fronted bat box (suitable to
install behind cladding)



Figure 11 – Slate bat access tile.



- Plants with night-time fragrance will attract nocturnal-flying insects such as moths could be planted in the garden, including evening primrose *Oenothera biennis*, cherry pie *Heliotropium arborescens*; sweet rocket *Hesperis matronalis*; and currant bushes *Ribes sp.*
- Any new trees to be planted in the garden should be native to the UK and chosen for their value to wildlife. Small trees in pots can also be easier to manage in a small garden and still provide benefits to wildlife. For example:
 - Bird cherry *Prunus padus*
 - Crab apple *Malus sylvestris*
 - Hazel *Corylus avellana*
 - Rowan *Sorbus aucuparia*
 - Silver birch *Betula pendula*
 - Wild cherry *Prunus avium*
- Bird boxes could be incorporated into the new north facing elevation of the building designs, bird boxes should face north or east, avoiding direct sunlight and prevailing winds. Or an open-fronted external box could be installed sheltered within in the beech hedgerow. One bird box is recommended for a site of this size. (Figures 12-15).

Figure 12 – [Vivara Pro](#) Woodstone Standard
Bird Box



Figure 13 - [BirdBirckHouses](#) integrated
sparrow terrace bird box
(suitable to install behind cladding)



Figure 14 – [BirdBirckHouses](#) integrated brick sparrow terrace box



Figure 15 – Vivara Pro Open-Fronted Bird Box (Suitable for wrens and robins)



- Native wildflowers sown around the site or in hanging baskets will improve its ecological value greatly, especially for insects. Plants should be chosen from the [RHS 'Plants for Pollinators' lists](#).
- Some areas of lawn could be left unmown to provide shelter and foraging opportunities for slow worms, hedgehogs and pollinating insects.
- A small log pile could be installed in the rear garden, near or adjacent to the beech hedgerow. The first layer of logs should be partially buried to encourage stag beetles, as well as hibernating reptiles and amphibians.
- A solid wooden hedgehog house could be installed in a quiet corner of the garden (Figure 16). A 13cm by 13cm hole in the garden fence/gates should also be installed. This size gap is sufficient for hedgehogs to pass through and is too small for most dogs/cats (Figure 17). Information for providing a hedgehog friendly garden can be found [online here](#).

Figure 16 - Solid wooden hedgehog house



Figure 17 - Hedgehog 'highway' example



Should you need further advice or clarification of the information provided above, please do not hesitate to contact Imprint Ecology at emily@imprintecology.co.uk.

7. Conclusion

Once mitigation measures are taken into account, the proposals are considered to pose a negligible risk upon ecology.

Given the nature of the proposals, impacts upon nearby designated sites or significant habitats is considered to negligible, provided mitigation measures are followed.

There was no evidence of the use of the building by bats or other protected species. Mitigation has been proposed to minimise the risk of any harm to protected and ubiquitous wildlife and to avoid any contravention of legislation. Given the small scale of the proposals, these measures are considered proportionate and sufficient.

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

8. References

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Appendix 1: Site photographs

Photo 1 – East facing elevation.



Photo 2 – West facing elevation.



Photo 3 – South facing elevation.



Photo 4 – West facing elevation.



Photo 5 – Rear garden timber summerhouse.



Photo 6 – Interior loft void.



Photo 7 – Interior loft void.



Photo 8 – Interior loft void.



Appendix 2: 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 reasons¹ 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 3: 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

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- 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.