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*To discuss any requirements please contact Rachel on 07708930348 or [rachel@durhamecology.com](mailto:rachel@durhamecology.com)*

## **ADVICE FOR HOUSEHOLDERS AND DEVELOPERS**

### **REQUESTS FOR A BAT SURVEY OR PRELIMINARY ROOST ASSESSMENT ('BAT RISK ASSESSMENT')**

#### **WHY HAVE THE PLANNERS REQUESTED A BAT SURVEY?**

Planning authorities have legal duties to fulfil with respect to certain species, to ensure that they are protected, and their conservation status is maintained.

The key Guidance documents Councils refer to when determining planning applications which might have impacts on bats are the Bat Conservation Trust Bat Surveys Good Practice Guidelines (3<sup>rd</sup> Edition, 2016)<sup>1</sup> and Natural England's Standing Advice on bats<sup>2</sup>.

The Bat Survey Guidelines have a 'trigger list' of types of development which could affect bats. If your building matches then the planners may request a survey.

The trigger list includes older buildings, those which are close to good habitat for bats, and certain types of development (e.g. barn conversions). Certain trees (particularly mature trees) may also have bat roosts. In addition, Councils often have records of bat activity and it may be that your development is close to a known bat roost. They may also pay particular attention to work which impacts on roofs, soffit and barge boards or eaves as these are commonly used as bat roosts (even in newer properties).

<sup>1</sup> <https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-3rd-edition>

<sup>2</sup> <http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/specieslinks.aspx>

## BATS AND THE LAW

All species of bat and their roosts (whether occupied or not) are fully protected under **The Wildlife and Countryside Act, 1981** (as amended) and the Conservation of Habitats and Species Regulations, 2010, and are therefore a material consideration when determining planning applications. Furthermore, planning authorities are competent authorities under the Regulations and therefore have legislative duties to fulfil with respect to these species, to ensure that they are protected, and their conservation status is maintained.

Under the **Conservation of Habitats and Species Regulations, 2010** a person commits an offence if they:

- (a) deliberately capture, injure or kill any bat.
- (b) deliberately disturb bats in such a way as to impair their ability -
  - (i) to survive, to breed or reproduce, or to rear or nurture their young.
  - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate.
- (c) to affect significantly the local distribution or abundance of the species to which they belong.
- (d) damage or destroy a breeding site or resting place of such an animal.

The **Countryside and Rights of Way (CROW) Act 2000** amends the Wildlife and Countryside Act 1981 and strengthens the legal protection for threatened species by extending the offence of 'disturbance' to include 'reckless' actions. The Act also enables heavier penalties to be levied on conviction of wildlife offences.

Failing to identify the presence of bats on a site can put the developer/owner/contractors at risk of committing an offence and can significantly delay building works if bats are discovered during a development.

## STEPS OF A BAT SURVEY (BUILDING SURVEYS)

### Preliminary Roost Assessment (also known as a Bat Risk Assessment or Daylight Survey)

A Preliminary Roost Assessment (PRA) is used to determine the actual or likely presence of bats and how they use a roost site. This should be carried out by an experienced bat surveyor. To enter any known roost site, surveyors should be in possession of a Natural England bat survey licence or be accompanied by a licensed person.

The aim of this survey is to look for evidence of bats and assess the risk of bats being present. The survey should include all external features and all internal roof spaces *etc.* It should be done before any other survey and in daylight.

If the PRA shows that there is no reasonable likelihood of bats being present, no further work is required. The consultant should provide a report confirming this to be submitted with the planning application.

The PRA may not be conclusive, and then dusk/dawn or activity surveys will be required. Up to 3 separate surveys may be required, depending on the likelihood of bats being present.

## What is included in bat activity surveys?

Your consultant ecologist should make sure they follow the guidelines closely. This includes;

- A separate and detailed daylight survey (Preliminary Roost Assessment).
- Number of surveys (2 for low risk, 3 for moderate to high risk).
- Timing and duration of surveys (quarter of an hour before sunset and up to 2 hours afterwards). Some bats emerge more than an hour after sunset, so it is important to stay out for long enough.
- The number of surveyors (enough qualified and experienced surveyors to cover every part of the building).
- Recording bat 'calls' for later analysis and objective evidence.
- Temperature (at the beginning and the end of the survey).
- Any limitations and their potential impact on survey conclusions.

## What if I have a bat roost?

If a roost is found, and is likely to be affected by the proposed development, regardless of the number of bats, the advice from Natural England is that a licence is required. Your consultant should provide a detailed Method Statement which will avoid harm to bats during works. This should be provided to every contractor involved in building/demolition/landscaping work.

Having sufficient information means that you can amend or redesign your development or carry out your work in such a way that bats aren't affected (e.g. by carrying out works when bats aren't there). You could also provide an alternative roost as part of any new development. This is called **MITIGATION**.

In the vast majority of cases development can still be carried out providing appropriate mitigation/avoidance measures are in place.

The mitigation plan and the bat report should be submitted with the planning application (and with the licence application if needed).

The Bat Conservation Trust have a very useful leaflet for Bat Roost Owners:

[www.bats.org.uk/pages/living\\_with\\_bats.html](http://www.bats.org.uk/pages/living_with_bats.html)

## For How Long is My Bat Survey Valid?

- **Preliminary Roost Assessments** are typically viewed as valid for two years.
- **Bat activity (dusk/dawn) surveys** are similar, unless bats are present a Natural England Mitigation licence is required for the works. In these circumstances they must be within 12 months or from the last current active bat season (May-August).

If circumstances arise causing delays then these can be discussed with the Local Planning Authority ecology team and the project's ecological consultant. It can often be concluded that a single 'updating survey' can be carried out to prevent the client having to start at the beginning. Bats are generally very loyal to a building or group of buildings, but the precise location of roosts may vary over time.