

# Headline advice note for developers

## BATS

The notes below give headline advice only and may not include the latest information as legislation and guidance is subject to change. Please seek professional advice.

### When do I need to consider bats?

All bats are protected under national and European legislation. If you are carrying out any work that could harm bats or their roosts (regardless of whether bats are in the roost at the time) you should obtain advice from a [suitably experienced and licensed ecologist](#).

Bats need a range of habitats. They **roost** in trees, buildings and other structures such as quarries, bridges, tunnels and mines. **Foraging habitat** includes woodland, parkland, grassland, wetlands, waterbodies and hedges. Bats use large trees, tree lines and hedges as **flight lines** for navigation and protection to move between roosts and between roosts and foraging areas.

Activities that could harm bats and their roosts may include:

- Loss of or damage / disturbance to roosts (through demolition, alterations or maintenance work, re-roofing, lighting, timber treatment, bridge repair, quarrying, tree felling / surgery etc).
- Loss or illumination of foraging habitat.
- Loss, severance or illumination of flight lines.
- Increased traffic, traffic on new roads, wind turbines leading to collisions.

A simple way of knowing whether you need to obtain advice is to fill in the [Devon Wildlife Trigger Table](#) (all impacts listed could harm bats). If you are applying for planning permission from DCC please follow the [Wildlife Planning Guidance for Applicants](#). If applying for planning permission from another LPA please follow their guidance. If you are taking forward a DCC project that doesn't need planning permission please follow the internal Environmental Review guidance.

***If bats are found then works should stop immediately and a bat consultant brought in to advise.***

### Bats in Devon

**Bats are very widespread in Devon.** We have fifteen of the seventeen species of bat considered resident in Britain. Some species (such as common pipistrelles) are common and widespread across the county, others are rarer (Bechstein's). Devon is an international stronghold for the rare greater horseshoe bat and a number of their roosts have European or national protection (e.g. the South Devon and Beer Caves Special Areas of Conservation and the Caen Valley Bats SSSI). All species have slightly differing ecological requirements e.g. horseshoe bats roost in buildings and underground structures whereas noctules roost in trees. For more information on Devon's bats (including some great pics) see the [Devon Bat Group website](#).

### Basic ecology

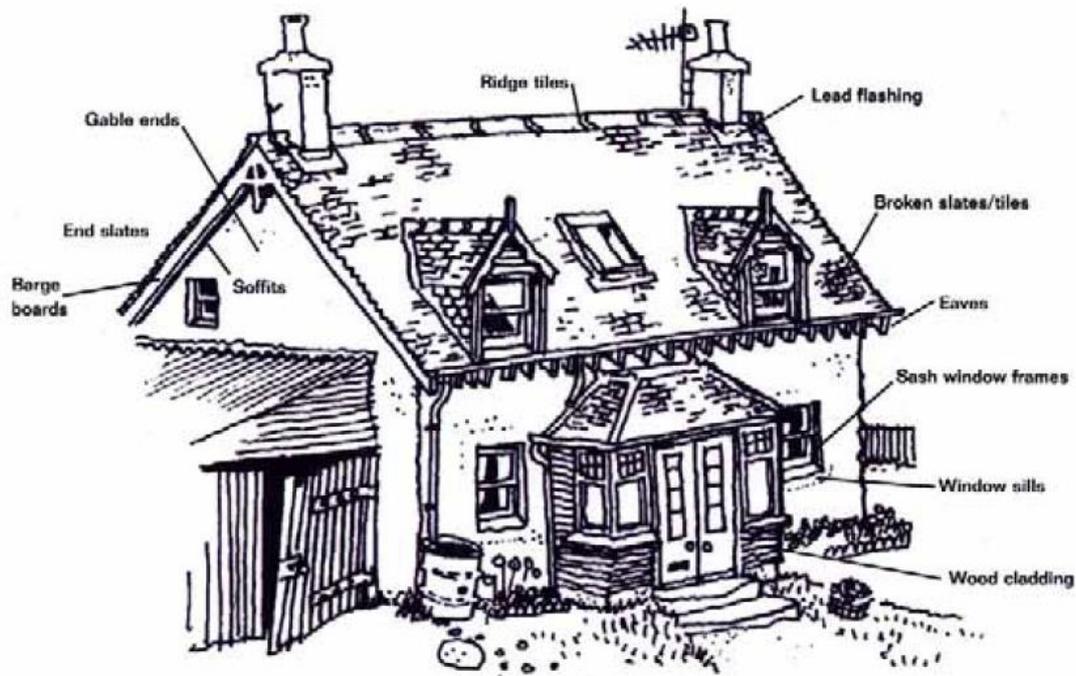
**Food.** All British bats are nocturnal insectivores and require habitats that support sufficient populations of invertebrate prey (such as moths and beetles).

**Roosts.** Bats need different roosts for different activities such as hibernating, breeding, feeding and mating. Roosts can vary from large maternity roosts to night roosts used by individuals for feeding.

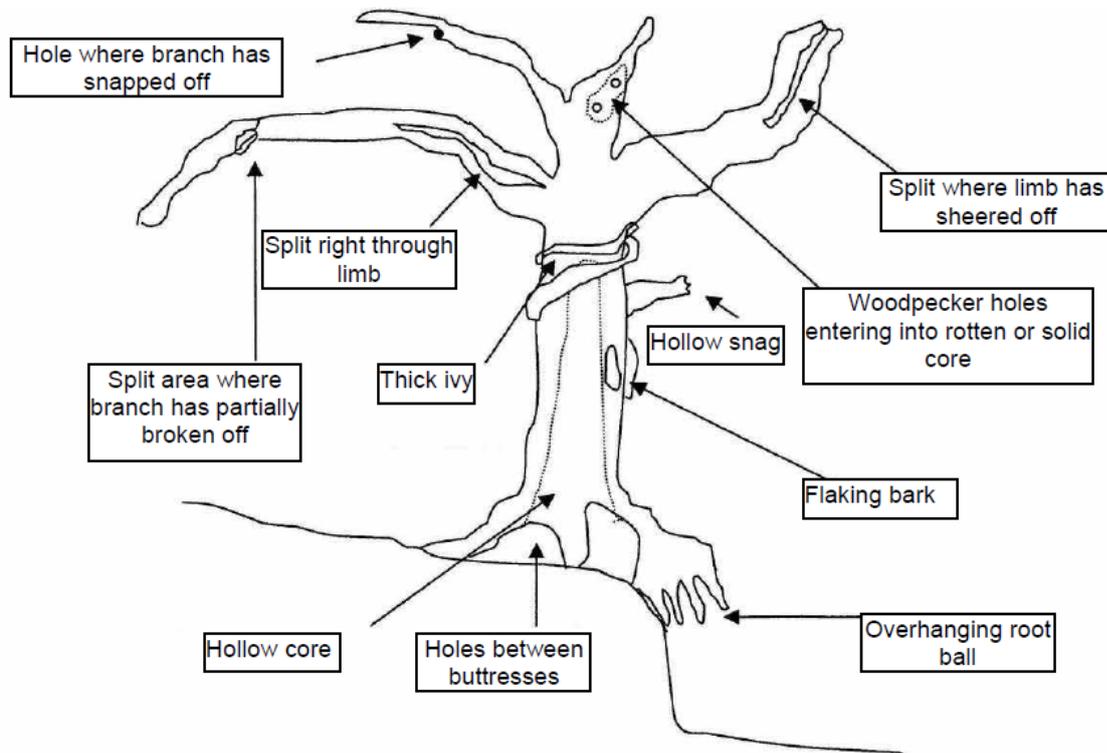
Buildings are often used as summer maternity roosts (late April to the end of September). **Note that many species tend to tuck themselves into small gaps and crevices (under barge and soffit boards, in the eaves, between roof tiles and felt, in the roof apex and in cavity walls) and cannot always be seen.** Most bats enter their roost through small gaps, sometimes only 2.5cm wide.

In winter, bats hibernate in cool but frost-free places such as buildings, bridges, and caves. It is often difficult to confirm the presence of hibernating bats with any certainty. Bats also roost in trees using natural splits and cracks, old woodpecker holes, hollow branches and trunks, behind loose bark and under dense ivy cover.

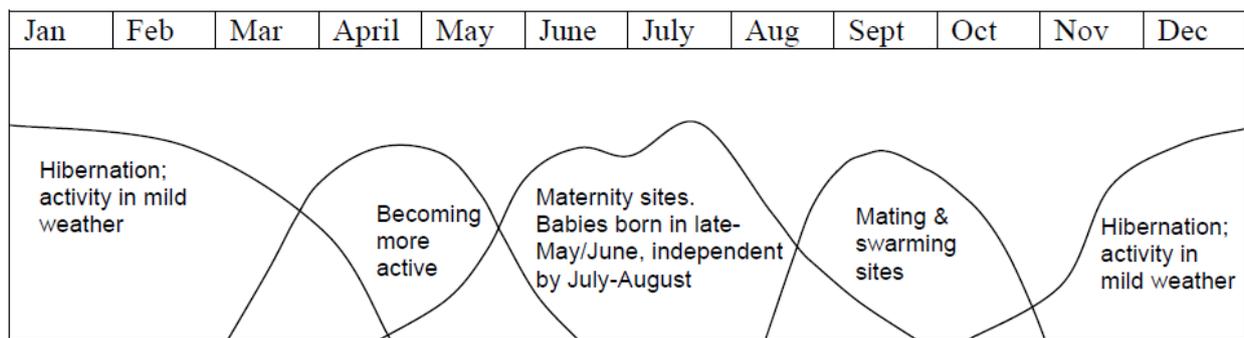
**Potential roost sites in buildings**



**Potential roost sites in trees (Billington, 2003)**



## The Bat Year



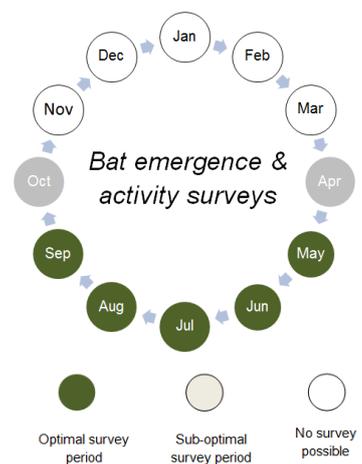
Source: Bat Mitigation Guidelines, EN, 2006

## Surveys - quick overview

### Roosts

Assessments of buildings and trees normally begin with a daytime inspection for bats or signs of bats e.g. droppings. Trees can be initially inspected from the ground using binoculars to look for suitable cavities that bats might roost in. This may be followed up with a climbing survey to inspect the cavities with a torch/endoscope. These inspections can be undertaken at any time of year, although tree surveys are easier in the winter when there are no leaves.

Further survey will be needed if there are potential roosts in parts of the building/tree that couldn't be visually inspected and/or if more information is needed (e.g. entrances/exits, type of roost, size of roost) to determine impacts and how to address them. Further survey will involve dusk emergence surveys and/or pre-dawn re-entry surveys with bat detectors to observe any bats leaving or returning to the roost. National guidance recommends 1 – 3 surveys spread between May and mid-October, with the optimal period being May to August (Bat Conservation Trust guidance). Best practice is to spread surveys evenly through the optimum period. Note that a dusk survey followed by a dawn survey counts as one survey only.



**Bat droppings** can provide evidence of presence. Droppings are black, small, about 4 – 8 mm long and crumble into powder when crushed, as they consist of insect remains. In contrast, mouse droppings are sticky when fresh and hard when old. It *may* also be possible to determine the species of bat present from the shape, size and smell of the droppings. If not then DNA analysis can be undertaken for a definitive answer.

### Activity surveys

Activity surveys may be needed to determine the impacts of a scheme on bat habitats and the avoidance, mitigation and compensation measures required e.g. the impact of a road scheme which will dissect a bat flight line or the impact of a wind farm situated on bat foraging habitat. Activity surveys can obviously only be carried out when bats are active!

**National and any local guidance (e.g. [Natural England's guidance for the South Devon SAC](#)) should be followed. If not then this needs to be justified.** The Bat Conservation Trust '[Bat Surveys: Good Practice Guidelines, 2<sup>nd</sup> Edition](#)' provides more detailed information on the need for survey, types of survey, timing and effort required, including for major infrastructure projects and onshore wind turbine developments.

## Legislation and licensing - headlines

### Species legislation

Bats and their roosts are protected under European and national legislation - the [Conservation of Habitats and Species Regulations 2010 \(as amended\)](#) and the [Wildlife and Countryside Act 1981 \(as amended\)](#). They are therefore a [European Protected Species \(EPS\)](#). **It is an offence to:**

- capture, injure, kill, or disturb bats
- obstruct access to their roosts
- damage or destroy a roost.

**Note that this is a simplified explanation of the legislation. If an activity is likely to result in any of the above please discuss this with your bat consultant.**

**Importantly roosts are protected even if no bats are present.** A licence is required to carry out roost inspections due to the possibility of bats being disturbed. It is therefore important to use a [suitably experienced and licensed ecologist](#).

### Licences

Activities likely to result in an offence will require a mitigation licence from Natural England. In order to obtain a licence three tests must be met:

1. The consented operation must be for 'preserving public health or public safety or other imperative reasons for overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; and
2. There must be 'no satisfactory alternative'; and
3. 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'.

**Wherever possible avoidance and mitigation measures (see below) should be undertaken to reduce impacts on bats and avoid the need for a licence.** If an EPS licence is required for a development which also requires planning permission the LPA will need sufficient information to consider whether the three tests (see above) are met. If the tests are not met planning permission should not be granted. Note that the licence cannot be obtained before planning permission is granted.

### Designated sites

A number of roosts also receive statutory protection through national (Sites of Special Scientific Interest, SSSIs) or European legislation (Special Areas of Conservation, SAC). Impacts on the surrounding flight lines and foraging habitats may have a negative impact on the bats using these roosts and should be assessed. Natural England has produced [Planning Guidance for the South Devon SAC](#). This identifies a consultation area (consisting of flight lines and foraging habitat) around the SAC roosts.

**If you work for DCC and could impact on a SSSI or SAC please contact the County Ecologist.** As a public body (and therefore a competent authority under Conservation Regulations) DCC needs to carry out a Habitats Regulations Assessment on any project which could have a significant effect on a European site, including projects which require our consent or permission.

Others should contact Natural England or the relevant competent authority (LPA, EA etc)

### Priority species

Bechstein's, barbastelle, noctule, soprano pipistrelle, brown long eared, greater horseshoe and lesser horseshoe bats are also identified as [UK](#) and/or [Devon Biodiversity Action Plan](#) priority species. Public bodies (including LPAs) must have regard to their conservation in fulfilling their duty under the [Natural Environment and Rural Communities \(NERC\) Act 2006](#).

## Avoidance, mitigation, compensation & enhancement measures

Example measures are given below. However these are for **illustrative purposes** only and you should follow the advice given by your bat consultant. Detailed information can be found in the [Bat Mitigation Guidelines](#)

Examples of avoidance measures:

- Designing the scheme in order to protect habitats e.g. hedges used as flight lines, roosts and foraging habitat.
- Undertaking works to a roost when bats aren't present (note that this may not avoid the impact if the roost is being destroyed / damaged)

Examples of mitigation, compensation & enhancement measures:

- Providing replacement bat roosts of equal or greater function and value.
- Provision of bat boxes, bat bricks, bat tiles.
- Planting new areas of woodland, hedgerows and shrubs to provide commuting and foraging habitat.
- Managing existing habitats to improve them for bats.

## Where should I go for further information?

- [Natural England \(2012\) Standing Advice Species Sheet: Bats](#)
- [Bat Surveys: Good Practice Guidelines, 2<sup>nd</sup> Edition](#) (Bat Conservation Trust)
- [Bat Mitigation Guidelines](#) (English Nature 2006)
- [Bat Conservation Trust](#)
- [Devon Biodiversity Records Centre](#)
- [Devon Bat Group](#)
- [Devon Wildlife Planning Guidance](#)
- [South Hams SAC – Greater Horseshoe Bat consultation zone planning guidance](#)  (1.50MB - [pdf help](#))
- [Interactive Bat Protocol](#) - this provides a very useful reminder of how to deal with European Protected Species issues from the pre-application stage through to determination and construction.
- [Biodiversity Planning Toolkit](#)

If you work for DCC and need further advice please contact the County Ecologist – [nature@devon.org.uk](mailto:nature@devon.org.uk)

## Important note

**Legislation, survey guidelines, species distribution and best practice mitigation may be subject to change and this note may not necessarily include the latest information. It is therefore recommended that professional advice is sought as necessary.**

This Advice Note was produced by DCC's Ecologist with input and advice from Richard Green Ecology and Dorset County Council's advice notes.

If you have any comments on this Advice Note or ideas for improvement please email [nature@devon.gov.uk](mailto:nature@devon.gov.uk)



October 2014.