

Appendix 3

Supplementary Guidance

Topic: Bats and Development

May 2012



Contents

1.	Introduction	1
2.	General Information about Bats	1
3.	Bats and Legislation	1
4.	Bats and Licensing	3
5.	Bats and Land Use Planning	4
6.	Identifying Bat Roosts	6
7.	Establishing if a Survey is Required	8
8.	Survey Standards	10
9.	Minimum Survey Details	12
10.	Once a Survey is Complete	14
11.	Conditions or Obligations	14
12.	What You Can Do To Help Bats	14
13.	Further Information	15
14.	Other Useful Contacts	15
15.	Acronyms	15

1. Introduction

This Supplementary Guidance provides information that will be needed for the consideration of the effects of planning and development on bats.

The detail outlined includes information about bats, how to identify bat roosts, the types of developments which usually require bat surveys, what information is required in the survey, and what happens once the survey is complete.

If a bat survey is required, the best time for carrying out surveys is between mid-May and mid-August. Planning this in advance and including the survey with the application can prevent delays in the planning process.

2. General Information about Bats

As the main predator of night-flying insects, bats are of major ecological importance. Bat populations are considered to be a good indicator of the broad state of wildlife and environmental quality due to their sensitivity to pressures experienced by other species.

They are small animals that roost in a variety of places and can be found in colonies, small groups or singly.

They do not usually damage property.

Bats require many different roosts depending on different conditions at different times of the year.

There are 17 resident bat species found in the UK, where 9 are found in Scotland.

The most common species which can be found in Aberdeen include the Common and Soprano Pipistrelle bats, and less frequently are the Brown Long-eared and Daubentons bats. Other species may be present and changing weather patterns may result in more species being discovered in north-east Scotland.

Bats have declined significantly. This is mainly due to the loss of suitable roost and feeding sites, reduced insect prey as a result of pesticide use, and mortality due to the use of highly toxic timber treatments in house roosts. Many species of bats are either threatened or endangered.

3. Bats and Legislation

Bats are European Protected Species (EPS) and are protected by European, UK and Scottish Law. The main piece of the legislation in the UK for the protection of bats is the **Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**. These Regulations transpose the requirements of the EU Habitats Directive (92/43/EEC) and aim to protect and maintain the conservation status of EPS in Scotland. The following is a brief summary of the legislation.

Under these Regulations it is an offence to either deliberately or recklessly: -

- Capture, injure or kill a wild bat;
- Harass a wild bat or group of bats;
- Disturb a wild bat in a structure or place (roost) it uses for shelter or protection;
- Disturb a wild bat while it is rearing or otherwise caring for its young (maternity roost);
- Obstruct access to a bat roost or otherwise deny the animal use of the roost;
- Disturb a wild bat in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of that species; and
- Disturb a bat in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

The following is also an offence: -

- Damage or destroy a bat breeding site or resting place (roost).

A roost is any structure or place used for shelter or protection. As bats tend to return to the same roost every year, roosts are protected regardless if bats are present or not.

4. Bats and Licensing

Scottish Natural Heritage (SNH) - In some circumstances, actions that are otherwise an offence can be carried out under a licence. SNH has a power to grant licences for scientific, educational or conservation purposes including surveys.

Further information on licensing from SNH can be found at: -

<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/mammal-licensing/bats-and-licensing/>

Where an impact on bats cannot be avoided, SNH will only grant a licence if the proposal satisfies all 3 of the following tests:-

1. That there is a licensable purpose for which licenses can be granted. A licence may be granted 'to preserve public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

If this is satisfied 2 further tests must be satisfied: -

2. That there is no satisfactory alternative to the granting of a licence; and
3. That the action authorised will not be detrimental to the maintenance of the population of the EPS concerned at a favourable conservation status in their natural range.

SNH will not issue a licence unless the 3 tests, which ensure that the bat population is not unduly threatened, have been met.

Please note that licences will not be granted until any planning position has been resolved.

5. Bats and Land Use Planning

The presence of a bat roost, even when bats are apparently absent, is a material consideration when a planning authority is considering any development proposal.

Developers should consider the presence of bats and roosts at the beginning of the planning stage. Contact your Local Planning Office for more guidance on bats at the start of planning your development (see section 13 'Further Information' on page 15).

Scottish Planning Policy states that in relation to the presence or potential presence of EPS, this presence rarely imposes an absolute block on development, however, mitigation measures are often required which may affect the layout, design and timing of works.

Planning permission must not be granted for development that would likely have an adverse effect on an EPS unless the Local Planning Authority is satisfied that 3 tests have been met (see section 4 'Bats and Licensing' on page 3).

Applicants should submit supporting evidence for any development that meets these 3 tests, demonstrating both the need for the development and that a full range of possible alternative courses of action have been properly examined and none found to acceptably meet the need identified.

The **Local Development Plan** and **Structure Plan** (or **Strategic Development Plan**) must be referred to as they contain policies to protect priority habitats and species.

The **UK Biodiversity Action Plan** notes all bat species as 'Species of Conservation Concern', while seven are 'Priority Species'. The Priority Species are the Barbastelle; Bechstein's; Noctule; Soprano Pipistrelle; Brown Long-eared; Greater Horseshoe; and Lesser Horseshoe.

There is a **North East Scotland Local Biodiversity Action Plan** for the Daubentons bat.

Table 1 shows the list of bats species currently found in Aberdeen and their protection status.

Table 1: Bat Species in Aberdeen and their Protection Status.

BAT SPECIES	EPS	SCC	PS	NELBAP
Brown Long-eared	●	●	●	
Common Pipistrelle	●	●		
Daubentons	●	●		●
Soprano Pipistrelle	●	●	●	

EPS: European Protected Species
SCC: Species of Conservation Concern
PS: Priority Species
NELBAP: North East Scotland Local Biodiversity Action Plan

When an application for development is received without a bat survey and it is suspected that a bat roost is present, **the Local Planning Authority should request a bat survey to establish the impacts on bats before the planning application is determined.**

A bat survey cannot be included as a condition of Planning Approval but must be completed prior to granting planning permission. This is a requirement of the EPS legislation.

The Local Planning Authority can refuse planning permission under its duty to protect EPS.

6. Identifying Bat Roosts

The types of places that bats roost include buildings such as houses, churches and schools. Other structures include bridges; caves; mines; cellars; tunnels; plus, holes and crevices in mature trees.

The main feature to look for is the presence of droppings. They are dark brown or black and are between 4 and 8mm in length; they resemble the size and shape of a grain of rice. Unlike mouse droppings, bat droppings crumble into a fine powder when pressed between the fingers.

Bat droppings may be found on the outside walls of buildings below holes where bats enter and leave their roosts. Piles of droppings can also be found below ridge boards, hips and around chimneys or gable ends.

The quantity of droppings should not be relied upon to establish the number of roosting bats. Bats can be tucked away in crevices, therefore, only a small amount of droppings may be seen or none visible at all.

As well as droppings, a specific odour and discarded moth wings can also indicate the presence of bats. A polished or clean surface where light enters along with the absence of cobwebs can also indicate an area regularly used by bats.

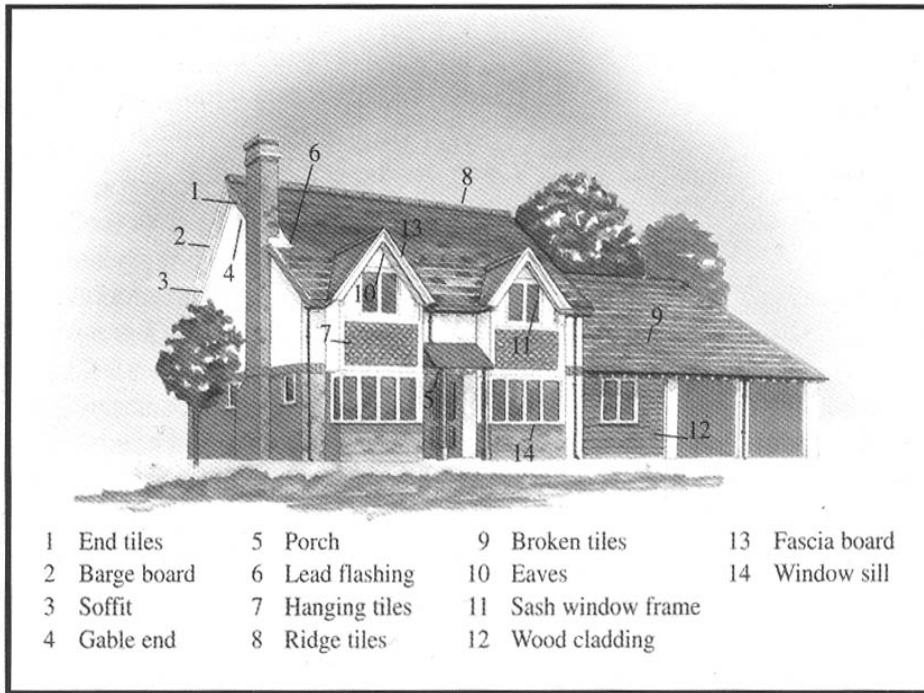
Summer roosts, frequently in buildings, are generally close to good feeding habitat and rich in insects. Good habitats include grassland, wetland, rivers and woodland.

With few insects around in winter, bats hibernate but wake occasionally to feed on milder evenings. Winter hibernation sites include caves, cellars, ice-houses, tunnels, bridges and other places which provide cool, stable conditions. Hibernating bats are very vulnerable to disturbance.

Tree holes can be used in both summer and winter.

The following Diagram 1 indicates areas in a house where bats may be found.

Diagram 1: Areas in Houses Where Bats May Be Found



Photograph Source: Scottish Natural Heritage (2003)

Wall cavities and flat roofs are also popular with Pipistrelle bats in Aberdeen.

Bats can be found in any kind of building old or new, and it is important to note that almost any roof or building, such as flat or pitched roofs, wall cavities and window frames, is a potential bat roost.

7. Establishing if a Survey is Required

As previously indicated, bats use a wide range of buildings, structures and trees as roosts and have different requirements at various times of the year (please refer back to section 6 'Identifying Bat Roosts' including Diagram 1 on page 7). **It is therefore difficult to predict accurately where bats are likely to be found.**

Where planning permission is sought, a survey **will always be required** for any structural work or demolition of any building with a known bat roost or where bats are known to be present in the building. (This may be highlighted by a North East Scotland Biological Records Centre (NESBReC) data search or as notified by any competent authority (SNH) or other).

Where it is not known if bats or a bat roost is present, development or demolition including alterations or extensions that would affect the types of buildings listed below may require a bat survey: -

- Any constantly heated building such as residential homes, hospitals, schools and swimming pools.
- Traditional buildings including churches and castles, with complex roof spaces.
- Stone and slate buildings including farmhouses; steadings; estate lodges; gatehouses; mill buildings; and old school buildings with an intact or almost intact roof structure.
- Any building or structure close to freshwater and wetland habitats (such as rivers, burns, streams, ponds or wet grassland), woodland, hedgerows and/or lines of trees. This includes bridges and other structures over water features or wet ground.
- Underground and other structures such as tunnels, kilns, cellars, ice houses, or fortifications which provide stable winter temperatures can provide appropriate hibernation sites.

Buildings which are in a very exposed location by the sea with no suitable foraging habitat within 1km are unlikely to be used by bats and will not require a survey.

Other activities that may require a survey include proposed tree work (felling or lopping) and/or development affecting: -

- a. Old and veteran trees older than 100 years; and/or
- b. Trees with obvious holes, cracks or cavities; and/or
- c. Trees with a girth greater than 1m at chest height.

Young plantations of conifers are not likely to have bat roosts. Trees are more likely to be used by bats if they are linked by other trees or hedgerows to woodland or water bodies.

As a guide, the Council's Geographical Information System (GIS) has an overlay which shows where bats have previously been noted in the City. Any proposed development within or adjacent to these areas should be surveyed.

Please note, it should not be presumed that bats will not be present outside these areas. Where development is proposed outside these areas, it will be up to the Local Planning Authority to determine if a survey is required or not.

If there are reports that bats have been seen flying over a site where development is proposed, this may mean that they are foraging in the area and will have a roost nearby. It does not necessarily mean that there will be a roost on the development site.

It is recommended that for outside known sites uses by bats, sightings can be used together with information on the type of building to be altered or demolished along with suitable habitat in the vicinity to determine whether a bat survey should be carried out.

Any sightings received from a member of the public should be passed to NESBReC to enable them to keep records up to date.

Remember, bats can be found in any structure and/or building both old and new if it is in the correct environment!

8. Survey Standards

Providing an adequate survey will save time in processing a planning application where bats may be affected.

Surveys must be carried out by a surveyor that is suitably experienced.

Surveys must be detailed, complete and the correct methodology must be used.

The minimum standard for bat surveys must be met, and any surveys which do not meet them, will not be accepted (full survey details are included in section 9 'Minimum Survey Details' page 12).

The following literature can also provide relevant survey standards: -

- a. Bat mitigation Guidelines – English Nature; and
- b. Bat Surveys Good Practice Guidelines – Bat Conservation Trust.

Surveys must be undertaken at the correct time of year. (See Diagram 1: Bat Activity Calendar on page 11.)

For householder applications and other small scale developments such as steading conversions, winter surveys may be acceptable to rule out the presence of bats but these will only be accepted where all relevant parts of the building can be adequately inspected.

If winter surveys (outside mid-May to mid-August) find evidence of use by bats, or where they are inconclusive, a further survey during the summer months will be required to establish the extent of use and identify appropriate mitigation.

The survey and assessment should cover all phases of a phased development.

The Local Planning Authority will also liaise with NESBReC to obtain records of bat sighting and roost sites.

The following Diagram 1 presents the different activities by bats and at what time of year these activities occur. **Please note that unusual weather patterns can shift normal timings.**

Diagram 1: Bat Activity Calendar.

MARCH	APRIL	MAY	JUNE
Signs of limited activity: small numbers feeding on warmer nights.	Active and hungry. Become torpid ¹ again when cold.	Fully active. Females search for suitable nursery sites.	Young are born.
JULY	AUGUST	SEPTEMBER	OCTOBER
Mothers suckle young. Some young almost full-size; others still very small.	Females desert nursery sites and seek males. Juveniles begin catching insects.	Mating takes places. Fat begins to build up ready for winter.	More mating. Seeking suitable hibernation sites. Periods of torpor.
NOVEMBER	DECEMBER	JANUARY	FEBRUARY
Bats begin hibernation, becoming torpid for longer periods.	Hibernating.	Hibernating. Using stored fat as fuel.	Hibernating. Little fat left.

Mid May through to Mid August is the best time to carry out surveys.

¹ Torpid is when the body temperature lowers and the heart rate slows.

9. Minimum Survey Details

All surveys submitted for development proposals should include the following: -

1. Objectives of the survey.
2. Time and date of the survey, and who carried the survey out.
3. Brief descriptions of weather conditions at the time of the survey.
4. Description of the proposed works.
5. Sources of pre-existing information such as records from NESBReC or the National Biodiversity Network (NBN) together with local sightings of bats.
6. Description of the buildings (including type of structure and materials) and/or trees being surveyed and their suitability as a bat roost for all locally recorded species of bat.
7. Habitat description of the site and surrounding area for context. This should include information on exposure of the site, proximity to water courses and water features, trees/hedgerows/woodland or other semi-natural habitat.
8. Methods of survey i.e. dawn and dusk emergence survey or daytime inspection of building. Justification should be provided for the method of survey used and details of any equipment used.
9. Results of survey including sufficient evidence to justify conclusions in point 8 above. Results should include: -
 - Species present and approximate numbers;
 - Details found of signs of usage by bats; and
 - How habitats or features present are used by bats and an indication of level of use.
10. Interpretation and evaluation. These details should include: -
 - Presence or absence;
 - Constraints and limitations on survey. This should include factors influencing the survey results such as temperature and weather, and any limitations on accessibility to areas of the building. Are any areas of the survey inconclusive, and if so, what is the worst case scenario?
 - Assessment of usage by bats including sex of bats present, type of roosts i.e. winter site or maternity roost, and approximate size of roost; and
 - Site status assessment – importance of roost to the local bat species population.
11. Impact assessment either at the time of development or long term. In order to assess this accurately, adequate information on the proposed development will have to be made available to the surveyor. If bats are present, a summary of impacts should be provided including details of type, magnitude and duration of long term and short term impact. This should consider impact at site level in a wider context.

12. Mitigation and compensation – essential where bats are present and will be affected by the development. These details should include: -

- Mitigation strategy – overview of how the impacts will be addressed with justification for timings of works if this is to be used to avoid disturbance to bats;
- Roost creation or restoration and/or enhancement;
- Exclusion – timing and methods;
- Post development site safeguard and monitoring;
- Work schedule with phasing; and
- Relevant maps or plans or diagrams.

13. References.

14. Photographs and maps of key features of structure and surrounding habitat.

15. Qualifications and experience of surveyor including relevant licences.

10. Once a Survey is Complete

When a detailed report is submitted and includes evidence of bats, the Local Planning Authority is likely to consult with SNH for specialist advice on the significance of impacts on the species and the likely effectiveness of any mitigation proposed.

The Council will then take the following action: -

- If no evidence of bats is discovered **AND** the survey has been completed in accordance with the guidelines above, no further action will be required.
- If a survey has been conducted during the winter (outside mid-May to mid-August) and has reported suitable habitat for evidence of bats and is inconclusive, a further summer survey will probably be necessary **before** planning approval can be granted.
- If bats are present, appropriate action/mitigation will need to be discussed and agreed with the Local Planning Authority prior to the granting of planning permission.
- Where a direct impact on bats cannot be avoided, the developer will be advised to apply for a licence from SNH (see section 4 'Bats and Licensing' page 3).

11. Conditions or Obligations

Conditions or obligations can be imposed to highlight the applicant's legal responsibilities and give clear guidance on how to give protection to bats. Examples, which will depend on the individual situation, can include: -

- Restrictions on the timings when work can take place if a bat roost is present;
- Use of building materials such as bat bricks or special tiles which provide access points for bats;
- Management prescriptions to be agreed for habitats adjoining the development, e.g. grassland, scrub, woodland, hedgerows; and
- The creation of feeding habitats adjoining the development, e.g. grassland, meadows, large ponds.

12. What You Can Do To Help Bats

You can make your development bat friendly by incorporating provision for roosting and feeding. Bat boxes, placed on trees or buildings can attract bats. Bat bricks and bat slates into your house will allow access into the roof space. Landscaped gardens can be more bat friendly by including hedges, trees, ponds and night-scented flowers to attract insects for bats to feed on. Demonstrating that this has been considered could form an important element of your planning application. More information can be obtained from the Bat Conservation Trust (see section 14 'Other Useful Contacts' page 15).

Remember, even if you do not require planning permission for any works on a building, or a survey has not been conducted, if you at least suspect the presence of bats, you must stop works immediately and seek the advice of SNH.

13. Further Information

Local Planning Office

Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
ABERDEEN, AB10 1AB

Tel: 01224 523470

Email: pi@aberdeencity.gov.uk

Web: www.aberdeencity.gov.uk/planning

14. Other Useful Contacts

Scottish Natural Heritage

Tel: 01224 266500

Email: licensing@snh.gov.uk

Web: www.snh.gov.uk/protecting-scotlands-nature/species-licensing/

Bat Conservation Trust

Tel: 0845 1300 228

Email: enquiries@bats.org.uk

Web: www.bats.org.uk

North East Scotland Biological Records Centre (NESBReC)

Tel: 01224 273633

Email: nesbrec@aberdeenshire.gov.uk

Web: www.nesbrec.org.uk

National Biodiversity Network

Tel: 0115 959 6433

Email: support@nbn.org.uk

Web: www.nbn.org.uk

15. Acronyms

EEC European Economic Community

EPS European Protected Species

EU European Union

GIS Geographical Information System

NBN National Biodiversity Network

NELBAP North East Scotland Local Biodiversity Action Plan

NESBReC North East Scotland Biological Records Centre

PS Priority Species

SCC Species of Conservation Concern

SNH Scottish Natural Heritage

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