

# BATS

ADVICE FOR PLANNING OFFICERS AND APPLICANTS SEEKING PLANNING  
PERMISSION FOR LAND WHICH MAY AFFECT BATS

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## Introduction

Bats are a European protected species (EPS) and some are priority species. They are subject to a system of strict protection and are a material consideration during the planning process. Development can cause disturbance to bats or impact directly on their places of refuge or feeding areas therefore they must be considered carefully when determining any planning application which has the potential to impact on them.

## Typical Habitat and Features Used by Bats

There are currently 8 species of bat in Northern Ireland. It is possible that global climate change may bring conditions which make habitats in Northern Ireland more attractive to the two other species currently found within the Republic of Ireland.

The resting or breeding place of any bat is called a roost and depending on the species and habitat availability, roosts can be found in buildings, bridges, dead and live trees, caves and underground culverts and any other structures with suitable conditions.

Bats feed on insects and as a result they hibernate in winter due to lack of food. They forage over water, along trees and hedgerows and within insect rich habitats such as woodlands or wet grasslands. They can travel great distances to find good foraging habitat and use linear features in the landscape such as hedgerows, tree lines and river corridors to navigate.

In April, bats begin to emerge from hibernation and return to the same roosting sites year after year; however they will also use smaller transitional roosts for as little as one night whilst foraging or commuting to feeding areas or roosting sites. Table 1 summarises the annual life cycle of bats.

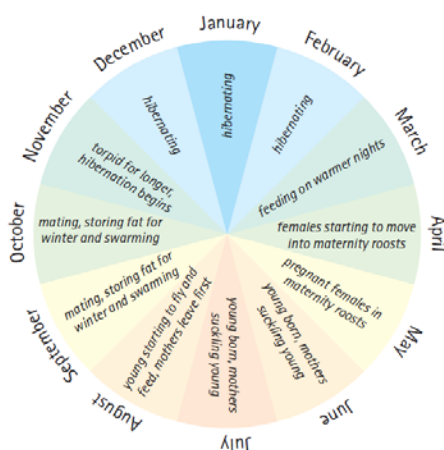


Figure 1: Life cycle of bats.

Source: BCT 2016

## Legislation

All bat species in Northern Ireland are listed on Annex IV of the EC Habitats Directive (92/43/EEC) and are protected under the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended), known as the Habitat Regulations.

Under the Regulations it is an offence:

- Deliberately to capture, injure or kill a wild animal of a European protected species;
- Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- Deliberately to disturb such an animal in such a way as to be likely to;
  - affect the local distribution or abundance of the species to which it belongs;
  - Impair its ability to survive, breed or reproduce, or rear or care for its young; or
  - Impair its ability to hibernate or migrate;
- Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- To damage or destroy a breeding site or resting place of such an animal.

There is no provision within the legislation to issue licences to kill bats for the purpose of development.

## Policy

Planning Policy Statement 2 Natural Heritage (PPS2), Policy NH2 and the Strategic Planning Policy Statement state that a development proposal shall not harm a protected species.

The policies also state that development proposals are required to be sensitive to all protected species and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places.

The policy incorporates consideration of the three legal tests necessary for EPS when harm may occur.

## Impacts from development

Bats are threatened from loss of roost sites and loss of and fragmentation of habitat, particularly important foraging and commuting features. They can also be impacted from pollution leading to reduced insect prey and from artificial lighting. As bats often live in close proximity to humans, living in and around farmland, as well as in villages, town and cities using different types of buildings, they are susceptible to developments involving demolition or renovation of these buildings.

Different species of bats prefer different conditions to live in, for example, Daubenton's bats are closely associated with habitats that include water, whilst Brown long-eared bats prefer woodland. Bat habitats and roosting sites can become threatened by legitimate human activities such as residential development, road construction, industry, forestry, lighting, renewable energy and agricultural practices.

During a development project bats may be directly impacted by construction works through injury or disturbance and/ or their resting place (roost) may be destroyed or disturbed. This would be an offence under the Habitats Regulations. However by carrying out appropriate bat surveys and incorporating mitigation measures into planning proposals, impacts on bats can be avoided or minimised, and a licence can be obtained from NIEA, enabling development to continue whilst protecting and conserving the bats and their habitat.

Different types of development impact on species in varying amounts. Bats can be significantly impacted by loss of roost sites, loss of habitat and foraging areas, lighting, especially directed on a roost or a feeding area, loss of water features, water pollution and turbine development.

The process to consider for planning applications is shown in Appendix 1 and Appendix 2 gives an indication of potential impacts from development on different species of bats.

## Survey Requirements

The Northern Ireland Biodiversity Checklist should be used to establish if a bat survey is required for a complete application (<https://www.daera-ni.gov.uk/topics/environmental-advice-planners>). The checklist should be completed for all applications involving works to existing buildings, floodlighting, wind turbines and proposals that remove or light up trees, hedgerows, woodland and/or water features.

The likelihood of bats using a site for roosting increases with its proximity to habitat features such as woodland or waterbodies as there will be more insects available here.

Bat survey specifications are available on the NIEA website at <https://www.daera-ni.gov.uk/articles/site-surveys>. Of note is that there are different specifications for different types of development due to the differing impacts. All surveys should meet the Bat Conservation Trust's 'Bat Surveys: Good Practice Guidelines 2016' found at <http://www.bats.org.uk/pages/guidanceforprofessionals.html>. All surveys should be undertaken by suitably experienced and where necessary, licensed surveyors.

There are broadly three different types of bat survey:

1. Bat Roost Potential (BRP) Survey – These usually involve external inspections of buildings, trees and other structures to look for evidence of bats. This can be, for example, by looking for roosting features such as holes, cracks and crevices, searching for faeces or staining on walls/trees or looking for feeding remains. The surveyor should identify whether the habitat on site is suitable for bats to roost and/or to forage and attribute a value to the potential roosting feature or habitat feature.

2. Bat Roost Survey - Usually involves a detailed inspection of a known or potential roost combined with dawn and dusk activity surveys using bat detectors to identify and, if necessary, count the number and species of bats using the roost.
3. General Activity Survey – These are surveys of bat activity on and adjacent to a development site. They involve surveyors using specialist bat detecting and recording equipment to identify if and how bats are using a site. They will record numbers (bat activity index) and species of bats and their behaviour. The survey should identify any important bat habitat features on the site which should be retained or compensated for.

Some types of bat survey will require a licence to disturb bats to be issued by NIEA. In particular, any survey involving entering a known or potential bat roost will require a licence. Bat activity surveys using bat detectors do not require a licence.

Bat Activity Surveys can only be carried out when bats are active (see Table 1). In Northern Ireland this is between April and September. Bat Roost Potential Surveys can be carried out at other times of year, however during the winter months, when bats are dormant, any visible signs are much more likely to be absent. Please note that a full roost survey may still be required.

Applications for floodlighting should consider all buildings, habitat and landscape features that will be lit by the proposal.

**All wind turbine applications** require an assessment of bat activity. NIEA no longer recommends that a 50m buffer to habitat features is sufficient mitigation and we require a suitable assessment of bat use for each site to enable us to advise on site suitability and potential harm to bats.

All bat surveys for wind turbine applications should be sent to NIEA as per Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

The Centre for Environmental Data and Recording (CEDaR) (<http://www.nmni.com/cedar>) and National Biodiversity Network Gateway (<https://data.nbn.org.uk/>) may provide useful information in relation to bat records for a site, including roosts.

## Mitigation Guidelines

Mitigation refers to all works required to comply with legislation and minimise impacts on protected species when developing on sites where they are present. The first consideration should be to avoid impacts on bats and their roosts through the design of a proposal. This is likely to involve the design and implementation of appropriate mitigation measures to safeguard the animals, their roosts and their foraging habitat.

Where bats are present on or near a site the following mitigation measures should be applied as a minimum:

- Retain all roosting sites and foraging corridors
- Retain lines of mature vegetation, water features and areas of woodland
- Ensure that lighting does not illuminate habitat features or any bat roosts in the area.
- Plant native species of trees and shrubs to provide foraging habitat and to help retain connections with the existing lines of trees and hedgerows in the surrounding area; a helpful tool in achieving connectivity is to look at aerial photographs of the area.
- When creating grassland areas within a site include native rough grass and wild flower seed mix where possible as this will provide a flower rich habitat that attracts insects and in turn provides feeding areas for bats.
- If there is a river or stream within the site or on the boundary of the site consider planting native trees along the river or stream to provide a wildlife corridor and create dark areas for feeding bats.

Where a Bat roost(s) is present:

- Refer to the Bat Conservation Trust Bat Roost Mitigation Resource <http://roost.bats.org.uk>
- Consult NIEA with the bat survey

For new builds:

- Refer to the Bat Conservation Trust's 'Designing for Biodiversity – A technical guide for new and existing buildings' when designing buildings and bat roosts. [http://www.bats.org.uk/pages/guidanceforprof-designing\\_for\\_biodiversity\\_a\\_technical\\_guide\\_for\\_new\\_and\\_existing\\_buildings-1089.htm](http://www.bats.org.uk/pages/guidanceforprof-designing_for_biodiversity_a_technical_guide_for_new_and_existing_buildings-1089.htm)

## Licensing

NIEA is the Regulating Authority in Northern Ireland with regard to European protected species. The Habitats Directive (transposed by the Habitat Regulations) includes a strict system of protection for EPS. However the Habitats Regulations also provides the Regulating Authority (NIEA) with the 'Power to Grant Licences' where EPS may be disturbed or a roost may be destroyed in order for a development to go ahead.

However licence applications are subject to strict procedures and a licence may only be granted where a proposal meets the three legal tests sets out in the Habitats Regulations. For planning applications these are:

1. there are imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
2. there is 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.

Before granting a licence NIEA will require detailed survey information on bat use of a site and detailed mitigation and/or compensation measures. If a licence is granted it will be conditional on all necessary mitigation and compensation measures being implemented.

Where EPS have been identified as using or resting within a development site, all possible means of mitigation should be investigated to avoid an application for a licence.

## The Planning Authority's Role in Protecting Bats

In order to comply with the Habitats Regulations, the planning authority must ensure that they have adequately considered any potential impacts on an EPS from a development proposal.

This is achieved by ensuring an appropriate survey is undertaken when there is a reasonable likelihood of the species being present. Where EPS are found to be present and likely to be disturbed, the planning authority must consider the three legal tests within the legislation (and detailed within PPS2) before any permission can be granted.

If bat roosts are found to be on site then impacts should be avoided if at all possible, and that all reasonable alternatives should be sought to avoid disturbance to these.

Where disturbance to bats is unavoidable NIEA should be consulted with the bat survey to inform the planning authorities' judgement and the three tests.

## Reference Material

The NIEA booklet 'Bats and Development' provides some more background information on bats and how to mitigate for them. See:

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/natural-information-bats-and-development-2008.pdf> (PDF, 1.64MB)

Relevant caselaw on EPS which provides some clarity on planning and EPS are: R (Simon Woolley) v Cheshire East Borough Council and Millennium Estates Limited (the Woolley case) and the Supreme Court decision in R (Vivienne Morge) v Hampshire County Council (the Morge case).

## Bat Informative for Decision Notices

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

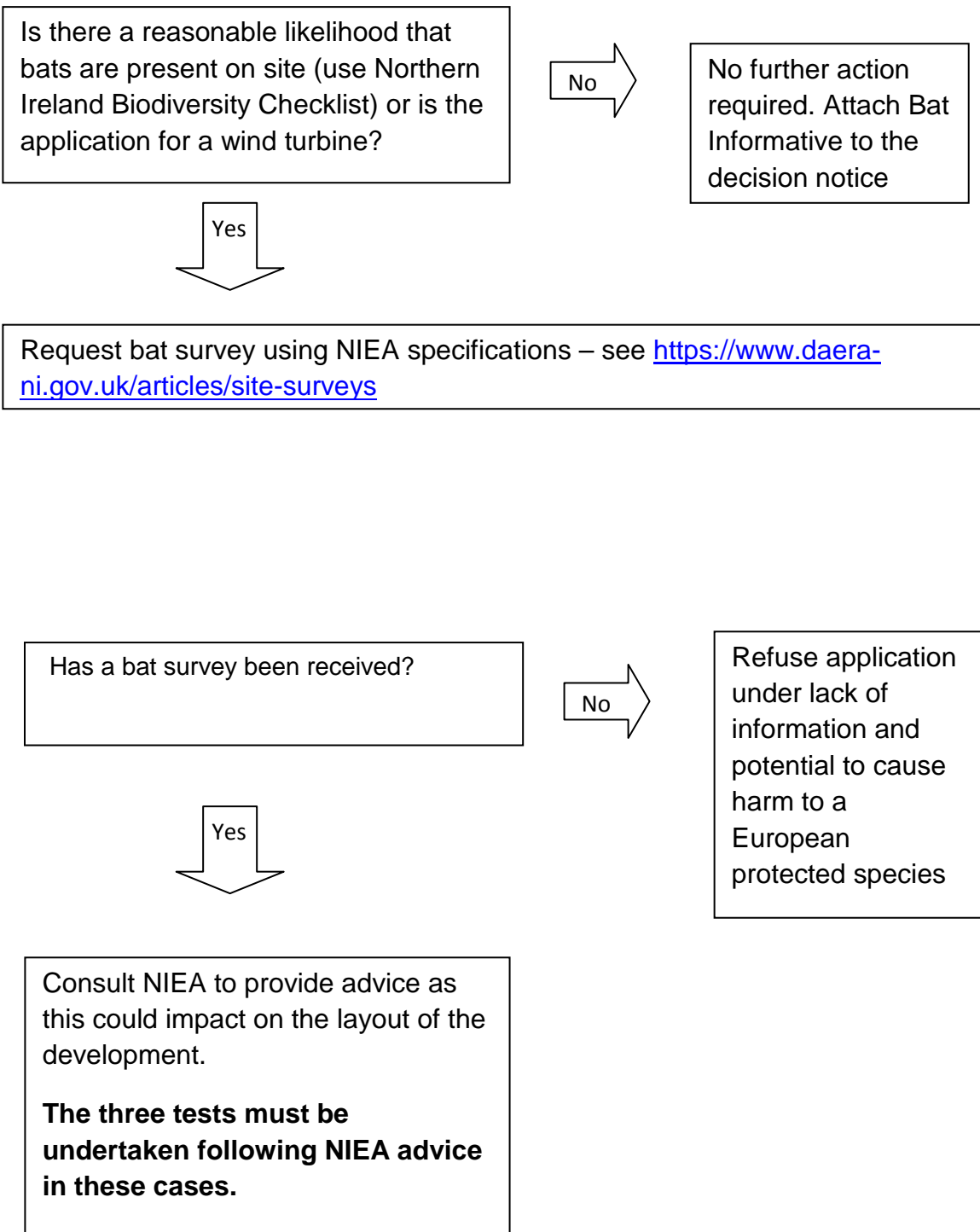
- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to;

- (i) affect the local distribution or abundance of the species to which it belongs;
- (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
- (iii) Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal;  
or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605



## Appendix 1: Process to consider for applications when dealing with Bats



**Appendix 2 Potential impacts of Development on Bats** (updated table from Bats and Development booklet)

Impacts on Bats from Development	Common pipistrelle	Daubentons	Whiskered	Natterer's	Leisler's	Nathusius'	Soprano pipistrelle	Brown long eared
Loss of Roost Site	***	***	***	***	***	***	***	***
Loss of Insect Rich Habitat/Foraging Areas	**	** if water ***	** if water or woodland ***	** if woodland ***	**	** if water ***	** if water ***	** if woodland ***
Loss of vegetated linear features for navigation	**	***	***	***	*	**	***	***
Impact from Lighting -direct lighting of roosts *** for all species	*	***	***	**	*	*	*	***
Impact from wind turbine. -if swarming site *** all species	**	*	*	*	***	***	**	*
Water Pollution	*	***	**	**	*	***	***	**

\*\*\* Very Significant Impact    \*\* Significant Impact    \* No Significant impact known at present.





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