



Planning: Bats, their Habitats and Wildlife Law

Bats are the only flying mammals. All British bat species have an insect based diet, including moths, midges and beetles, and they generally catch their prey in mid-air.

They roost in a variety of places including trees and bridges, and use different roosts throughout the year. Various parts of buildings of all ages are also used including roof spaces, behind tiles or behind boarding. Bats hibernate in winter to reduce the amount of energy expended when food is scarce. For this, they use undisturbed areas in places such as caves, tunnels, buildings and trees. There are currently 18 species of bats living in Britain (17 of which are known to breed here), with 11 bat species presently found in Yorkshire. All bats are protected by both British ([Wildlife & Countryside Act 1981, as amended](#)) and European law ([Conservation \(Natural Habitats &c.\) Regulations 1994](#)). The law also protects bat roosts from damage, destruction or obstruction, whether or not bats are currently present. Any work to existing buildings or removal of trees may result in disturbing a bat roost which would be breaking the law.



Leisler's bat - Bob Croxson

Bats and Sites of Development

A survey must be undertaken to establish whether bats are using a potential development site. The Bat Conservation Trust has produced some [good practice guidelines](#) for surveying bats. Artificial lighting can also disturb bats especially if it shines onto a bat roost or onto foraging flight paths. More information on this can be found in [Bats and Lighting in the UK](#). If there is a reasonable likelihood that work will affect bats or their roosts, a licence from Natural England must be acquired and complied with, otherwise the person or company applying for planning permission will be in breach of the law. Where work that may damage a roost is unavoidable, mitigation (usually in the form of a replacement roost) must be in place either before the old roost is destroyed, or before the season in which the bats would normally use the old roost. Natural England has produced some [guidelines on bat mitigation](#).

The effects of wind turbines on bats is not yet fully understood, but dead bats have been found under turbines in America and Europe so a precautionary approach is advisable. Wind turbines may displace bats from suitable foraging habitat, and therefore it

Brown long eared bat - Helen Holford





is important to consider the location of turbines in relation to the surrounding habitat. The current guidance from Natural England can be found in their [Technical Information Note TIN051](#) and the Bat Conservation Trust has produced guidelines on [Surveying for Onshore Wind Farms](#). Habitat fragmentation and loss can have a negative effect on bat populations. Bats use a variety of habitats for foraging including woodland, grassland and water bodies. They also benefit from trees, hedgerows, and other linear features for protection and navigational landmarks on their flight path between roosts and foraging sites.

Bats in buildings

Bats often roost in buildings. Roosting sites are protected by law even when bats are absent. Natural England has published advice on the management of Bats in Churches. [Breathable roofing membranes](#) can entangle bats. Chemicals used to preserve wood or to kill wood-boring pests can be harmful to bats. The publications [Bat roosts and timber treatment products](#) and [Bat roosts and insecticide pest control products](#) offer guidance on these matters.

Relevant Planning Guidance and Legislation

Planning conditions can be implemented to protect, and where possible, improve bat habitat when a proposed development is granted. Unless material considerations indicate otherwise, planning law requires that planning applications must be determined in accordance with the provisions of the relevant development plan. [The National Planning Policy Framework \[NPPF\]](#) must be taken into account in preparing local and neighbourhood plans, and is a material consideration in planning decisions. The administrative guidance on the application of the law relating to planning and nature conservation ([Circular 06/05](#)) still applies until further notice by the Government.



Common frog - Margaret Holland

[NERC 2006](#) also includes the 'duty to conserve biodiversity' which includes 'restoring or enhancing a population or habitat' (S.40(3)). The EU [Habitats Directive](#) and [Birds Directive](#) give legal backing to Special Areas of Conservation and Special Protection Areas which form a network of protected nature sites across Britain called Natura 2000.

What to do if concerned about possible threats to bats

- If you believe an offence has been committed you should contact your local [Wildlife Crime Officer](#)
- Contact [Natural England](#) if you believe that there is a contravention of a licensed operation taking place
- If you are concerned that bats are at risk from a proposed development you should contact the planning officer responsible for the application to ensure adequate procedures are being followed
- You can also contact your [local bat group](#).