8-10 Shawbridge Street, Clitheroe

Bat Report

Document		BOW17_1491 8-10 Shawbridge Street, Clitheroe	
Version	Date	Prepared by	Technical Reviewer
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Executive Summary

This report presents the findings of a bat roost assessment and bat emergence surveys of two listed dwellings and outbuildings at 8-10 Shawbridge Street, Clitheroe. The surveys were commissioned by Cassidy and Ashton on behalf of their clients Jane and Michael Hindle. This is to support a Planning and Listed Building Application to carry out restoration and demolition works at the properties.

Relevant legislation and planning guidance have been taken into account. Key findings and recommendations are summarised in the table below:

Key findings and recommendations

Recommendations
1. Reasonable Avoidance Measure (RAMs) approach to restoration and demolition works including, but not limited to; timing of works, careful working methods etc.
2. Two bat boxes will be installed/incorporated onto the exterior of the completed development.
3. Design on-site lighting in accordance with the appropriate guidance.

1. Introduction

1.1 Bowland Ecology Ltd was commissioned by Cassidy and Ashton on behalf of their clients Jane and Michael Hindle to undertake a building inspection and two dusk emergence surveys of the listed properties and outbuildings situated at 8-10 Shawbridge Street, Clitheroe (NGR: SD 74574 41791). This is in relation to a Planning and Listed Building Application to carry out restoration and demolition works at the properties.

1.2 The site comprises two dwellings (No. 8 & 10) and three outbuildings with Shawbridge street present to the north and a school playing field with surrounding tree lines to the south. The site is located within Clitheroe town centre.

1.3 The purpose of the inspection, surveys and report is to: 1) assess the potential value of the buildings for bats and determine the presence/likely absence of these species with particular reference to legal requirements; and 2) identify potential impacts and provide recommendations pertaining to the proposed works. This report includes a description of survey methods, survey results and outlines recommendations to provide protection, mitigation and enhancements for bats.

2. Methodology

Desk Study

2.1 The aim of the desk study was to identify legally protected species with emphasis on bats, for the conservation of biodiversity (Section 41 NERC Act 2006) within the search area.

2.2 The Multi-Agency Geographic Information for the Countryside (MAGIC) website (www.magic.gov.uk) was reviewed for Natural England European Protected Species (EPS) Licences for bats within 1 km of the site.

2.3 Local records of bats species within 1 km of the site were obtained from a data search with Lancashire Environmental Records Network (LERN) in August 2023. Records from 2000 onwards are included within this report.

2.4 Ordnance Survey (OS) maps and aerial photographs were reviewed to help identify any continuous habitat and other notable habitats within the surrounding area.

Building Inspection Survey

2.1 An external and internal inspection of the buildings was undertaken on the 31st July 2023 by Sam Robinson BA (Hons), QCIEEM and Lauren Fairfax. The weather during the survey was light rain, 100% overcast with a light breeze (Beaufort Scale F2) and a temperature of approximately 16°C. The inspection survey followed methods stated in the Bat Conservation Trust (BCT) 'Good Practice Guidelines' (Collins, 2016). Using the information collected during the internal and external assessment, a 'roost potential' score was given to the buildings according to the criteria shown in Appendix A (Collins, 2016).

2.2 In line with Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016) an inspection of buildings for bat roost potential was conducted during daylight hours. A visual assessment of the buildings to be impacted upon was undertaken to determine the presence of any Potential Roost Features (PRFs). Examples of PRFs on buildings are listed below:

- Gaps beneath lifted roof tiles;
- Rot holes in roof beams;
- Gaps in walls where dry stone or missing mortar;
- Gaps behind barge boards/gutter boards;
- Gaps into soffit boxes;
- Dark loft spaces with exposed ridge beams;
- Double-ridge beams;
- Open sheltered features for night roosts;
- Basements with external access points;
- Gaps beneath lifted lead flashing;
- Wall cavities with ingress opportunities;
- Gaps between roof frame beams and gable end walls;
- Bat boxes; and
- Other features that offer a place of shelter

2.3 Any accessible PRFs were inspected using binoculars and a high-power torch for any primary or secondary evidence of possible bat presence such as feeding remains, bat droppings, oil staining and bats themselves. Surfaces beneath PRFs were also subject to a comprehensive search for evidence where possible, such as ledges, walls, doors, windowpanes, roof beams, loft floors and the ground around the building.

2.4 Natural England's Bat Mitigation Guidelines (2004) states that a significant bat roost can normally be determined on a single visit at any time of the year, provided that the entire structure is accessible and that signs of bats have not been removed by others.

2.5 Based on the PRFs present, the buildings were assessed using the suitability classes detailed within Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016), as detailed in Appendix A. An assessment of the suitability of the surrounding habitats for bats was also undertaken, including the identification of potential foraging and roosting areas, potential flight lines and important commuting corridors.

Bat Emergence Survey

2.6 Two bat emergence surveys were conducted on the 9th August and 7th September 2023. The survey's aim was to determine the presence of roosting bats, including the species and roost type, as well as gather information on the general activity levels and flight lines used by foraging and commuting bats.

2.7 Survey methodology followed the guidelines as described in Collins, 2016. Table 1 below outlines the survey dates, timings and weather conditions. Surveyors positioned themselves to get the best coverage of the buildings during the survey and focused in on those areas with the most potential as roosting habitat.

Table 1: Dates, times, weather conditions and surveyors during bat surveys

Date	Start/end & sunset/sunrise times	Weather Conditions	Surveyors[1]
09-08-23	Start: 20:52 End: 22:23 Sunset: 21:10	Start Temp – 17°C End Temp – 15°C Beaufort wind scale – F1 W Precipitation – 0 Cloud cover – 4/8	SR, LF, GM, JM, EK
07-09-2023	Start: 19:31 End: 21:16 Sunset:19:46	Start Temp – 22.6°C End Temp – 20.7°C Beaufort wind scale – F1 Precipitation – Dry & humid Cloud cover – 1/8	JT, LF, GM

2.8 Surveys were aided by the use of Echo Meter Touch and Echo Meter Touch 2 bat detectors. The survey also included the use of thermal imaging and infrared technologies. A Flir AX5 thermal imaging camera, with ThinkPad laptop and Pettersson M500 bat detector was used to record with footage reviewed manually. Research has indicated that the use of night vision aids (NVA) has the potential to significantly increase the detectability of bats during emergence surveys, meaning dusk surveys may be more effective than dawn surveys (Bat Conservation Trust, 2022). As such, statutory bat survey guidelines will see a shift away from the standard use of dawn surveys, in favour of dusk surveys supported by NVAs. Undertaking dusk emergence surveys supplemented by NVAs is therefore considered to be acceptable at this site.

Limitations

2.9 Desk study data should not be treated as a comprehensive list of species present within a search area. Habitat inventories shown on MAGIC vary in terms of their completeness, precision and reliability. Many species are under-recorded and low numbers of records can indicate a lack of survey effort in some areas, rather than confirm the absence of a species.

[1]Sam Robinson BA (Hons) QCIEEM, Jack Taylor BSc (Hons) QCIEEM, Lauren Fairfax, Gemma McMullan BSc (Hons) QCIEEM, Josh Morris, Esther Kitching

2.10 An assessment of effects on ecological features has been made using the available proposals and survey information and the professional judgement of the ecologist. This includes a consideration of the relevant legislation and planning guidance.

2.11 No internal access was possible into the loft space of Building 1 (B1), this report has therefore been amended accordingly with the building being considered to be of **moderate** suitability for roosting bats.

3. Results

Desk Study

3.1 The LERN data search returned 146 records for bats within 1 km of the site, species include pipistrelle (*Pipistrellus* sp.) and an unidentified bat species. The closest record is for an unknown bat in flight, located approximately 244m north of the site, the record is dated 2007. The closest roost is for a pipistrelle maternity roost (144 adults), located approximately 975 m southwest of the site, dated 2014. Bowland Ecology is aware of a number of bat roosts within/close to the centre of Clitheroe including local primary & secondary schools, leisure centre, domestic dwellings and Clitheroe Castle.

3.2 The MAGIC website returned no active/inactive EPS licences for bats within the search area.

3.3 Based on a review of aerial photographs and OS maps there is limited bat foraging habitat within the surrounding area; restricted to tree lines bordering the school field to the south and scattered/roadside trees and residential gardens. Mearley brook is located 30 m to the east with limited foraging opportunities due to its culverted nature. The aforementioned features may be utilised by bat species that prefer 'edge' habitats and are more flexible in their foraging habits, such as common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and whiskered bats (*Myotis mystacinus*).

Building Inspection

3.4 Two properties are present on site; identified as Building 1 (B1) and Building 2 (B2) with a Kitchen Annex extension (K) and two outbuildings; Shed 1 (S1) and Shed 2 (S2). Descriptions are provided below.

3.5 B1, 10 Shawbridge Street, is a rectangular, two-storey stone and pebble-dashed building with a gable roof. The roof is pitched slate with gables at the north and south. Multiple gaps are present beneath the wooden barge board at the eastern elevation (approximately 2cm wide) which could possibly lead into the internal loft space. No other potential roosting features (PRF's) were noted on the northern and southern elevations nor the roof structure. No internal access was possible into the loft space due to access restrictions. The building was therefore considered to provide **moderate** potential to support roosting bats.

3.6 B2, 8 Shawbridge Street, is adjacent to B1 with a kitchen annex (K) and shed outbuilding (S2) constructed at the southern elevation. B2 is of the same construction materials as B1. Gaps are present underneath end roof tiles due to missing mortar on the southern elevation with multiple gaps underneath the bargeboard at the western elevation creating potential external PRF's and/or leading to the internal loft space. The internal loft space comprises a thick ridge board with supporting rafters and vertical timbers. Sarking felt is present between the rafters with insulation present on the loft floor. No evidence of bats was noted during the internal inspection. The building is considered to provide **moderate** potential to support roosting bats.

3.7 Structure K (kitchen annex) is a small single storey brick and render extension to the south of B2, with a slate gable roof. Multiple PRF's are present behind the bargeboard at the southern, eastern and northern elevations with a gap present at the top of the external wall at the northern elevation providing potential internal access for bats. Gaps are also present where the end roof tiles meet the external wall on the western elevation. Internal access to the kitchen was not possible, however the space could be viewed from windows. The kitchen extension is considered to provide **moderate** potential to support roosting bats.

3.8 S2 is a large brick and render shed attached to the west of B2 and the Kitchen annex, with a corrugated asbestos and slate tile roof. The structure is in a state of disrepair with numerous PRF's comprising lifted roof panels and gaps into the internal space around boarded up windows. Internally, the structure has past and current evidence of damp visible on wooden ceiling panels. The shed is considered to provide **low** potential to support roosting bats.

3.9 S1 is a small, stone and render storage shed located at the southern boundary of the site. The roof is corrugated asbestos and plastic sheeting. Internally, the shed is damp and draughty with numerous gaps into the internal space. The shed is considered to provide **low** potential to support roosting bats.

3.10 Overall, no bats or evidence of bats was found during the building inspections.

Emergence Surveys

3.11 In accordance with Bat Conservation Trust's Good Practice Guidelines (Collins, 2016), one dusk emergence survey was undertaken on low potential buildings (S1 & S2) and two emergence surveys on moderate potential buildings (B1, B2 and K). A summary of the bat emergence surveys is provided in Tables 2 & 3 below. The Bat Activity Plan in Appendix C presents the foraging locations and commuting routes used by bats during the survey, as well as the location of surveyors and IR Cameras.

Table 2: Bat survey results* survey 1

09/08/2023	*Surveyor 1 (EK)*	*Surveyor 2 (GM)*	*Surveyor 3 (JM)*	*Surveyor 4 (LF)*	*Surveyor 5 (SR)*
Time of first bat	21:03 (CP)	20:49 (CP)	21:06 (CP)	20:50 (CP)	20:54 (CP)
No. of emergent bats	0	0	0	0	0
Approx. No. of bat passes	7	27 (20 X CP, 4 X SP, 3 X N)	17 (11 X CP, 4 X SP,2 X N)	17 (16 X CP, 1 X SP)	27 (22 X CP, 5 X N)
No. of bats foraging	9	12 (11 X CP, 1 X SP)	6 (5 X CP,1 X N)	6 X CP	10 X CP
No. of bats social calling	0	0	4 X CP	0	2 (1 X SP,1 X CP)
Species observed	CP	CP, SP, N	CP, SP, N	CP, SP	CP, SP, N

*CP = common pipistrelle, SP = soprano pipistrelle, N = Noctule

Table 3: Bat survey results* survey 2

07/09/2023	*Surveyor 1 (JT)*	*Surveyor 2 (GM)*	*Surveyor 3 (Surveyor 4's location) (LF)*
Time of first bat	19:51 (CP)	20:10 (CP)	20:10 (CP)
No. of emergent bats	0	0	0
Approx. No. of bat passes	7 (4 X CP, 3 X SP)	14 (13 X CP, 1 X SP)	8 (7 X CP, 1 X SP)
No. of bats foraging	8 (7 X CP, 1 X SP)	1 X CP	6 X CP
No. of bats social calling	1 X CP	0	0
Species observed	CP, SP	CP, SP	CP, SP

*CP = common pipistrelle, SP = soprano pipistrelle, N = Noctule

3.12 To summarise, on the first survey, a common pipistrelle possibly emerged from behind the bargeboard at the eastern elevation of B1 at 20:54, however this could not be checked with the IR camera footage as high light levels (early in the survey) distorted the video image. Soprano and common pipistrelles were noted foraging and commuting along site boundaries on both surveys with noctule activity also noted on the first survey. Overall activity levels from both surveys were considered to be moderate.

4. Evaluation and Assessment of Constraints

4.1 An assessment of effects on ecological features has been made using the available design and survey information and the professional judgement of the ecologist. This includes a consideration of the relevant legislation (see Appendix F) and planning guidance. If there are changes to the proposals, such as a change to the proposed development design or to the construction method and programme, the assessment would need to be reviewed.

4.2 Current proposals involve the restoration of the two properties and outbuildings. Works include; conservation style roof lights incorporated into the existing roof structure, demolition of the kitchen annex and outbuilding (S2) and the retention and refurbishment of S1.

4.3 Whilst no evidence of bats was recorded during the inspections, due to the results of emergence surveys of the buildings/structures and suitable PRF's: B1, B2 and K are considered to be of **moderate** suitability with S1 and S2 considered to be of **low** suitability for crevice roosting bats such as common and soprano pipistrelles.

4.4 Roosting opportunities included; gaps behind wooden bargeboards potentially leading into the internal loft space (B1, B2 and K) and gaps present under end roof tiles (B2 and K). PRF's present on S1 and S2 include gaps under lifted roof panels and gaps into the internal space around boarded up windows.

4.5 The first nocturnal survey recorded a possible emergence of a common pipistrelle from behind the bargeboard at the eastern elevation of B1, this elevation will not be impacted by works, therefore, if the bat did emerge, the roost location will be maintained. Despite the absence of bat field signs and lack of definitive emerging bats, the buildings/structures do provide potential roosting opportunities. As bats are a mobile species and use a variety of roosting sites, occasional use of the buildings/structures by individual, opportunistic bats cannot be completely discounted. In the absence of appropriate mitigation, there is a low risk of causing harm or disturbance to individual bats during re-development and demolition works, which would result in an offence (Appendix F). Furthermore, in the absence of roost compensation, the demolition and restoration works may also lead to the reduction in available roosting opportunities.

4.6 Overall, the availability and connectivity of foraging and commuting habitat immediately surrounding the property is limited to: restricted to tree lines bordering the school field to the south, scattered/roadside trees, residential garden interspersed with roads; and slightly further away Clitheroe Castle Grounds, and Mearley Brook and Primrose Lodge Nature Reserve.

4.7 Any new lighting associated with the works has the potential to impact foraging, commuting and roosting bats utilising the surrounding area, especially to the south. An increase in artificial illumination poses a barrier to bat movement and reduces foraging opportunities by depleting invertebrates from unlit areas, thereby reducing food abundance. Unmitigated, potential disturbance to bats could occur through increased lighting of the site at night, particularly if light spillage occurs onto any adjacent roosting features or linear features which could be used for commuting and foraging.

5. Recommendations

5.1 The recommendations set out below aim to ensure that the proposed development take account of important ecological features, legal requirements (see Appendix F), and relevant national and local planning policies. The National Planning Policy Framework (2023) specifically states that development should seek to minimise impacts, incorporate improvements, and provide net gains for biodiversity. If the proposals are changed significantly, the recommendations will need to be reviewed.

5.2 B1, B2, K, S2 and S1 could be used opportunistically for individual roosting by pipistrelle bats therefore, the following Reasonable Avoidance Measures (RAMs) will be adhered to during works in order to reduce the risk of impacting bats through harm / killing or disturbance of roosts:

- Before any works proceed, all contractors will be made aware of the possible presence of bats, bat field signs to look for and procedure if bats are found or discovered (see Appendix E);
- Careful timing of works relating to potential roosting features is recommended. Works should ideally be scheduled to occur between November and March (inclusive), when bats are highly unlikely to be present within the buildings/structures;
- A procedure will be in place should bats be found or suspected at any time during the works. If bats are found or suspected, as a legal requirement, works in that area should cease immediately, the bat left in-situ and further advice be sought from the scheme ecologist who will attend site;
- The on-call ecologist will remove the bat, check the health of the bat and then place it in a suitable bat box/holding box;
- If a bat is discovered in imminent danger, it should be carefully moved wearing gloves, placed within a suitable container (a covered box such as a shoe box) with air holes, and placed in a safe, dark, quiet location until the on-call ecologist arrives on site;
- Prior to the demolition of K (Kitchen Annex) and S2 (outbuilding), any features with bat roost potential (K; bargeboards and end roof tiles, S2: lifted roof panels and windows) will be undertaken carefully and systematically, by hand to avoid crushing or killing any bats that may potentially be resting beneath;
- A suitably licensed ecologist must be on-call during the works and this is essential if works are programmed to occur outside of the recommended window between November to March.

5.3 A total of 2 no. bat boxes will be installed/incorporated on to the exterior of the completed development. The purchase and installation of bat boxes will be organised and funded by the applicant. The boxes will comprise the Vivaro Pro Beaumaris Woodstone Bat Box (available at www.nhbs.com; other suppliers are available). These bat boxes are installed on to the external wall (as close to the apex as possible) of the building on the completion of works. The boxes will face in different directions (ideally from south-east to south-west) to provide a range of temperature conditions. North-facing positions will be avoided. Please note that once bats have inhabited a roost site they may only be disturbed by licensed bat workers.

5.4 The installation of bat roosting opportunities will not cause disturbance to users of the houses, nor create aesthetic problems. Bat droppings do not smell strongly and there is no known health risk associated with them. The droppings are dry and do not putrefy, but crumble away to dust, or are washed away by rain.

5.5 Mitigation for foraging and commuting bats present within the area will include minimising disturbance during demolition and restoration works i.e., no night working and avoiding artificial light spill onto adjacent habitats. The completed development should incorporate a sensitive lighting scheme, designed in accordance with the Bat Conservation Trust guidelines (ILP 2018). There will be no light spillage onto new roosting opportunities and spillage onto adjacent habitats will be minimised, with lighting not exceeding that necessary to provide safety and security. The use of LED luminaries with a warm colour temperature (< 2700K) will also reduce disturbance to foraging and commuting bats, as will using dimmer settings or motion sensors overnight.

Enhancement Measures

5.6 Simple examples of enhancement measures which could be considered and designed into the proposals include (but are not limited to):

- Installation of additional wildlife boxes (bird and bat) on suitable trees close to the development;
- Bat friendly features can also be incorporated into restoration designs. Incorporation of roosting opportunities within the proposed works should be achievable and can be designed to meet with planning requirements and building regulations. Examples are as follows:
    - Bat slates (e.g., Morris Bat Slates; other bats slates are available from www.nhbs.com) can be incorporated into the roof very easily during Velux window installation. However, they must not be used with Breathable Roof Membranes;
    - Access gaps between soffits and walls (15-20mm);
    - Access points to the roof void via bat tiles incorporated into the roof structure or bat tubes built into gaps in the masonry or into wall surfaces (tubes such as the Schwegler 2FR Bat Tube would be suitable).
    - Access points over the top of cavity walls by specifically constructed gaps;
    - External bat bricks installed at a height of 3 m (or close to the roof line), in the south or west facing elevation (Schwegler 1FR Bat Tube would be suitable).
- Planting of scrub, hedgerows and trees carried out around the margins of the site will improve the diversity of habitats. New planting should comprise native species of local provenance. Planting of such additional native trees/hedgerows will enhance ecological connectivity within the wider landscape and benefit many species of wildlife including bats, birds and amphibians.

Re-survey of the Site

5.7 If no works are undertaken on site within 18 months of this survey or if any changes to the proposals are made, a further ecological survey may be necessary (because of the mobility of animals and the potential for colonisation of the site).

References

British Standards Institution (2013) BS 42020:2013 Biodiversity: Code of practice for planning and development. British Standards Institution, London.

CIEEM (2017a) Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2017b) Guidelines for Preliminary Ecological Appraisal 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition). The Bat Conservation Trust, London.

Institute of Lighting Professionals (2018) Bats and artificial lighting in the UK. The Bat Conservation Trust, London.

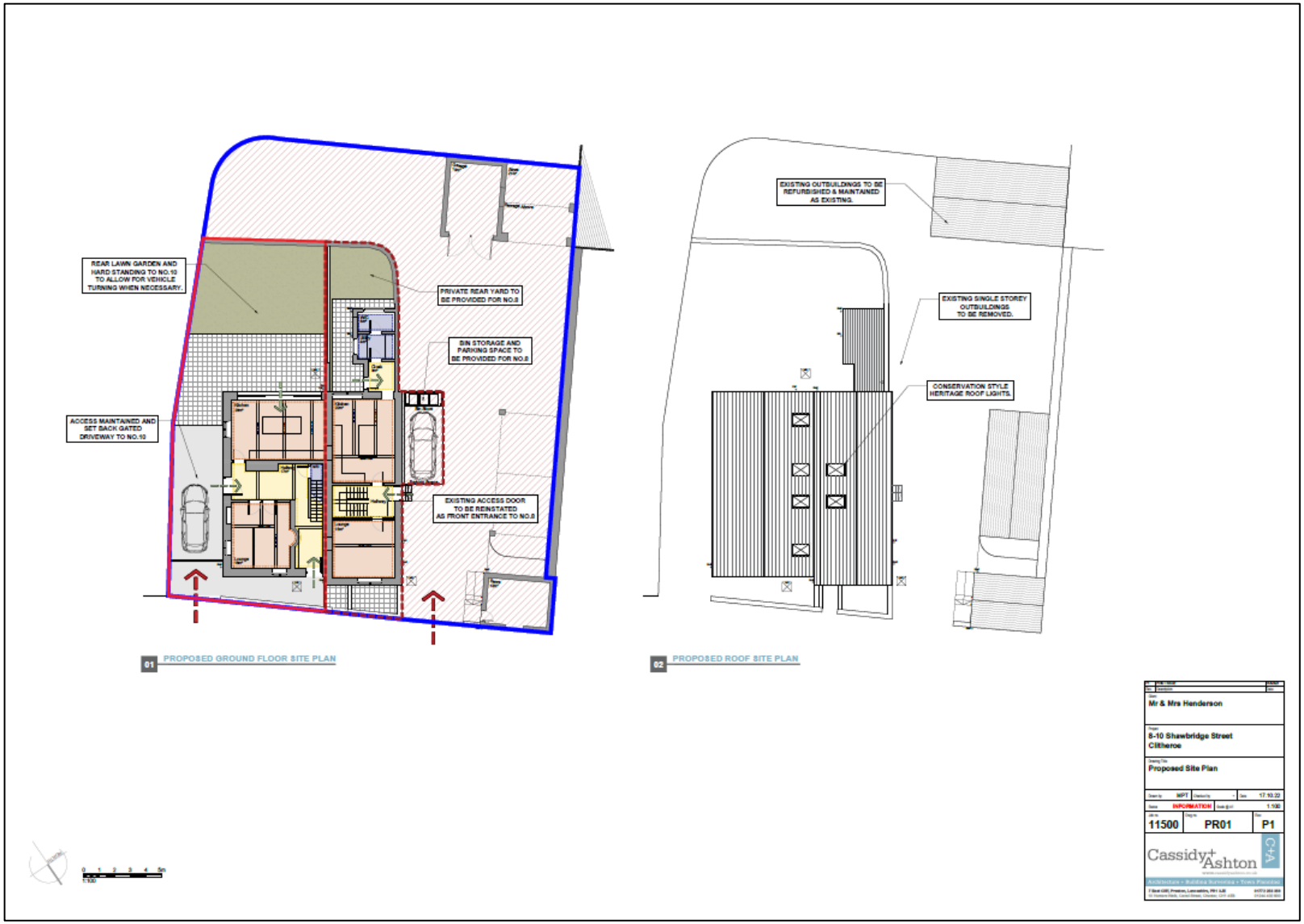
National Planning Policy Framework (2023) Ministry of Housing, Communities and Local Government, London.

Appendix A – Bat Roost Potential and Habitat Suitability Categories

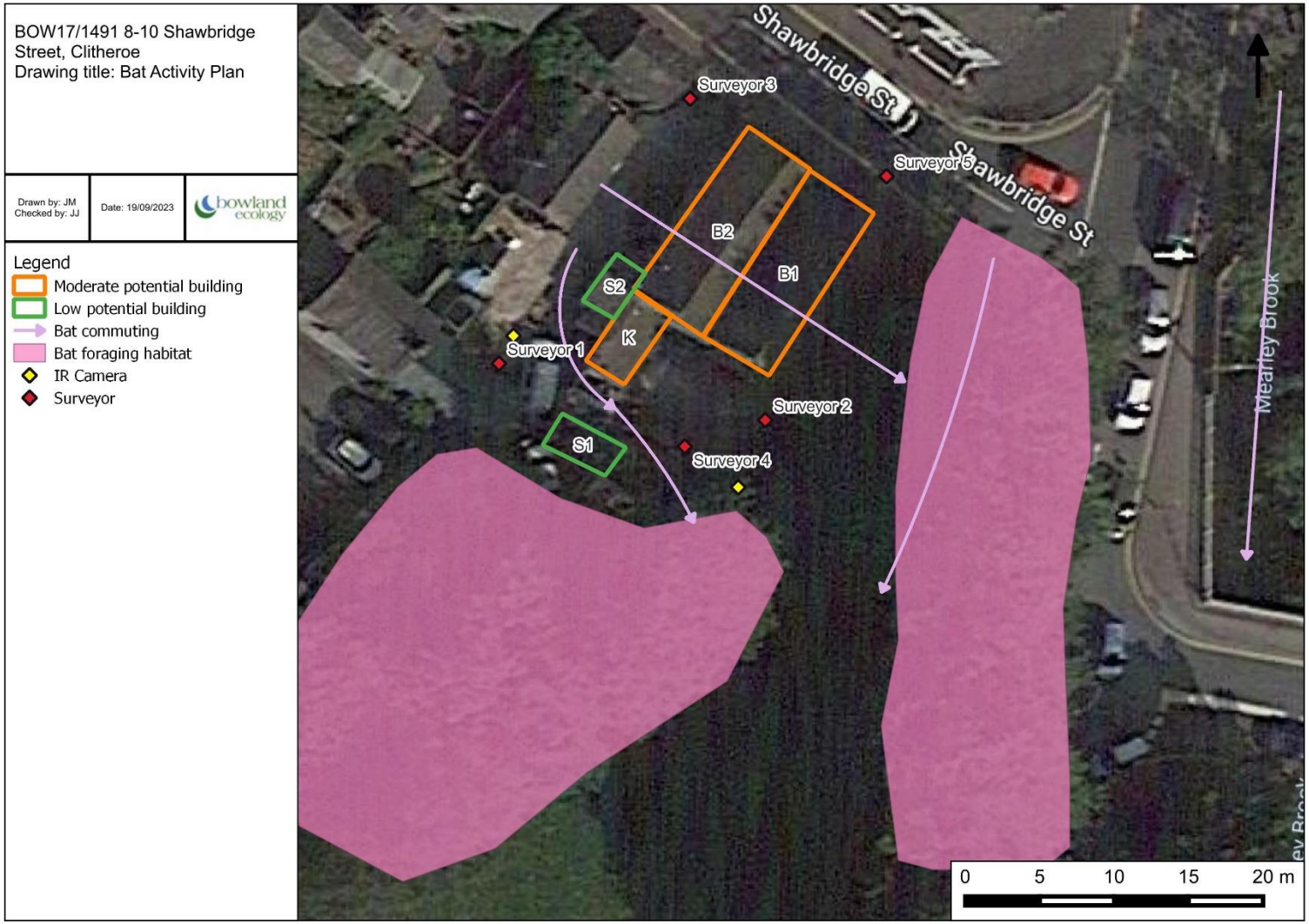
Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape (Collins, 2016).

Suitability	Description of Roosting Habitat	Commuting & Foraging Habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitats to be used on a regular basis or by a larger number of bats (i.e. unlikely to be suitable maternity or hibernation). A tree of sufficient size and age to contain potential roosting features but with none seen from the ground, or feature seen with only very limited roosting potential.	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions, and surrounding habitat but unlikely to support a roost of high conservation status.	Continuous habitat connected to the wider landscape that could be used by bats for commuting, such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging, such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis, and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	Continuous high quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats, such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close and connected to known roosts.

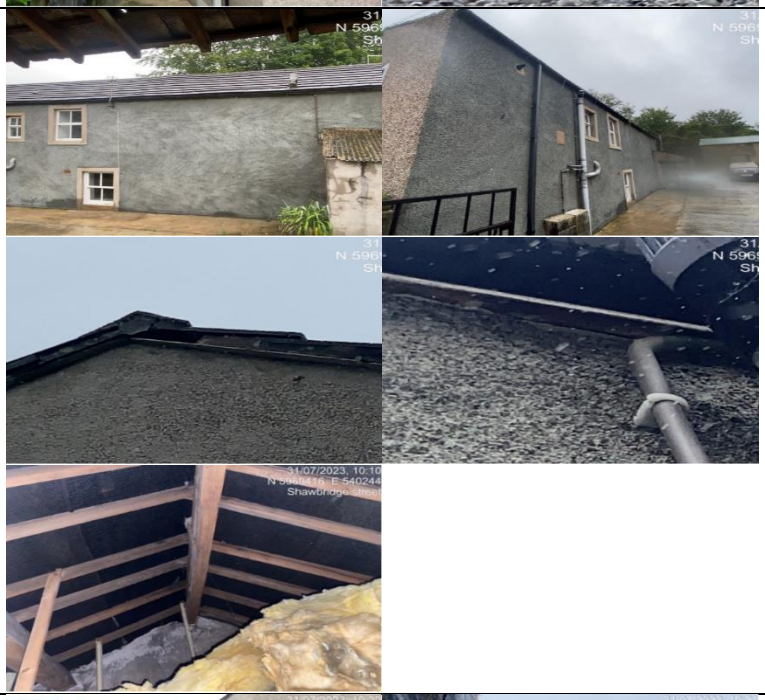
Appendix B – Plan of Proposed Development



Appendix C –Bat Activity Plan



Appendix D – Building Inspection Descriptions

Ref	Description	Photograph
B1	B1 is a rectangular, two-story dwelling. The building is considered to provide **moderate** potential to support roosting bats.	
B2	B2, while slightly smaller, mirrors B1 in construction and is adjacent. The building is considered to provide **moderate** potential to support roosting bats.	
Kitchen Annex (K)	K is a small one story-brick and render extension to the south of B2. The building is considered to provide **moderate** potential to support roosting bats.	

Shed 1 (S1)	Shed 1 is a small brick and render storage shed with a corrugated asbestos and plastic roof. The shed is considered to provide **low** potential for roosting bats.	 
Shed 2 (S2)	S2 is a large brick and render shed attached to the west of B2 and K, with a corrugated asbestos and slate roof. The shed is considered to provide **low** potential for roosting bats.	  

Appendix E – Information Sheets for Contractors

BATS

Information, legal responsibilities and best practice for the construction industry

bowland ecology

Legal Protection

All UK Bat species are protected by European and UK law, in practical terms this means it is an offence to:

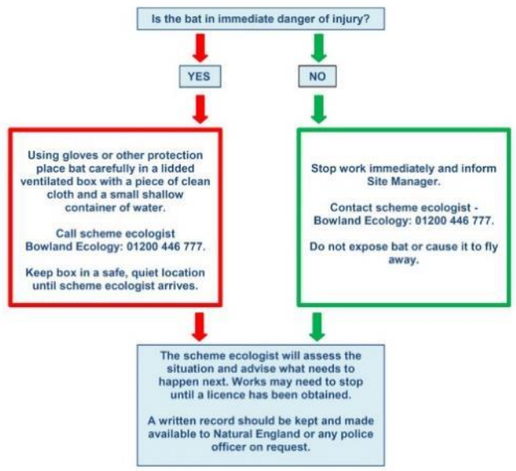
- Deliberately capture, injure or kill a bat;
- Deliberately disturb bats;
- Damage or destroy a breeding site or resting place (even if bats are not occupying the roost at the time);
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb a bat in such a place;
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat.

Penalties on conviction: the maximum fine is £5,000 per incident or per bat (some roosts contain several hundred bats), up to six months in prison, and forfeiture of items used to commit the offence, e.g. vehicles, plant, machinery.

Defences include:

1. Tending/caring for a bat solely for the purpose of restoring it to health and subsequent release.
2. Mercy killing where there is no reasonable hope of recovery (provided that person did not cause the injury in the first place – in which case the illegal act has already taken place).

Found a bat during unsupervised works?



Field signs of bat presence:

- Live or dead bats: the smallest UK bat species, the pipistrelle is only 3.5-4.5cm long.
- Droppings: bat droppings look like mouse droppings but will crumble between your fingers (they are dry and made entirely of insects).
- Feeding remains: piles of butterfly/moth wings are often left below bat feeding perches.

Schematic from www.bats.org.uk

Bats can roost in the following places:

- The top of gable end or dividing wall;
- The top of chimney breasts;
- Ridge and hip beams and other roof beams;
- Mortise and tension joints;
- All beams/ceilings/pipework (free hanging bats);
- The junction of roof timbers, especially where ridge and hip beams meet;
- Behind purlins;
- Between tiles and the roof lining;
- Under flat felt roofs;
- Under barge boards;
- In cavity walls;
- In cracks in stone or concrete;
- Behind peeling paint/wall coverings;
- Gaps behind window and door frames;
- Between window panes and timber boarding.
- In trees (cracks/holes/ivy cladding).

Why wear gloves?

There is a small risk that some bats carry a rabies virus – European Bat Lyssavirus. The purpose of wearing gloves is to reduce the chance of being bitten, as the virus is transmitted via bat saliva. Thick leather gloves are appropriate for removing a bat from imminent danger but these should be clean.

In the event that you are bitten, wash the wound, gently but thoroughly, with soap and water. Speak to a health professional immediately, advising them that you have been bitten by a bat.

References:
Bat Conservation Trust. August 2016. Why wear gloves when handling bats?
BCT Bat Surveys for Professional Ecologists, Good Practice Guidelines, 3rd Edition, 2016

version 1 August 2017

Appendix F – Legal Information

This report provides guidance of potential offences as part of the impact assessment. This report does not provide detailed legal advice and for full details of potential offences against protected species the relevant acts should be consulted in their original forms i.e. The Wildlife and Countryside Act, 1981, as amended, The Countryside and Rights of Way Act 2000, The Natural Environment and Rural Communities Act, 2006 and The Conservation of Habitats and Species Regulations 2017.

Species	Legislation	Offences	Notes on licensing procedures and further advice
Species that are protected by European and national legislation			
Bats *European protected species*	Conservation of Habitats and Species Regulations 2017 Reg 41	Deliberately[1] capture, injure or kill a bat; Deliberate disturbance[2] of bats; Damage or destroy a breeding site or resting place used by a bat. The protection of bat roosts is considered to apply regardless of whether bats are present.	An NE licence in respect of development is required in England. https://www.gov.uk/bats-protection-surveys-and-licences *European Protected Species: Mitigation Licensing- How to get a licence* (NE 2010) *Bat Mitigation Guidelines* (English Nature 2004) *Bat Workers Manual* (JNCC 2004) *BS8596:2015 Surveying for bats in trees and woodland* (BSI, 2015)
	Wildlife and Countryside Act 1981 (as amended)[4] S.9	Intentionally or recklessly[3] obstruct access to any structure or place used for shelter or protection or disturb a bat in such a place.	Licence from NE is required for surveys (scientific purposes) that would involve disturbance of bats or entering a known or suspected roost site.

[1] Deliberate capture or killing is taken to include "accepting the possibility" of such capture or killing [2] Deliberate disturbance of animals includes in particular any disturbance which is likely a) to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or b) to affect significantly the local distribution or abundance of the species to which they belong. Lower levels of disturbance not covered by the Conservation of Habitats and Species Regulations 2017 remain an offence under the Wildlife and Countryside Act 1981 although a defence is available where such actions are the incidental result of a lawful activity that could not reasonably be avoided. Thus deliberate disturbance that does not result in either (a) or (b) above would be classed as a lower level of disturbance. [3] The term 'reckless' is defined by the case of Regina versus Caldwell 1982. The prosecution has to show that a person deliberately took an unacceptable risk, or failed to notice or consider an obvious risk. [4] The Wildlife and Countryside Act (1981) has been updated by various amendments, including the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006. A full list of amendments can be found at https://jncc.gov.uk/our-work/wildlife-countryside-act/