



Bat Surveys

What are bat surveys and when do I need one?

Introduction

There are a number of species of bat which are found throughout Perth and Kinross. Bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place. When we consider a planning application we are required by law to have regard to the presence or potential presence of bats and their resting places in our decision.

When are bat surveys needed?

In order to fulfil our obligations, when it is reasonably likely that bats will be present at or affected by a scheme, we will insist that a bat survey (which is up to date and undertaken at the correct time of year) is submitted in order to assess the potential presence of bats. **Annex A** provides a useful basic flow chart that outlines the various points where a survey will be required.

Where a survey is required it is strongly recommended that the survey is undertaken prior to the submission of the planning application. If it is determined during the assessment of an application that a bat survey is required it is possible that you may need to withdraw the application and resubmit with the required survey otherwise it may be refused. This requirement applies for **all** types of application (including planning, listed building, and conservation area consent applications). More than one survey may be required depending on the circumstances but a qualified ecologist will be able to provide more advice.

When is it reasonably likely that bats will be present?

Bats may be found in a wide range of places, including buildings and trees. **Annex B** details the “Trigger List” of circumstances in which it is reasonably likely that bats will be present. If your development affects any of the places listed, you may be required to submit a suitably detailed and appropriate bat survey with your application.

Can I do a bat survey myself?

No. We will only accept bat surveys which meet the established standards of the Bat Conservation Trust Bat Surveys - Good Practice Guidelines, and which have been undertaken by a suitably qualified surveyor. When choosing a consultant you should make sure that they are familiar with the Good Practice Guidelines, ask them about the amount of survey effort which they propose to undertake, and the survey methods they will use. If there are inadequacies with the survey, or not enough surveys have been done this can hold up your application for many months or even result in the application being **refused**. A good consultant will be able to show you examples of work they have done elsewhere.

When can a survey be done?

The timing of bat surveys is very important. Whilst surveys can be undertaken in the winter months to assess the potential of a building being used by bats, if that survey concludes that a building is likely to be used by bats, we will not be able to fully assess an application until you provide a full dusk-emergence/dawn-entry survey undertaken during the active season (May - end of September). At that point it is recommended that you should delay submission of the planning application until such time that the required survey work has been completed. If an application is submitted without a full survey it is likely that it will be **refused**.

Conversely, in rarer cases a summer survey may identify potential hibernacula, in which case a winter survey will be required. We will only approve an application with an out-of-season survey if that survey concludes that the site is of low potential and that no further surveys are required.

What should be in a survey?

We expect all surveys to be produced in accordance with the Bat Conservation Trust guidelines. A full bat survey will include: a survey and site assessment; an impact assessment; details of any compensation, mitigation and enhancement measures required; details of post-development safeguarding; and a timetable of works. The survey must clearly state whether a SNH licence will be required.

I had a survey done in winter which found potential bat roosts but no firm evidence of bats. Is that survey enough to submit my application?

No. If a winter survey finds the potential for bats to be present we need activity surveys to be provided before we can validate your application. Unless the building is of low potential at least three emergence and/or dawn re-entry or automated surveys per building during the summer are recommended as a minimum. At least one of the surveys should be a dawn re-entry or automated survey. At least two of the surveys should take place between mid-May and August. If the building has potential for use throughout the year, that must be reflected in the survey timings.

Winter surveys alone will only be acceptable if they find negligible potential for bats to be present.

Our survey has found bats - now what?

If a bat survey finds bats or bat roosts at a site and concludes that any activities/aspects of the proposed development are likely to lead to:

- ⇒ deliberate disturbance of bats
- ⇒ deliberate killing, injury or capture of bats
- ⇒ damage or destruction of a breeding site or resting place

carrying out the proposed development may lead to a **criminal offence** being committed and can carry substantial penalties.

Your survey should provide clear recommendations and identify measures to avoid any offence under the provisions of the Conservation of Species and Habitats Regulations 2010. Such proposed measures must show a high degree of certainty for success and you will be required to implement such measures as conditions or planning obligations as part of any planning permission that may be granted.

If you are not able to propose satisfactory measures to avoid an offence you must prove that:

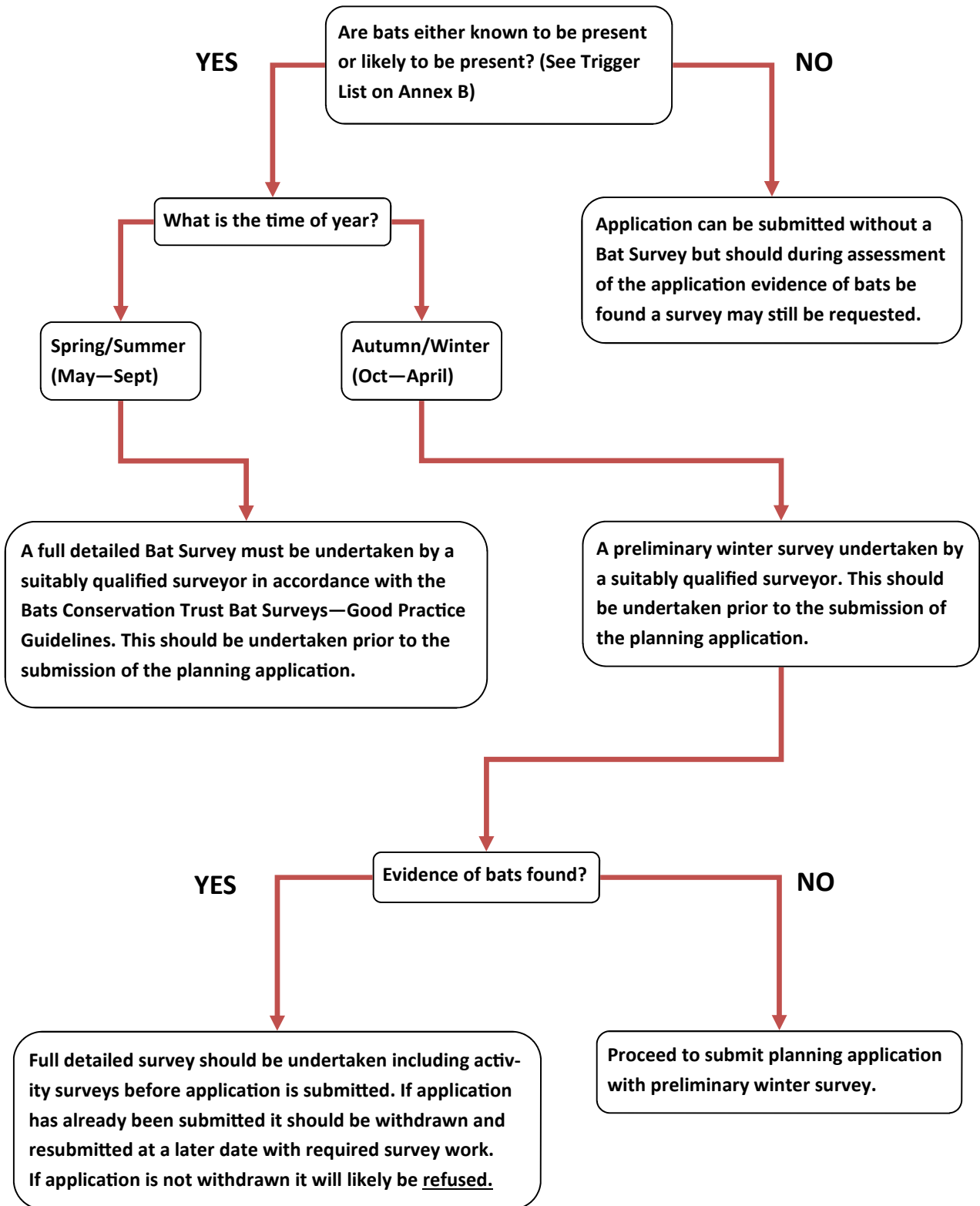
- ⇒ there is no satisfactory alternative to the development proposed
- ⇒ the proposals will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range
- ⇒ the development is necessary for imperative reasons of overriding public interest (including those of social or economic nature and beneficial consequence of primary importance of the environment)

If these three tests cannot be passed, we will have no choice other than to **refuse** the application. Therefore if your survey finds bats we strongly recommend that you submit a supporting statement providing details of any proposed mitigation measures or explaining how the development satisfies these three tests with your planning application.

I had a bat survey done a few years ago - can I use it again?

We need bat surveys to be up to date to be meaningful. As a result of circumstances and conditions changing, we will expect a submitted bat survey to be less than 18 months old. If your survey was done more than 18 months ago, you will need to have it updated prior to submitting your application otherwise it may be **refused**.

Annex A: When is a Bat Survey required?



Annex B: Bat Survey Trigger List

A bat survey should be requested when seeking planning permission for the types of development and proposals listed as follows:

1) Conversion, modification, demolition or removal of buildings.

- ⇒ Agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams
- ⇒ Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water.
- ⇒ Pre-1960 detached buildings and structures within 200m of woodland and/or water.
- ⇒ Pre-1914 buildings within 400m of woodland and/or water.
- ⇒ Pre-1914 buildings with gable ends or slate roofs, regardless of location.
- ⇒ Buildings located within or immediately adjacent to woodland and/or immediately adjacent to water.
- ⇒ Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding if, following a preliminary roost assessment the site appears to be particularly suitable for bats.

2) Development affecting built structures

- ⇒ Tunnels, mines, kilns, ice-houses, military fortifications, air-raid shelters, cellars and similar underground ducts and structures; unused industrial chimneys that are unlined and brick/stone construction.
- ⇒ Bridge structures, aqueducts and viaducts (especially over water or wet ground)

3) Floodlighting of valuable habitats or structures

- ⇒ Churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water.
- ⇒ Any building meeting the criteria listed above.

4) Felling, removal or lopping of woody vegetation

- ⇒ Woodland.
- ⇒ Field hedgerows and/or lines of trees with connectivity to woodland or water bodies.
- ⇒ Old and veteran trees that are more than 100 years old.
- ⇒ Mature trees with obvious holes cracks or cavities, or which are covered with mature ivy (including large dead trees).

5) Proposals affecting water bodies

- ⇒ Development in or within 200m of rivers, streams, canals, lakes, reedbeds or other aquatic habitats.

6) Proposals located in or immediately adjacent to valuable geological formations

- ⇒ Quarries or gravel pits.
- ⇒ Natural cliff faces and rock outcrops with crevices or caves and swallets.

7) Proposals for wind farm developments

- ⇒ Multiple wind turbines
- ⇒ Single wind turbines

8) All proposals where bats are known to be present

- ⇒ This may include proposed development affecting any type of buildings, structures, feature or location.
- ⇒ Where large scale development is proposed less than 10km from a roost of international importance.

Sources of Helpful Information and Key Legislation

- **Scottish Natural Heritage Website: www.snh.org.uk**
 - * <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-bats>
- **The Bat Conservation Trust Website: www.bats.org.uk**
 - * **Bat Conservation Trust Bat Surveys—Good Practice Guidelines** (<http://www.bats.org.uk/pages/batsurveyguide.html>)
- **PKC Supplementary guidance - Planning and biodiversity**
 - * <http://www.pkc.gov.uk/article/15067/Supplementary-guidance-Planning-and-biodiversity>
- **Tayside Biodiversity Partnership: www.taysidebiodiversity.co.uk**
- **Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**
- **Wildlife and Countryside Act 1982 (as amended by the Nature Conservation (Scotland) Act 2004)**
- **Conservation of Species and Habitats Regulations 2010**
- **The Habitats Directive (Directive 92/43/EEC) - European protected species (listed Annex IV of the Habitats Directive)**
 - * http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- **BS 5837:2012 ‘Trees in relation to design, demolition and construction’**
- **BS 8596:2015 ‘Surveying for bats in trees and woodland - Guide’**
- **BS 42020:2013 ‘Code of practice for planning and development’**