

UK & EU Bat legislation



UK and EU law protect all 17 species of bats in England and Wales. Applicable legislation includes the:

- 1. Wildlife and Countryside Act 1981 (as amended)**
- 2. The Countryside and Rights of Way Act 2000 (CROW)**
- 3. The Conservation (Natural Habitats, &.) Regulations 1994 (known as the Habitats Directive)**
- 4. The Conservation (Natural Habitats, &) (Amendment) Regulations 2007**

The Habitats Directive implements the EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora.

Under these regulations it is an offence

- to intentionally kill, injure or take a bat.
- to intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This includes a bat roost, whether it is currently occupied or not.
- to intentionally or recklessly to disturb a bat while it is occupying a structure or place that it uses for shelter or protection.
- to offer or expose for sale, or possess or transport for the purposes of sale, any live or dead bat, any part of a bat, or anything derived from a bat. It is also an offence to publish or offer for sale or buy bats or anything derived from bats.

It is not an offence:

- to look after a disabled or injured bat so long as it was not disabled unlawfully by that person.
- to humanely kill a seriously disabled bat, so long as that person did not disable it unlawfully.

Surveying for bats and variable factors

Bats hibernate so they can only be properly surveyed by observation between early Easter and late autumn. Evidence of some roosts can be found during winter months.

Good times of day to survey for bats are at dusk (half an hour after dusk) and dawn, when they exhibit swarming (many exiting or entering their roost respectively).

Bats (of some species) have summer and winter roosts, often in different locations. Numbers in some summer roosts can vary on a daily / weekly basis. This will have an effect on survey results.

If bats are found on a development site.

Alternatives to closure should be sought to keep the roost on site.

In the event that there is no alternative, then a Licence would have to be sought from Defra (Department of Environment, Food and Rural Affairs) for any disturbance to the roost.

Licences are only granted for moving bats under Licence after Planning Permission is granted, and only after any Section 106 agreement has been signed off. Licences are never granted before these two documents have been obtained.

Enhancements to development sites, e.g.s:

Bat boxes can be erected on buildings or the large trees.

Cellars can be sealed off except for grilles for bats to enter.

Old 'pill boxes' can be made into bat friendly zones with internal slats and outer grille.

Native trees and shrubs in Public Open Space as food source.

Surveying without a licence

The Bat Workers' Manual (2004) states in Para 1.4 that much work can be carried out by without a licence; a licence is only required if deliberate disturbance of bats is likely, i.e. if bats are known to be present before surveying

Bibliography

Bat Workers' Manual. 2004. 3rd edition. Joint Nature Conservation Committee.