

Bats and the law

A summary and explanation of the law related to bats. For all those with responsibilities of properties that have bats - Buildings managers, Property staff, Countryside staff, Conservators, Woodland managers, contractors, volunteers.

Key points

- All bats are protected by law as are their roosting sites, even when no bats are present. Penalties for breaking the law may be fines or a custodial term.
- Disturbance at roosts is allowed for necessary works, but only after advice or a licence has been given by government bodies.
- It is assumed bats use all National Trust properties, so should be planned for at the first stage of any work that may affect them.

1. BACKGROUND

All bats and their roost sites are protected by law under the 1981 Wildlife & Countryside Act in England and Wales, under the 1985 Wildlife Order in N. Ireland, the Conservation (Natural Habitats, etc) Regulations 1994 (or 1995 for N. Ireland) and the Countryside and Rights of Way Act 2000. There are also European directives and conventions related to bats that have been included in the British legislation and other laws that give incidental protection.

Local planning guidelines (such as PPG9 in England, TAN 9 in Wales) recognise the fact that some developments, if they were to go ahead, could adversely affect bats, and planning permissions may be subject to certain bat-related conditions.

The laws mean that all bats are protected from being killed, injured, taken or disturbed and their roosting places are also protected from being damaged, destroyed or the entrances obstructed. There are some defences such as injured bats can be taken into captivity. Also some necessary work at or near roosts may go ahead, but with government permission through a licence or advice. Trained bat workers also carry licences to allow them to handle bats and enter roosts.

2. POSITION

The National Trust is a major owner of important bat roosts and realises its importance to the well-being of the UK's bats. It realises that the laws relating to bats need to be carefully adhered to.

3. ACTION

Buildings: as stated in the Manual of Building, bats need to be considered at an early stage of the planning of any work (General Requirements of all Building Operations, Preparation of a Project Brief, Practice Notes of Major Projects etc.) as bats are often in roof spaces.

Underground sites: many sites are used by bats in winter

Trees: rot holes, splits, woodpecker holes and similar crevices may be used by bats.

If bats use a built structure or tree, or if it is thought they might, then a bat survey should be carried out. Contact the local bat group or obtain professional advice.

If bats or their signs are found and any works are planned that would affect the bats or the roost site, then seek advice from the local statutory nature conservation organisation (SNCO - English Nature, Countryside Council for Wales, Environment and Heritage Service NI).

For residential houses they will give you guidance as what you can do, when and how, and this advice needs to be incorporated into the plan of works. This guidance should ideally be given to the owner: problems occur if a tenant applies directly as they will be given the advice. In many cases the owner (the National Trust) would not wish to lose the bat roost and would find ways of ensuring continued use of the site by bats. A tenant, not wishing to live close to bats, may just block up the entrance hole, if given such advice by the SNCO, which would be against Trust policy. Some control of this may be gained through the tenancy agreement.

For many other buildings, structures, underground sites, trees and developments they may suggest you obtain a licence from DEFRA in England, National Assembly of Wales or the Department of the Environment in N. Ireland. These licences may allow you to disturb the bats or the roost site, but ask how you will ensure that no bats are damaged and the similar roosting facilities are available once the work is done. After the work is finished, a period of monitoring (perhaps for up to five years) is usually demanded so that the final works can be adjusted in case the bats do not re-use the site. The cost of the specialist bat survey, licence application by a specialist, mitigation and the monitoring should be budgeted for at the planning stage.

Farmland, woodland, gardens and parkland:

These may have a measure of protection by law in areas near where rare bats roost (Wales and south and west England). This will be applied by the area being designated as a Special Area for Conservation (SAC). The protection will ensure no detrimental changes to the bats' insect food supplies by changes to the landscape, farming methods or forestry changes, and protection of the bats' fly-ways so they are uninterrupted.

Further information

Bats and the Law – what to do when the law is broken . BCT 2001, updated 2003. Also at www.bats.org.uk

Bat Workers' Manual. JNCC 1999.

See Appendix – Route for dealing with bats and works at properties.

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