

**Abstracts from Natural England bat mitigation guidelines (IN 136)**

**Example. Specification for surveys in relation to planning applications affecting possible greater horseshoe bat feeding habitat. Note that the objective is to detect commuting routes and feeding areas rather than roosts.**

The following specification is recommended in relation to development proposals of 1ha or more within 4km of greater horseshoe bat roosts. A similar specification may be appropriate for smaller development proposals, which because of disturbance (e.g. light and noise pollution) or proximity to a roost may be significant.

- (i) Surveys should pay particular attention to known greater horseshoe bat feeding habitat such as hedgerows, coppice, woodland fringe, tree lines and areas of scrub and pasture, and linear landscape features such as ditches, rhynes, walls, hedges etc that may provide flight lines.**
- (ii) Surveys should be carried out on two separate evenings each month from May to September, as the bats' favoured foraging areas may alter across the summer period.**
- (iii) Surveys should be carried out on warm (>10 °C but >15°C in late summer), still evenings that provide optimal conditions for foraging (insect activity is significantly reduced at low temperatures). Details of temperature and weather conditions during surveys should be included in final report.**
- (iv) Surveys should cover the period of peak activity for bats from sunset for at least the next 3 hrs.**
- (v) Surveys should preferably be with broadband detectors as these provide a record of echolocation signals, although appropriately tuned heterodyne detectors (81-83kHz) will be sufficient. Taped recordings of echolocation should be provided with the final report along with details of the type, serial number and tuning of the detector.**
- (vi) Surveys should be carried out by suitably qualified and experienced persons. Numbers of personnel involved should be agreed beforehand with English Nature, be indicated in any report and be sufficient to thoroughly and comprehensively survey the size of site in question.**
- (vii) Surveys should also include desktop exercises in collating any records and past data relating to the site via local Biological Records Centre, Bat Group etc.**
- (viii) All bat activity should be clearly marked on maps and included within the report.**
- (ix) Basic details of records for the site should be passed to the appropriate local Biological Records Centre after determination of the application.**

Mitigation to reduce or compensate for any impact of development is likely to be a condition of the licence and must be proportionate to the impact. Mitigation may require particular timing of operations, protection of existing roosts or the creation of new roosts to replace ones being lost. In some cases, a considerable period of time may be required to carry out this work. Monitoring of the effect of the mitigation is usually required.

The Conservation (Natural Habitats &c.) Regulations 1994 (the Habitats Regulations) transpose into UK law Council Directive 92/43/EEC of 21<sup>st</sup> May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (often referred to as the 'Habitats [and Species] Directive.') All bats are listed on Annex IV of the Directive and some are also listed on Annex II. The latter Annex relates to the designation of Special Areas of Conservation (SACs) and covers greater and lesser horseshoe bats, barbastelle and Bechstein's bat. Inclusion on Annex IV ('European protected species') means that member states are required to put in place a system of strict protection as outlined in Article 12; this is done through inclusion on Schedule 2 of the Regulations.

The Department for Environment, Food and Rural Affairs (Defra) issues licences for the purposes of "*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*" [R. 44(2)(e)].

In every case, a licence cannot be granted unless:

"*There is no satisfactory alternative*" [R. 44(3)(a)], and

"*The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*" [R. 44(3)(b)].

'Favourable conservation status' is defined in the Habitats and Species Directive (Article 1(i)). Conservation status is defined as "*the sum of the influences acting on the species concerned that may affect the long term distribution and abundance of its population within the territory.*" It is assessed as favourable when:

"*population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, or will probably continue to be, a sufficiently large habitat to maintain its populations on a long term basis.*"

One of the key aims of the Directive is to encourage member states to maintain at, or restore to, favourable conservation status those species of community interest (Article 2(2)).

In order to obtain a licence to allow the destruction of bat roosts etc, in advance of any otherwise legitimate development which may impact on the favourable conservation status of bats, it must be demonstrated by the applicant that all reasonable steps have been taken to minimise the impact (to satisfy R. 44(3)(a)) and any remaining damage will be adequately compensated for (to satisfy R. 44(3)(b)). Current English Nature advice is that there should be

no net loss in local bat population status, taking into account factors such as population size, viability and connectivity. Hence, when it is unavoidable that a development will affect a bat population, the mitigation should aim to maintain a population of equivalent status in the area.