

## **Bats and historic buildings**

Historic buildings are sometimes home to bats because they often provide a large number of potential roosting places. All species of bat in the UK are afforded full protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended). This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bats, or destroy their breeding places or roosts.

Local Planning Authorities have a duty to consider legally protected species as a material consideration when determining planning applications. For this reason, it is necessary for an applicant for planning permission or listed building consent to consider whether bats are likely to be affected by the proposed development.

If the proposed development involves the modification, conversion/renovation, demolition, or removal of buildings and structures (especially roof voids) of the following:

- all agricultural buildings
- buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water
- pre-1960 detached buildings 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
- demolition, in full or part, of any other building within the curtilage of a listed building constructed prior to 1 July 1948.

there is a *significant risk of bats being affected*. Therefore a bat survey by an experienced ecologist must be undertaken in accordance with the Bat Conservation Trust good practice guidelines<sup>1</sup>. The results of the survey must be submitted with the application.

Bats may also be affected by proposed works to other types of building. In addition, certain types of buildings or barns may be used by barn owls or breeding birds; these species are also protected under the Wildlife and Countryside Act 1981. If you are unsure if your proposal is likely to affect a protected species or other features of biodiversity interest the following checklist contains a simple list of questions that will alert you to when an ecological survey will be required:

<https://www.basingstoke.gov.uk/submit-a-planning-application>

This checklist should be completed and submitted with all planning applications.

For those works that are likely to affect protected species, survey information and an assessment of the impacts must be provided **WITH** the application, not deferred as a condition. Without sufficient information the LPA cannot determine the application and you run the risk of your application **not being validated or it being refused**. This is in line with Circular 06/2005 which states that "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established **before** the planning permission is granted, otherwise all relevant material*

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<sup>1</sup> Bat Surveys: Good Practice Guidelines (2016). Bat Conservation Trust

*considerations may not have been addressed in making the decision.”* In addition it may not be possible to demonstrate that the application will not be contrary to Policy EM4 of the Local Plan:

- *Development will only be permitted where it can be clearly demonstrated that there will be no adverse impact on the conservation status of key species.*
- *Applications for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity.*

If the presence of bats is revealed by the survey, and they are likely to be adversely affected by the proposed development it will be necessary to submit detailed mitigation and/or compensation proposals with the application. In addition, local planning authorities now have a duty to address the three tests contained in the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitat Regulations) when determining planning applications affecting European Protected Species (which includes all species of bat in the UK). These tests are:

- that there should be no satisfactory alternative to the plan or project as a whole or in the way it is implemented
- that the plan or project must be “in the interests of preserving public health or public safety, or for other imperative reasons of overriding public interest (IROPI), including those of a social or economic nature and beneficial consequences of importance for the environment”
- and that the favourable conservation status of the species affected must be maintained

Therefore information will be required that clearly sets out the case for the three tests as part of the planning application documentation:

- consider whether there are favourable alternatives to the proposed development that avoid harm to bats.
- Where it is not possible to avoid harm ensure there is a case for an overriding need that is in the public interest or is a reason of public health and safety.
- If necessary develop mitigation measures that will maintain the species affected in a favourable conservation status.

However, in certain circumstances, such as small scale housing developments and home improvements, if the bat population concerned is not of regional or national importance then reasoned statements addressing the first two tests listed above are not required. These are known as bat low impact class licences (BLICL).

Further guidance on all these requirements can be provided by an experienced ecologist or one of the council’s Biodiversity Officers (see contact details below).

Applicants should be aware of the above requirements before they submit their application so that all the relevant survey, mitigation and all other relevant supporting information is provided **with the application**. Some ecological surveys are very constrained by the time of year so protected species should be **considered as soon as possible**.

To ensure bats are properly addressed consider the following points before submitting an application:

- Is your development *likely* to affect bats?
- Has an ecologist assessed/surveyed the building/structure?

- Have you completed *all* necessary surveys?
- Has the impact been assessed and mitigation plan developed?
- Have the three tests of the Habitat Regulations been addressed?

**If you can answer 'yes' to all of the above: submit your planning application with the necessary information.**

Further guidance on this topic can be obtained from the following websites, or by calling one of the council's Biodiversity Officers.

[English Heritage / Natural England: Bats in Traditional Buildings](#) (PDF download of 6.25MB)

[Chartered Institute of Ecology and Environmental Management](#)  
[Bat Conservation Trust](#)

**Contact:**

Biodiversity Officers

Telephone: 01256 845261 or 845201

Email: [communityservices@basingstoke.gov.uk](mailto:communityservices@basingstoke.gov.uk)

Information on where to find a suitably qualified ecologist to carry out a bat survey can be found on the following website:

[Chartered Institute of Ecology and Environmental Management](#) (from the main page, select 'Professional Directory').