

This note is one of a series aimed to improve design standards and reduce delays in processing applications. It should be read in conjunction with PAN Nos 7 & 7.2. Advisory Notes cannot cover all situations. Applicants and agents are encouraged to discuss proposals with the Biodiversity Officer prior to a formal submission. For all surveys, applicants should employ a professionally qualified ecologist.

Wildlife, Buildings and Development

Some wildlife species are protected by law and must be protected from harm by householders, developers and builders. They must also be taken into account when the Council considers planning applications.

For developments that will affect existing buildings or structures the most likely wildlife to be affected are bats and nesting birds. Many people will not know that they are sharing their house with bats as they are so small, nocturnal and often the roost is hidden away. Nesting birds are often more obvious, but not always!

What is the Legal Position?

All species of bats in Britain are legally protected against direct harm and against harm to their roost sites. Several of these bat species choose to roost, breed or hibernate in roofs, behind cladding, in cellars and in other built structures. It is illegal to destroy a roost site, block the entrance, or to treat it with chemicals which might harm the bats, including certain wood preservatives. As bats use several roost sites throughout the year, the roosts are protected even when the bats are absent. There can be substantial fines and prison sentences for breaking the law by injuring bats or destroying a roost, so it is important to make sure proper safeguards are in place.

House martins, swallows, swifts, sparrows, starlings and barn owls all nest in or on buildings. All these species have become increasingly rare in recent years. The birds, their eggs and young are all legally protected, as are their nests whilst they are in use.

So it is illegal to destroy or remove an 'active' nest, or to prevent the birds from entering or leaving it during the breeding season.

When considering a planning application, the Council is required to take into account the presence of legally protected species, what impacts there will be on the species, and what mitigation measures are proposed to ensure their welfare.



Where might Bats and Birds be an Issue?

Bats and birds regularly use buildings in rural and suburban areas and some birds, e.g. swifts, nest right in the middle of towns. As a rule, the more greenery there is nearby, the more likely it is that bats or birds may be around. (So except for swifts, they are less likely to be an issue in extremely built-up areas with very little vegetation.)

Bats and birds aren't only interested in older or ramshackle buildings. Many bats like to roost in quite new buildings – it's just a question of there

being small gaps through which they can enter. A gap of 1-2cm is sufficient to allow access for the smaller bat species. But as a rule of thumb, bats are less likely to use well maintained houses built in or after the 1980s.

What kind of Developments?

Developments involving works to roofs are most likely to encounter bats or birds, for instance: demolitions, barn conversions, loft conversions, roof raising and other alterations to roofs.

Works affecting cellars, wall cladding, outbuildings and any cool, dark, cave-like structures, are also likely to affect bats and possibly birds. External lighting, especially floodlighting, and wind turbines can have a big impact on bats. And any works to large or old trees or removal of hedges could also be an issue, especially if close to an important known bat roost.

What should I do about Bats and Birds?

If you propose to undertake any of the works listed in the previous section we may need you to submit a Bat and Bird Report with your planning application. Check the detailed list given in The Council's Planning Application Validation Guide to see if your proposal will need a Report. If you are still unsure, contact the Council's Biodiversity Officer.



Birds may nest in trees and hedges; in outbuildings; behind soffits and barge boards; in holes in mortar.

Who can produce a Report?

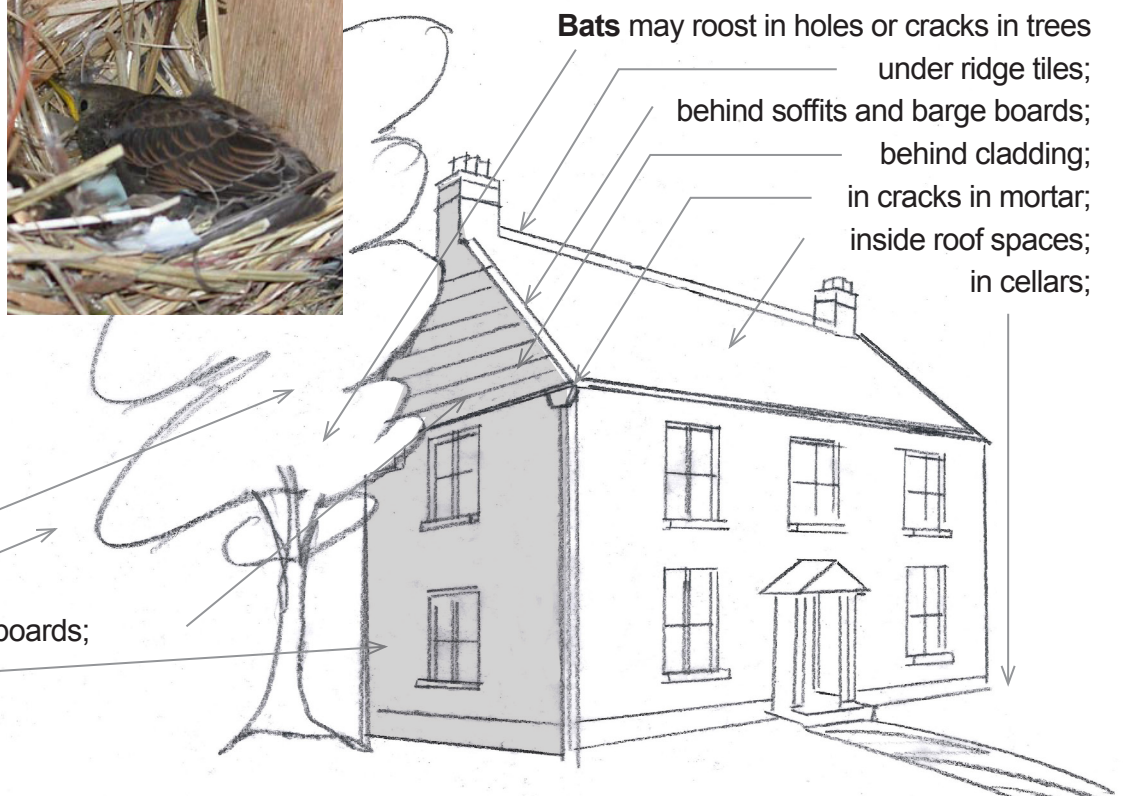
The Bat and Bird Report must be produced by an experienced and appropriately licensed bat consultant. Signs of bat occupation can be difficult to spot; the licensed bat consultant will know how to check properly for bats and can check for birds at the same time.

If bats are present, appropriate measures to protect the bats and retain their roosting sites and access points will almost certainly be required. In these cases a 'Section 53 European Protected Species Licence' may also be needed, as well as planning permission. The licence application must be completed by a licensed bat consultant.

Planning Advisory Note 7.2: "List of Licensed Bat Consultants" gives a list of suitable bat workers in the area, or ask the Biodiversity Officer.

What does a Bat and Bird Report involve?

The bat worker will visit and inspect your building and its location to check for bats and birds. They will then send you a written report detailing: what was found; how your proposal will affect any bats/birds; and recommendations for mitigation measures to ensure the creatures do not suffer as a result of your proposal. The bat consultant will need access to the roof space and other areas that bats or birds might occupy.



Floodlighting, wind turbines, large developments, or developments in some sensitive locations may require additional survey work – the bat worker may need to visit at night on one or more occasions with a hand-held, ultrasonic ‘bat detector’, or may put out remote recording devices. These will help build up a picture of where any bats might be flying and feeding in or near your planning application site.



When should the Report be commissioned?

You should commission the Report in good time to submit it with your application. The survey itself may only take a few hours, but bat workers are often very busy so you must allow them adequate notice to book in the visit and write the Report.

Bat workers can usually inspect a building at any time of year, but occasionally they will recommend that a bat ‘emergence’ survey is needed, which can’t be done in the winter months.

A bat survey will be valid for approximately 2 years, though this will depend on the site

and the type of development proposed (your bat consultant should be able to advise further on this). If you undertake the development (or apply to renew your permission) after this time a complete re-survey might be required, or a brief survey update, according to particular circumstances.

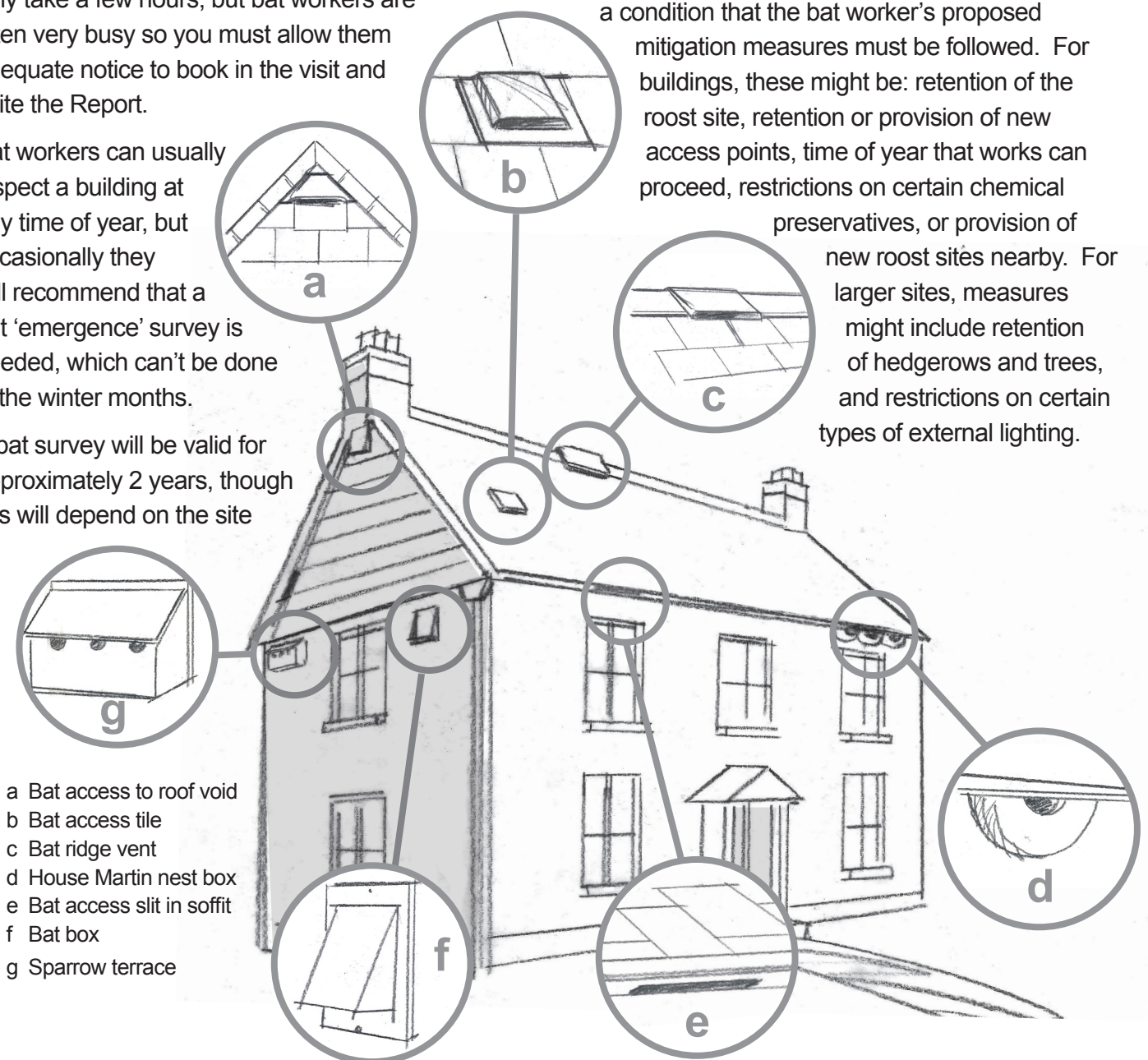
Will Bats or Birds prevent the granting of Planning Permission?

Generally, presence of birds will not stop the granting of planning permission, though timing of works may be restricted to outside the bird nesting season, and provision of suitable replacement nesting features may be requested.

Occasionally a bat roost will be so important (e.g. breeding roost for a very rare species) that the Council will have to refuse planning permission.

But in the vast majority of cases we will put on a condition that the bat worker’s proposed mitigation measures must be followed. For buildings, these might be:

retention of the roost site, retention or provision of new access points, time of year that works can proceed, restrictions on certain chemical preservatives, or provision of new roost sites nearby. For larger sites, measures might include retention of hedgerows and trees, and restrictions on certain types of external lighting.



- a Bat access to roof void
- b Bat access tile
- c Bat ridge vent
- d House Martin nest box
- e Bat access slit in soffit
- f Bat box
- g Sparrow terrace

What do I need to submit with my Application?

Please include a copy of your Bat and Bird Report when you submit your planning application. If you do not, we may refuse to 'validate' your application and there may be long delays while we wait for you to commission and submit a Report.

It is also your responsibility to show the Report to your Architect, Builder and landowner. They, like you, must comply with the legislation and not harm bats, bat roosts, birds, eggs or nests. To avoid accidental harm you should share the Report with them.

Useful References

TDC Contacts

Biodiversity Officer
Teignbridge District Council
01626 215753 / 215794
designandheritage@teignbridge.gov.uk
www.teignbridge.gov.uk/biodiversity

Expert advisors

DBRC Devon Biodiversity Records Centre
www.dbrc.org.uk
Natural England www.naturalengland.org.uk
Bat Conservation Trust www.bats.org.uk
National Bat Helpline: 0845 1300 228
RSPB www.rspb.org.uk

Legislation

Wildlife and Countryside Act 1981
Conservation of Habitats and Species Regulations 2010
www.legislation.gov.uk

Policy Documents

National Planning Policy Framework
www.gov.uk

Teignbridge Local Plan
www.teignbridge.gov.uk/planteignbridge

Wildlife Planning Advisory Notes

No 7.1 Bats, Birds & Development
No 7.2 Bat & Bird Report Checklist & Bat Consultants
No 7.3 Ecological & Geological Reports
No 7.4 List of Ecological Consultants
www.teignbridge.gov.uk/biodiversity

Technical Manuals

www.biodiversityplanningtoolkit.com

Bat and Bird Boxes info

www.bats.org.uk
www.rspb.org.uk
www.bto.org
www.swift-conservation.org

If you would like this information in another format please email info@teignbridge.gov.uk or call 01626 361 101