



Bat (Mitigation) Licence Requirements for Developers

Legal protection for bats

A bat mitigation licence allows you to carry out works impacting bats and/or their roosts that would otherwise be illegal. A licence is applied to, and issued by, Natural England. The licence is held by the developer/client, is a legally binding document, with no works (to/near a bat roost) possible until the licence has been issued.

Actions that would be illegal and for which you could be prosecuted are:

- Capturing, killing, disturbing or injuring bats.
- Damaging or destroying their breeding or resting places (whether bats are present or not).
- Obstructing access to their resting or sheltering places.

You can find out how more about the legal protection for bats here:

<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>.

What are your responsibilities under the licence?

During the licence application process, the applicant is named on the licence and becomes the 'Licensee'. Once the licence is granted, the 'Licensee' becomes responsible for ensuring that all activities on site covered by the licence are complied with.

Failure to do so could result in you committing an offence. Please note that most wildlife offences carry a maximum penalty not exceeding level 5 on the standard scale (currently £5,000) and/or 6 months in prison.

Anyone who you have authorised to act on your behalf must also comply with the licence and its conditions. Therefore, anyone authorised needs to ensure that they fully understand the licence terms and conditions, including any special conditions in the licence Annex. There needs to be a reference copy of the licence on-site, accessible at all times.

Colmer Ecology would support you by providing a 'Toolbox Talk' induction to any contractors working on site, in order to highlight the requirements of the licence and inform them on any specific licence conditions.

Bat mitigation licence types

There are two types of mitigation licences:

- Standard licence; and
- Class (low impact) licence.

The standard licence is applicable for any species of bats, type of roosts or numbers and for any type of project such as phased or single project.

The class (formally known as a low impact) licence is a streamlined version of the standard licence, but only applicable for certain types and number of roosts and species. Only registered Natural England consultants, such as Dr Jo Rabineau of Colmer Ecology, can apply for the class licence.

Registered consultants have gained considerable qualifications based, on their relevant experience, to become registered on behalf on Natural England.

What is required to apply for a bat licence

In order to apply for a licence (either standard or class licence), sufficient information regarding roost type, bat species, number of bats present and access point locations, will need to be collated.

Some of this information can be gathered during an initial Stage 1 building assessment, but importantly, followed up by Stage 2 roost characterisation surveys with DNA analysis of bat droppings.

The number of Stage 2 visits required normally includes three (emergence and/or pre-dawn surveys) for summer/transitional roosts. In addition, some projects may require suitable hibernation survey data from the winter period, via the deployment of static detector and bat counts.

The survey results are included in an Ecological Impact Assessment (EclA) report with suitable mitigation/compensation measures provided. The level of mitigation/compensation will depend on bat species present, as well as number and type of roosts and development proposals, and Stage 2 answers this.

Of note, Natural England specifies that data supporting a licence application must be collected within the current/most recent survey season (May to August/September for summer/transitional roosts and December to February for hibernation roosts). Data more than 12 months old will likely require an update survey(s). The number of update surveys will depend on the age of the survey data, roost types and bat numbers present, as well as the level of change on site since the original data collection.

In addition, prior to submitting a licence application, the 'Named Ecologist' must confirm they have visited the site within three months of the licence application (which may require an additional survey visit).

Importantly, a licence can only be applied for once planning permission/listed building consent (or other consent) consent has been granted.

Where no consent is required (re-roofing for example) but the proposed works will impact bat(s) or a bat roost and an offence likely, a licence will still be required.

How long will an application for a bat licence take?

Standard Licence: Natural England's statutory response for a standard licence application is 30 working days from receiving your application. In practice, this can take longer, especially at certain times of year when there are heavy workloads on their staff. Natural England will not accept applications earlier than three months in advance of when the works are scheduled to commence.

Class Licence: Natural England's statutory response for bat mitigation class licence application is 10 working days from receiving your application. Natural England will only accept applications submitted between two weeks and three months in advance of when the works are scheduled to commence.

When the purpose of the licence is an immediate need involving 'preserving public health or safety', there is generally a faster system for processing and the decision will be quicker. For example this might include a dangerous building in risk of collapse. However, Natural England will still require

suitable survey information to assess the licence (in the form of surveys), with other supporting evidence such as structural engineer report.

Following any Stage 2 surveys, Colmer Ecology will advise you on the type of licence you are eligible for, as well as likely waiting times and options open to you.

How to make a bat licence application

- 1) You can only make a licence application once you have all the relevant permissions in place. Natural England will reject any licence application without granted permissions. You may also need to show that any conditions relating to wildlife have been discharged.
- 2) If no consent is required, you can still apply, but supporting documentation will be necessary.
- 3) You need to make sure you have sufficient and up to date bat survey information to support the application, with confirmation the ecologist has been on site within three months of the application.
- 4) A suitably qualified and licensed bat ecologist will become the 'Named Ecologist' on the licence and complete most of the licence documents for you (with some input/review from yourself). The 'Named Ecologist' must meet all the criteria to apply for the licence, depending on bat species present and roost type. Colmer Ecology holds numerous bat mitigation licences for most species and roost types.
- 5) When applying, Natural England's latest licence documents version must be completed and submitted.

Standard Licence: For a standard licence, the following documents must be completed as part of the bat licence application package:

- Application form;
- Method statement (detailed presentation of survey results, mitigation measures to control impacts from the proposed as well as compensation measures, timing and monitoring);
- Work schedule (the timing and sequence of the activities);
- Figures (the legally binding part of the document);
- Supporting document (previous report/DNA/sound files/photographs); and
- Charge screening form (whether you need to pay).

Additional documents may involve:

- A reasoned statement (to show how the application meets the 'three tests');
- Evidence of your ecological consultant's experience; and
- A master plan and a habitat management and maintenance plan (if the application is for a phased or multi-plot development).

Class Licence: For a class licence, the following documents must be completed as part of the licence application package:

- Application form; and
- Charge screening form (whether you need to pay).

The 'Named Ecologist' at Colmer Ecology will facilitate writing and applying for the licence, essentially acting as an agent on behalf of the licence holder. Only the reasoned statement requires significant input from yourself i.e. justify the need for the development. A reasoned statement is generally required for commercial applications only (not householders or charities).

Checking you have everything

The application documents are quite numerous. If one is forgotten or does not follow the application requirements, the application can be rejected by Natural England. Colmer Ecology will provide you with all documents to review/complete (as required) prior to submitting to Natural England, however, it is the responsibility of the 'Licensee' to make sure all documents are completed appropriately.

Colmer Ecology will forward the documents to Natural England on your behalf but can only do so when you have confirmed you have read and understood the content and agree for the licence documents to be sent.

On the application form, you must ensure that:

- The Applicant's email, telephone number and postal address is correct (or provide where required);
- The site address and grid reference is included;
- The 'Named Ecologist' has sufficient experience;
- Confirm whether the application needs a reasoned statement and if not, why;
- Copies of any necessary planning consents are included;
- Confirm that the applicant has no previous unspent wildlife convictions; and
- Check that both the named ecologist and applicant sign and date the declaration.

On the work schedule, ensure that:

- The site name and address is included with submission date.

With the method statement, ensure that:

- You have read and understood all the mitigation/compensation requirements as well as timing restrictions and monitoring effort.

With the figures associated with the method statement, ensure that:

- All the compulsory figures are included;
- The figures are sent as individual PDF documents;
- The date of submission is clearly labelled on each figure.

Once all details have been reviewed, the licence application is emailed to Natural England by the named ecologists. Natural England will acknowledge receipt of the application, and provide a determinate date.

What is cost of a bat licence application

Natural England's licences were previously free, however, in April 2019, a charging policy was implemented by Natural England with different charging options.

Based on the type of development and the bat species and type of roost, there may either be :

- An exemption from any costs;
- A fixed cost for the licence of £500; or
- A variable cost set by Natural England.

There is no additional VAT charged on wildlife licences.

Based on your charge screening form submitted with the bat licence application, Natural England will tell you if you need to pay and what it will cost. If you want to know costs before committing to a licence, you can make a Price Indication Request to Natural England.

Please refer to Natural England's charge screening form at <https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence/>

During the application procedure, we can advise you what the likely costs of the licence from Natural England will be. Householder applications are currently free.

Bat licence 'granted' by Natural England

Following the licence review period by Natural England, both the 'Licensee' and 'Named Ecologist' will receive an email from Natural England confirming the grant of a licence. This email will include:

- Licence Covering Letter (with reference number, validity date as well as offence penalty summary);
 - Licence (summary of licensable activity with licence conditions);
 - Annex (detailed licensable activities, methodology, mitigation/compensation requirement as well as post-development site maintenance and monitoring);
 - Work Schedule; and
 - Modification Checklist.
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Once you receive your bat licence

Once the bat licence has been received from Natural England, works can start according to the Work Schedule, Annex document and associated figures. Prior to any work on site, the client **must** liaise with the 'Named Ecologist' and contractors to agree a mutually suitable date to start works. The 'Named Ecologist', will need to provide an on-site toolbox talk to any contractors, with paperwork to be signed and dated by all personnel.

Following the toolbox talk, ecological clerk of works (ECoW) services will be required. This may involve an inspection of any bat features prior to removal, supervised soft demolition of the bat roosts or any suitable roosting areas, as well as other licensable activities such as the fitting of exclusion devices/partial screening. Importantly, the 'Named Ecologist' will be in a position to legally capture any bat(s) that may be found in-situ (following the constraints and procedures provided by Natural England).

There may be specific times when works can and cannot be carried out, which would have been identified during the Stage 2 surveys and clearly confirmed in the licence documents.

Following ECoW services, the 'Named Ecologist' will sign off the site for works to carry on without supervision, with clear sets of actions to be followed should a bat be found (as per the toolbox talk).

The 'Named Ecologist' will visit the site during the fitting of any compensation/mitigation measures and periodically for compliance checks. A final check when all mitigation/compensation measures have been completed will be required for the final site sign off.

Post-development site maintenance and/or monitoring

Depending on the type of species present, number of bats and roost type, and levels of works, post-development site maintenance and monitoring may be required. This will subject to confirmation by Natural England, but will normally be identified during the Stage 2 surveys.

Site maintenance may include repair/restoration of any bat features, heaters, bat boxes or access points, management of light regime or habitat management. The level of monitoring required is dependant on the perceived value of the roost, bat species present, level of impact and may vary from a single daytime visit inspection to emergence surveys over several years.

Changing an existing licence (modification request)

Sometimes you may need to change timings on a licence, or how the works are carried out or some of the mitigation/compensation measures. In some cases, there may be some flexibility on changes in timings without a modification, depending on the roost type and species present and provided that the sequence of works is adhered to (confirmed within the Annex document provided by Natural England).

If you sell or purchase a site before the licence is completed, then you may want to transfer the licence to a new 'Licensee', or you may wish to transfer the licence to a new 'Named Ecologist'.

For any change to a licence, a modification request form is generally required (except for some timing modification in particular cases as specified in Annex document from Natural England), quoting the licence reference number.

The documents to be sent back to Natural England for the modification request will depend on the type of modification required, but rarely involve all the original documents to be re-sent.

The following documents will be required:

- Completed modification request form (with summary of licensable action completed or to still to be undertaken);
- Signature and date from both the 'Named Ecologist' and 'Licensee';
- Any amended documents or figures, redacted appropriately, as stated on request form (i.e. highlight any changes within documents and strikeout deleted text.) and dependant on proposals.

Regarding the charges applied by Natural England for modifying licences, the same exemptions apply to charges for modifying a licence as for the original applications. Natural England have said that, should a licence fall under the chargeable category, the most variable price but modifications will cost less than £500, although dependant on the time taken by Natural England to assess it.

Colmer Ecology will provide you with all documents to review/complete (as required) prior to submitting the modification request to Natural England, however, it is the responsibility of the 'Licensee' to make sure all documents are completed appropriately. Colmer Ecology will forward the documents to Natural England on your behalf but can only do so when you have confirmed you have read and understood the content and agree for the documents to be sent.

How to report your actions

If you hold a licence, then as the 'Licensee', you will need to report any actions taken under it. This need to be sent to Natural England within 2 weeks after your licence expires, with interim reports required on occasions for complex sites. Even if the licence has not been used, a return must be completed as being a legal requirement. For further information, please visit Natural England Government website at:

<https://www.gov.uk/government/publications/report-your-actions-under-a-european-protected-species-licence>

Colmer Ecology will provide you with completed report form to review/amend (as required) prior to submitting to Natural England, however, it is the responsibility of the 'Licensee' to make sure all documents are completed appropriately. Colmer Ecology will forward the documents to Natural England on your behalf but can only do so when you have confirmed you have read and understood the content and agree for the documents to be sent.

What do Colmer Ecology refer to the licence as?

For ease, we refer to the licence as Stage 3, protected species licence application.

How much does Colmer Ecology charge for a licence?

For Colmer Ecology to act as the 'Named Ecologist' and essentially the agent and complete all the necessary licence documents, our time is chargeable.

We have a fixed fee to apply for Stage 3 protected species licences, and we provide an individual quote per project.

The quote will include time in write the licence, and liaising with Natural England and contractors. Although the fee is fixed, we tailor our quote for each project based on the complexities of each project.