

## Consultant Forum project work update – January 2023

Black text from written update before forum – written December 2022

Green text from verbal update given during forum – 24th January 2023

Carol Williams (Director of Conservation) and Lil McDermaid (Species Advocacy and Policy Officer).

### Engaging with UK Parliaments

BCT continues to actively influence policy across three (UK Govt, Scotland, and Wales) of the four legislatures in the UK through our involvement on the relevant working groups of the country Links (Wildlife & Countryside Link (WCL), Wales Environment Link (WEL) and Scottish Environment Link (SEL)), Greener UK and the Better Planning Coalition.

In England, we have three MP species champions for the common pipistrelle, noctule and brown long-eared bat; in Wales where there is one species champion in the Welsh Assembly for the lesser horseshoe bats; and in Scotland we currently have four nature champions.

Of particular note is the Retained EU Law (Revocation and Reform) Bill which will enable government to “easily, repeal and replace retained EU Law” (The Retained EU Law (Revocation and Reform) Bill 2022 from 31st December 2023). This Bill puts over 800 environmental laws in danger: it gives the government the power to scrap legislation without examining evidence of the impact or having any public consultation or parliamentary scrutiny. Retained EU law covers a number of vital pieces of legislation, including the legislation that protects bats and their roosts as well as rules for pesticides and the designation of some of our most precious natural sites. For bats, it is likely to mean that to 'kill or injure' bats will become legal again along with damage/destruction of roosts. BCT propose that the Retained EU Law Bill needs to be scrapped immediately and have been asking supporters to write to their MPs <https://www.bats.org.uk/news/2022/11/bat-conservation-has-never-faced-a-greater-threat> to which there has been a good response from supporters. The Bill is currently in the final stages within the House of Commons before going to the House of Lords.

The Retained EU Law Bill is still [at time of the Consultant's Forum] going through the Commons and Wildlife and Countryside Link have released a report detailing some of the costs that removing some of our most central environmental legislation would have, which you can find on their website under Press Releases.

Planning and Infrastructure Bill. There is no clarity on how environmental legislation, including wildlife protection, will apply within deregulated investment zones. The [Growth Plan](#) has been published and the government has now received expressions of interest from 35 councils across at least 77 sites including some for developing housing in greenfield sites.

Some of you may have seen it being reported in the news that the previous plans for IZs that went out for expressions of interest are not being pursued by the government, but instead they are looking at taking a different focus. At the moment, there isn't enough information to know if there will be an impact on bats but we will be keeping a watchful eye out for any potential interactions.

The Nature Recovery Green Paper consultation in May raised serious concerns about the erosion of protection for protected sites and species. BCTs response can be found [here](#).

The Levelling Up Bill also came out in May 2022 and is of key importance for us as it incorporates planning reform. The Bill is another cause for significant concern, as in its present form it gives the Government extensive powers to change environmental protections in the future, with limited scrutiny. There are clauses that open a door to environmental regression and the Better Planning Coalition is pressing for significant amendments to ensure that this part of the Bill does not weaken important environmental protections.

The Levelling Up Bill is also going through the Lords and is at [committee] stage.

Other key areas of work continue to be around the Environment Act (Target setting, Biodiversity Net Gain, Nature Recovery Network, Local Nature Recovery Strategies (LNRS)) and Species Conservation Strategies and Land Use Planning.

On LNRS we worked with a WCL sub-group on providing a response to the related consultation. We have also worked with one of the counties that carried out an LNRS pilot to consider the best way to ensure species get sufficient profile. Since then we have been working to get better integration between LNRSs and agri-environmental schemes; the planning process and Biodiversity Net Gain (BNG). Most recently we have been developing a proposal to work with one county to take a practical view to what good practice would look like for considering bats. We have also been interviewed by a Defra representative for what the interface with LNRS should look like and to recount our experiences to date.

BCT submitted a response to the Biodiversity Net Gain Consultation which closed in April 2022. The response can be viewed [here](#) and have been involved in more recent consultations on the workings of the metric.

We are currently on a sub-group for the Agriculture (Wales) Bill Forestry Provision considering forestry related aspects. This work is now moving its focus to the associated guidance.

Other areas of work include the 7th Quinquennial Review with JNCC which has attracted considerable comment from the NGO sector due to the new approach being proposed to select species for scheduling – currently bats will remain fully protected under the Wildlife and Countryside Act because of their status as European Protected Species. BCT submitted a response to the consultation which can be found [here](#) and are awaiting the response from JNCC and Government to the consultation.

Jan Collins, Head of Biodiversity

### **Bat Surveys for Professional Ecologists Good Practice Guidelines**

The latest draft of the 4<sup>th</sup> edition of the guidelines is currently with the Technical Review Board for a second review with a deadline of early January 2023. Significant changes have been made to the trees chapter along with other areas. The publication date is very much

dependent on what comes back from this review and when, although we hope it will be by the spring.

Comments are still coming in from the Technical Review Board and we have a few meetings programmed in for early February to go through any remaining contentious issues.

### **Infra Red for Bat Surveys**

In May 2022 BCT published an interim guidance note (IGN) on the use of night vision aids for bat surveys. This can be found here: [Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd edition - Guidance for professionals - Bat Conservation Trust](#). The text was prepared by BCT, discussed and agreed with the SNCB mammal specialists and the Technical Review Board for the 4th edition of the survey guidelines were also given the opportunity to comment.

This IGN aimed to provide clarification regarding the role of night vision aids in bat emergence surveys. It also relaxed the current requirement for dawn surveys where the quality of emergence surveys is improved by the use of night vision aids.

The note has been produced in lieu of the publication of Bat Surveys for Professional Ecologists Good Practice Guidelines 4th edition, it supersedes the 3rd edition (Collins, 2016).

BCT commented on a draft of the Infra Red for Bat Surveys Guidelines in summer 2022 and continue to be in communication with Richard Crompton, who is authoring them. At the moment it is not clear when these will be published.

### **Large-Scale Maintenance Projects Working Group**

In July a working group was set up to discuss bat surveys and mitigation on large-scale maintenance projects, e.g. MoD or Housing Association. These projects generally involve high tens to hundreds of properties of similar construction subject to a rolling maintenance programme and where bats are likely to be widely dispersed. The idea of the working group is to produce case studies and guidance for surveying and mitigating for impacts on bats in these unique scenarios.

Two meetings have gone ahead in July and October and a third is planned for December 2022. Attendees represent Natural England, ALGE, Local Authorities and ecological consultants. So far we have discussed representation on the group, the aims and objectives, various case studies involving these types of projects from England, Wales and Scotland and the principles involved in decision-making.

A note will be included in the updated bat survey guidelines on this topic, with specific case studies and guidance published after this.

Our meeting went ahead in December and we have case studies and a piece of guidance drafted, which we will be working on in the next meeting. The SNCBs need to then look at the draft, which will determine where/when it is published.

## Bat Swarming

Following some points raised in the Consultant's Forum in early 2022 about bat swarming we hosted the UK Bat Steering Group 2022 on this topic and followed up with a panel discussion at the National Bat Conference.

Various studies have shown that we need to consider: a much wider range of species as swarming species, the seasonal pattern of swarming, the types of features used by swarming bats and their characteristics, and how the legislation protects these sites.

Improved content on bat swarming will be included in the updated bat survey guidelines and BCT will discuss next steps with the SNCBs when we meet in the New Year.

We met with the SNCBs in early January 2023 and discussed priority questions for swarming and how these could be taken forwards. Ideally this would include academic projects and national monitoring to improve our understanding and increase the number of swarming sites that we know about. This will help to define and identify significant sites and look to how they can best be protected, for example through designation.

## Earned Recognition

Bat Conservation Trust is working in partnership with NE and CIEEM on the development of a new transformative approach to licensing mitigation work in England that impacts on bats. This approach is known as Earned Recognition and aims to (1) streamline licensing, (2) raise and maintain professional standards in bat mitigation work and (3) improve outcomes for bats.

The partners are pleased to announce that that individuals wishing to apply for the Beta phase of Bat Earned Recognition (ER) Accreditation can do so. Applications can be made via the 'Apply Now' link ([Course: Earned Recognition Bats Application \(tituslearning.com\)](https://www.tituslearning.com/courses/bat-earned-recognition)) accessed via Chartered Institute of Ecological and Environmental Management (CIEEM)'s Bat ER Webpage. The application portal is open from **Monday 28 November** until **Saturday 31 December 2022**.

Bat ER Beta is a transition phase between the Bat ER Pilot and expected ER roll out by Natural England. It seeks to build on the success of the Bat ER Pilot and will offer a more streamlined system and improved processes for testing and assessment. You can read more about this, including a link to the full evaluation of the pilot's performance, on the BCT website at: <https://bit.ly/3GRsigh>.

There was a recent call for applications for Beta ER, with a closing date of 31<sup>st</sup> December 2022. NE received 186 applications and selected 150 to take forwards. So accreditation assessments will follow. We will have Lucy Bellini from NE to respond to any questions on ER during the forum.

## **Partnership for Biodiversity in Planning Project**

This started in 2015 and involved 19 organisations from the conservation, biodiversity data, planning and development sectors working together to improve the consideration of biodiversity in planning. The project was funded by the Esmée Fairbairn Foundation but funding for a dedicated Project Officer came to an end in March 2020. However, we are still maintaining the website and the key output from the project, which is the Wildlife Assessment Checklist (WAC): <https://www.biodiversityinplanning.org/wildlife-assessment-check/>.

The WAC is an interactive trigger list, which asks a developer a series of questions about their proposals and then directs them to commission an ecologist where relevant and provides a list of designated sites and species that may need to be considered before submitting a planning application. The tool was aimed at small and medium-sized developers with a view to triggering ecological input early on in development projects.

Some figures from our April 2022 report to the funder are as follows:

- In the last year there have been 15,165 users in a steady stream visiting the website. This is more than the previous year, which recorded 10,637 users.
- Users linked to the WAC from the following LPA websites: Aberdeen, Bath and NE Somerset, Bolton, Brentwood, Bromley, Carlisle, Cotswolds, Dales, Dartmoor, Derbyshire, Exeter, Isle of Wight, Lambeth, Lichfield, Newcastle, Rother, Royal Greenwich, Rushcliffe, Scarborough, Sedgemoor, St Albans, Thurrock, Wealden and West Lancashire.
- Users also linked to the WAC from the websites of the partners (BCT, ARC, PTES, Mammal Society, RTPi), other NGOs, consultancies, Bat Groups, CIEEM, LERCs, NBN, Historic England and academic institutions.

We are seeking funding to continue our planning work.

## **Bat Mitigation Guidelines**

Following the publication of the beta Bat Mitigation Guidelines by CIEEM in 2021 many comments were received. CIEEM have been working through these comments and a further meeting of the Advisory Board (on which BCT sits) is scheduled for January 2023 to iron out any remaining issues. It is hoped that publication will follow on soon after.

There was a meeting of the Advisory Board for the guidelines in January 2023 and it's hoped that these can be signed off and published by CIEEM in the next few months.

## **Feedback following Consultant's Forum in January 2022**

During the Consultant's Forum in January 2022 we asked attendees to respond to a series of polling questions, the results are included as Appendix 1. In response to these:

- The bat survey guidelines, when published, will be available as a printed copy

- Thank-you to all those who have been in contact regarding sponsorship of the bat survey guidelines, more information will follow. If others are interested in this sponsorship opportunity please do contact [jcollins@bats.org.uk](mailto:jcollins@bats.org.uk)
- The discussion and polling question on hibernating bats was very useful and helped to further inform CIEEM's Bat Mitigation Guidelines.
- We will be looking into the delivery of training in mitigation/compensation for bats but this needs to be in alignment with the Bat Mitigation Guidelines when published.
- Our Built Environment Officer is designing a training course on Landscaping for Wildlife for ecological consultants.
- We will be looking into the delivery of training in infra red bat surveys but this needs to be in alignment with the Infra Red Bat Survey Guidelines when published. A number of workshops have gone ahead on this topic at our conferences, led by Richard Crompton and Adrian Bicker.
- See above for progress in relation to bat swarming.

Last year we had a discussion on bats hibernating in buildings initiated by Paola. We are now considering holding our UK Bat Steering Group meeting and National Bat Conference Panel Discussion this year on the topic of non-classic hibernation sites for bats (and by non-classic I mean not underground sites or similar). We have also engaged with academic partners to see if we can get a project started to collect some data on bats hibernating in buildings.

Mark Goulding, Wildlife Crime Project Officer

### **Wildlife Crime**

During 2021/2022 some twenty-two police case investigations resulted in 'Restorative Justice' outcomes, Police Cautions or Crown prosecutions with court-imposed penalties. These outcomes are some of the highest figures we have seen in recent years.

The ten-year average on police incident reports of bat crime is 135.2 incidents per year. However during 2022 the project has had oversight on 78 police investigations up to the 28th November 2022. This time last year there was 126 investigations which is a 38% decrease in reporting.

If this continues until the end of the year, which is anticipated, the figures will be below the long-term average.

Remedial work has already started into why this has occurred and a number of areas have been identified, including the development and circulation of a police guide in January 2022 on 'how to investigate Bat crime'. This may have lead police forces to investigate such offences without needing to engage with the Wildlife Crime Project, which means the project does not record the investigation as a statistic.

A meeting is planned with the National Wildlife Crime Unit to analyse the data and come up with reporting solutions.

Whilst the numbers are lower, demand for the Projects time on more complex case guidance, most often involving development continues at pace. This demand is coming from the Police and Ecologists.

Ecologists engaging with the project at the earliest stages of an offence allegation against a protected species, results in the best capture of data. This allows the project to review whether the evidence supports an offence, and thus provide a bespoke investigative action plan to the relevant police force, whilst supporting the ecologists decision making.

#### *Property developer fined for destroying bat roosts*

A Natural Resources Wales seconded Gwent police officer successfully investigated a housing development company. The company directors carried out a renovation of a former primary school and the creation of two 'new build' houses at the location, named after a Bat! However, whilst doing so they failed to implement the conditions of a European Protected Species Licence issued by Natural Resources Wales in respect of bats known to be present on the site. Pleading guilty on behalf of the parent construction company, they were fined more than £7400. The officer stated, "their fines should stand as a warning to other developers who carry out work without first ensuring that the agreed licence conditions are followed and that all works support and protect all endangered species." The officer went on to say, "The conservation of Bats and other protected species must be ensured if future generations are to benefit from their continued existence. Bats are a very important indicator species that face ever increasing challenges every day. Hopefully this prosecution will serve as a reminder to developers and anyone carrying out work on buildings containing bats that they must follow the appropriate guidelines and ensure that any construction work is carefully completed within the law.

Multi agency cooperation has never been better and together we will investigate and prosecute offenders." The officer thanked the National Wildlife Crime Unit for their investigative advice and support, the Species Team at Natural Resources Wales and the Bat Conservation Trust.

The Wildlife Crime project has engaged with LINK and the Home office to provide evidence on the need for wildlife crimes to be recordable and notifiable at the Home Office, so accurate statistics on species and habitat offending across the UK can be quantified, it is hoped the evidence submitted will be subject of Ministerial review.

The project strives in partnership to protect these species and their habitats from those who commit offences against them whilst ensuring offenders do not benefit from their illegal actions in line with BCT conservation priorities.

Jo Ferguson, Built Environment Manager

#### **Roost Website & Roost Awards**

The Roost webpages can be found at: <https://www.bats.org.uk/our-work/buildings-planning-and-development/roost-replacement-and-enhancement>. The Roost project



comprises of two main areas – the first being the case studies pages show-casing bat roost mitigation and monitoring work with the Awards for best practice. The [Roost Award 2023](#) is now open for submissions, the deadline is 1<sup>st</sup> March 2023. Judges score the bat roost mitigation case studies under four criteria, looking for how they demonstrate best practice in:

- surveys / initial data collection
- design and planning
- monitoring
- lessons learned / remedial action taken

[Judges](#) include academia, the SNCBs and our previous winner, Chris Damant for [Cliveden swarming roost mitigation work](#). The Roost Awards 2023 winner will be announced at the National Bat Conference in the autumn so get thinking about case studies that demonstrate best practice but also lessons learned that could be put forward!

The second part of Roost is what we do with information we collect from research such as the Mitigation Project or industry feedback, we use to improve roosting opportunities for bats through our Roost Partnership scheme.

Just a reminder, the deadline for submitting Roost case studies is 1<sup>st</sup> March – all details are on the Roost webpages and any issues please email the roost inbox, the address is also on the Roost webpages also – thank you!

## **Roost Partnership**

This is a unique conservation-lead built environment scheme between BCT and bat box or access product manufacturers; working together to provide bat conservation features that can be incorporated onto and into buildings and other structures that are designed with the latest best practice guidance and research knowledge in mind. The Roost Partnership does not endorse particular products but rather promotes the important working relationship between BCT and Partners in a common goal of improving roosting opportunities for bats within our built environment. The Roost Partnership also acts as an information sharing hub used to gather feedback from industry professionals to constantly improve our understanding of bat roosting requirements.

Our first partner is Green&Blue who manufacturer bat blocks made from 75% recycled materials and designed with a bat ecologist near where they're based in Cornwall. Our second partner Just Lead manufacturers lead bat access tiles and has been honing their design with BCT's input. Details of both Partner's and links to buy their products can be found here: <https://www.bats.org.uk/our-work/buildings-planning-and-development/roost-replacement-and-enhancement/partnerships>. Jo Ferguson, BCT's Built Environment Manager, is in also in discussion with other potential partners and always welcomes feedback on bat box or tile designs: [jferguson@bats.org.uk](mailto:jferguson@bats.org.uk)



The Roost Partnership now has a new member; Manthorpe Building Products currently produce a swift brick which was developed with the RSPB and now they're working with us as a Roost Partner to develop bat access and roosting products, so watch this space!

## **Bats and lighting work**

Since the '[Bats and artificial lighting in the UK](#)' guidance note was published with the Institution of Lighting Professionals (ILP) in 2018, plenty more work has been carried out. This includes research in to low impact lighting types and implementing landscape scale approaches. Therefore a steering group made up of lighting engineers and designers, BCT (Jo) and ecologists well versed in lighting research (chaired by BCT) began the process of updating the 2018 guidance. The guidance note update will be published and launched at a technical symposium taking industry practitioners through the main changes on Tuesday 28<sup>th</sup> February 2023.

Please save the date and check here for updates and when tickets go on sale:

<https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

Since the written update the bats and lighting guidance note launch event tickets have become available for Tuesday 28<sup>th</sup> February, please see the BCT website to book on.

## **Non-bitumen roofing membranes**

Non-Bitumen Roofing Membranes (formerly Breathable Roofing Membranes) currently are of a spun poly-bounded construction made up of long fibres, bats claws are sharp enough to pull these fibres loose, which entangle and ultimately kill bats. A steering group on the subject chaired by BCT has been formed of BCT (Jo and Carol), SNCOs, academics from Reading and Leeds Universities, industry representatives (TLX) and Dr Stacey Waring.

The NBCRMs steering group have been working to support the SNCO's as the regulatory authorities to publish position statements on their respective websites on the issue of NBCRMs that have passed the snagging propensity test. Please see the **Natural England** (NE) and **NatureScot** (NS) websites for their position statements in the links below:

- [Natural England](#)
- [NatureScot](#)

Position statement for **Natural Resources Wales** (NRW) is to follow but advice is expected to be very similar, however until NRW's position has been formally changed, the use of NBCRM's will not be licenced. For further information please contact NRW through the details below:

- [Natural Resources Wales](#)

This guidance is supported by a [FAQ document](#) and there will be a flowchart to follow shortly to help guide industry stakeholders through this process, to protect bats and avoid offences being committed.

Please note, although BCT facilitate the steering group and are currently hosting this guidance we are not involved in assessing or approving NBCRMs, this is a technical and regulatory issue and therefore the appropriate guidance should be sought through the

contact details for SNCOs and industry representative for technical information. These details and the latest updates from the steering group at their work progresses can be found here: <https://www.bats.org.uk/our-work/buildings-planning-and-development/non-bitumen-coated-roofing-membranes>

### **Bat box sensor project**

Jo Ferguson and Arup conservation technologists, electrical engineers and ecologists are working together looking to develop bat box sensor prototypes. We are currently at the second phase of testing for the proof-of-concept stage to discover if a sensor can be built that confirms bat occupancy remotely for ecologists.

Sonia Reveley, Woodland Officer

### **Bat Roost Tree Tag Scheme (BRTTS)**

The bat roost tree tag scheme was launched in 2021 and tags can be ordered from BCT, using the [order form](#). The primary purpose of the scheme is to ensure trees containing confirmed bat roosts are easily identifiable. The presence of a tag on a tree is well recognised by woodland workers and site managers, so providing a bat roost tree tag will bring clarity to those on the ground about those trees already identified as bat roosts. When a woodland operative sees a tag and their actions may impact the tree, they will know they need to seek appropriate advice before proceeding with any work. This will give a significantly increased level of protection for bat roosts in trees.

Additionally, all tree roost and species records collected through the scheme will support current and future work studying bat's use of different tree species and roosting opportunities. Information collected from tagged confirmed tree roosts will feed into two databases – a BCT Access database managed by BCT and the Bat Tree Habitat Key database, if the required additional records are collected.

We would also like to share the records with the NBN Atlas (public access and enhanced access) if permission from the landowner is provided. It is therefore important that surveyors ask for permission from the landowners, so we can share the data with NBN Atlas, as well as the Bat Tree Habitat Key project. A landowner permission form can be downloaded from the website. Further information about sharing of data can be found in the [briefing note for woodland owners and managers](#).

Information about the BRTTS can be found on the [BCT website](#). The web pages have the following information for those interested in taking part in the scheme:

- a Bat Roost Tree Tag guidance document
- a briefing note for woodland owners and managers
- a tag order form
- record forms for the submission of tree roost and species records
- a landowner permission form
- privacy notices (for surveyors and landowners)

To date 315 tags have been sent out to surveyors and twenty-three basic records and one additional record have been submitted to BCT. Currently chasing surveyors for their records, which should start arriving over the 2022 / 23 winter months.

The Bat Roost Tree Tag Project now has 30 basic records and 2 additional records, which has increased since the original notes for this forum.