

Bat Conservation Trust



How to apply for a Habitats Regulations Licence – Rebecca Barrett

An exploration, drawing upon the experience of those attending, of the common problems and some potential solutions to applying for a Habitats Regulations licence.

RB: We will obviously protect your identity. There's no question about us saying, well, your consultant said this, that or the other so we're coming out to have a look. But it does mean that because the licence fee is in the developer's name if we choose to assume that licence they feel the force of it and we can make sure that we can prosecute them a lot easier. Whereas previously we've always had to get at them via yourselves. I think it's one of the conditions of the new licence is that they retain an ecologist or, you know, a suitably qualified person. So they can't use you to get the licence and then tell you to take a running jump, which I know some developers have been apt to do in the past. So details of the developer, licence holder, your details, information in relation to previous applications. Hopefully we've made this a bit clearer in that we want to know what licences you've got. We have in the past, unfortunately, issued EPS licences, DEFRA licences, to people who have not held a survey licence in their own right. So that when we ended up wanting to talk to the DEFRA licence holder they had absolutely no idea what we were talking about, usually, because they hadn't actually submitted. They've been the name on the application form but they hadn't prepared the method statement. They often weren't familiar with the site at all. We've done away with a lot of that, hopefully, now. But you have got to have a survey licence in your own right before you can have a DEFRA licence. And obviously you've got to have the relevant experience as well for a DEFRA licence so we would expect that you would have worked as an accredited agent on hopefully more than one application. Possibly two or three different sites and different species. Because we do have the right, when we ask for relevant experience, if you've just held licences in the past for pips and brown long eared and suddenly you're moving down to the West Country and you're going to start on the horseshoe bats that experience is not relevant. And so we would expect you to work as an accredited agent again on somebody else's case to gain that experience.

Sorry, can I just go back a step in terms of who's name the licence is in? Is there a representation to the contractor within that as well? Because within CCW you can have dual licence responsibility for the landowner but also the contractor who is carrying out the development.

RB: No, I don't think there is. I mean we consulted widely with CCW with respect to it sorting this out. No, I think we're making the developer. With small sites the developer probably will be the builder and if you were talking about Barratt's or something like that you can see it's the main developer as opposed to his sub-contractors. Because the problem is too with a big site, and again bringing in lots of different sub-contractors for doing different bits of the work, and how many people sign up to that then?

This example is a network branch of but the main contractor is MacAlpine and they both went on because one has got legal responsibility. We don't know who's actually going to be doing the site work.

RB: I can't answer that unfortunately because I don't know the answer. But I do know that we've been talking a lot with Network Rail and the Forestry Commission with respect to sort out their blanket applications that they've wanted for donkey's years. And of course now we've taken the defences away they have to have a licence for all sort of forestry work. So I suspect there is a licence for that. On this site there is some frequently asked questions and answers. If you've got a specific case in mind and you need an answer to that can I suggest you phone Kevin in Bristol? So

accredited agents. In the previous application you didn't have to state their names but it is quite important to state their names because obviously we can then backtrack over that when we get a new applicant, to double check. And we are having to double check now because we're finding that we're getting told some whoopees sometimes. Species of bat. What hasn't changed is we can only provide a licence if we know what species of bat is present and that you know where the roost is. And that has always been the case and always will be the case. We cannot issue licences for noctules because, well, you were doing an activity survey and one flew over the site. It is a problem with regard to pipistrelle at the moment in that we get applications where building surveys are done in the winter months and obviously identification is done purely on droppings so you can't determine the species. But I'm actually pushing that we don't actually issue licences just on building surveys alone. We shouldn't because the mitigation guidelines say that you should have a building survey and emergence or dawn surveys. But pipistrelle roosts often get overlooked anyway just by doing building surveys because the bats can be between or within the structure of the building and there's no evident signs. And whiskered bats are the same. We can't have pipistrelle stuff because Europe won't allow us to do that. If we automatically licence common and soprano pip then we have problems with our statistics at the end of the day because we're licensing more species than we probably should have. So those are logical reasons. We're not deliberately being awkward about it. There is a very good reason for doing that. And the same with, although it shouldn't be an issue with myotis, you should be able to tell the difference, blanket applications for myotis bats we just give it straight back I'm afraid. I know in the past some people might have had applications for all species of bats, they put on their application form. Because we discovered something horrifying about four months ago when we as the assessors had been reading the method statement and the species identified in the method statement didn't correlate with the application form. This had been filled in as a sort of blanket approach but the evidence of what species were actually present on site didn't correlate with that. So as an assessor we said, you know, only Natterer's bats to be licensed not Daubenton's and everything else. And we discovered that admin were just still filling in the actual licences based on your application form, which didn't put us in a very good light. But now, I'll show you another form in a minute, we are actually, dictated by the information you provide on the application form, we as advisors will be specifying the species to be licensed and the duration of the licence and numbers too. But they'll be based on your data. It's just that we get so many inconsistencies between the application form and the method statement at the moment. And know it probably sounds incredible to you but we often get completely different information on the two. And I know there's at least one consultant who photocopies an application form and probably doesn't Tippex and change some of the bits that she should change. And of course a lot of consultants have standard bits in method statements and then they put in something else. Like a typical one would be how the bats are going to be excluded and then they'll have a bespoke exclusion for this particular job but they haven't removed the standard bit. So that's where the problems arise. The reasons for the licence, which obviously are critical. And this is pretty much the same as existing. Active [] licence. Do bear in mind that if you're going to transport the bats you need to capture them first. This time period needs to correlate with the timing of the works in the method statement as well because often there's a discrepancy there. And I think that the rest of this is. There's a little bit about designated sites. But it's not particularly difficult or complicated beyond there. I mean obviously the signing by the developer and yourselves and just the emphasis the other way round. So that's the application form. The method statement, again, is really quite similar except I hope that we have changed or clarified slightly some of the sections, exactly what information we want. Because in the past it's been a bit ambiguous and often people have sent in applications which are a bit repetitive within the sections. I can understand why that's happened. Because it hasn't been clear exactly what's expected in each section. So I'm hoping that it's clearer now. And in some instances, it's a pity it hadn't happened in all of it actually, we've referred to the actual section about mitigation guidelines. So just very quickly I'd like to say something about the survey and the fact actually now that the biggest change in the method statement is that it comes in two parts. There's all the supporting data for the licence, which is in the first part. All your surveying data, historical data and that sort of thing, justification for the licence. And the second part is the mitigation. And the purpose of that is that it will only be the latter part, the mitigation bit, that will be attached to the licence in future. So it won't provide such a weighty document. And we hope that that will also mean that for the developer or the contractor on site it isn't going to get shoved in a

bottom drawer and forgotten about. As we're all familiar with large developments where all the relevant bits get put up on a pinboard which everybody walks past and everything else gets shoved in a drawer. So that's the logic behind it. Obviously the first part, all the survey information, will be useful for us when we eventually get good established databases up and running, and also for research purposes. But most of the content of this is pretty much the same with respect to what we want. All I would ask is that when we ask for things like status of species at the local county and regional levels; what we're looking for there is for you to get as much local data as possible from your local record's centre, if you've got one, or the Bat Group. It's not for blanket information that comes from Phil Richardson's Atlas. We've all got a copy of that so you don't need to photocopy it and give it to us. We've got a very good idea of where the different bat species are, which bit of the country they occupy. It is more specific information. Because obviously what we're trying to do in conserving these bat species is identifying whether the roost that you want to disturb or destroy is significant to the immediate area and what other roosts are available for the bats. The connectivity is between the different roosts, you know, people have got some idea of corridors and things like that. And with respect to that a lot of consultants now are providing, along with the Landranger map which obviously gives us some idea of topography even though it might be a bit dated, but they're also giving us aerial photographs which you can print off Google. And it's really, really helpful that. And you can scribble over them with a felt pen, you know, you can write in where the existing roost is and put in where the proposed roost is and it gives us a much better handle. And it's really useful actually if you can put existing and proposed on the same map or you can get the footprint of the original building overlaid by the proposed building. And we can get some idea of aspect, picture roof, all that sort of thing which makes us happier with respect to conserving some sort of quite significant roost. We want a like-for-like replacement as much as possible. So the more you can show in picture format the better because it's less ambiguous. You must hate us sometimes because we're so nit-picky over text. But we have to be because by putting your method statement to a licence it becomes a legal document and we have to be confident that if we get the police to hand it to CPS, which we have done quite a lot recently, that it's going to stand up in court. And unfortunately that hasn't happened, you know, CPS have returned documents to us and said, well, you know, it's written like this. That's not saying everybody writes terribly. It's just the way we usually write things and where we have to write things so that they are not in anyway ambiguous can be quite different. So please don't use phrases like, 'should'. It must be 'will' and 'must'. It's got to be definite. There's got to be no leeway that allows the developer to say, well, we were given the option and we decided we couldn't do it. It has to be specific. Really, really important that. We haven't returned method statements purely on that. We will highlight that. If we're refusing the licence for another reason we'll pick up on everything, all the nit-picky stuff as well. But it is going to become more and more political. Right, the impact assessment. That's both the interpretation of the results and the impact assessment. And obviously we cannot question your survey because we weren't on site. So we take it that you're professional people, you've gone out and you've surveyed the bats. We might question the number of times you've done your surveys and the time of year and all that sort of thing. And possibly the number of people you've used for emergence surveys in relation to the complexity of the buildings. We ask you to include equipment now because we've had cases in the past where it's a brown long eared roost and nobody has picked up on the bats because they've been surveying with Tranquillity bat detectors. Well, Tranquillity are one of the detectors that are well known for not being able to pick up BLE. And because equipment and technology has moved forward so much we wouldn't expect you just to go out with Heterodyne bat detectors now. We would expect you to be going out with something a little bit more suitable. Our bat detectors have come down in price dramatically. You've got a long term surveying ability there.

Can I just get some clarification on that? Would you refuse a licence therefore if you found insufficient surveys were being present during an emergence survey?

RB: We would, yes. It would depend on other factors as well. Bearing in mind that some people at the moment are getting licences on a building survey done during the winter months and they're submitting an application saying we haven't done any emergence because it's the wrong time of year. That, I think, is definitely going to change. We're going to go back to it and say, well, just wait

till it's the right time of year. We have done it quite a lot but I think it will be a blanket approach in future.

About time.

RB: Absolutely, because bats get missed. But the problem has always been that we know we often put the ecologists in a very difficult situation because obviously they are then having to go back to the developer and say you've picked the wrong time of year. I mean they should be saying that anyway to their developer but some ecologists are stronger and feel more capable of walking away from the job, if they feel they're being compromised, than others.

Just going back to the number of surveys. You say you trust the ecologists as professionals to make a judgement on the approach to surveying. Would you refuse a licence if you felt insufficient surveys had been done, bearing in mind there is no standard guidance on numbers of surveys that should be present per building? Because that's quite a grey area isn't it?

RB: It is a grey area. I think the short answer to that is probably, yes. What you need to do is provide us with a plan with where the surveyors have stood.

Is that in the form?

RB: I don't know that it's that specific. But most people do actually show us where the surveyors have stood in relation to where they've seen bats flying. That's normally quite standard now in most applications. But if you haven't surveyed perhaps one elevation of a building, justify the reason why you haven't done it. Don't leave gaps in method statements that we can raise issue with. Because we will find them. As far as I'm concerned you can justify black is white provided it complies with the legislation and I'm happy with your justification. We've got very little written guidance at the moment. If you're doing sort of ground breaking work and it's all novel and as far as you're concerned reliable we'll probably come out and say we're really interested in what you're doing, can we come and have a look? But as long as you justify it and you can find some backup. Obviously if you're repeating other people's work, references are really useful. But we do want clarity in emergence surveys because a lot of people in the past have combined emergence surveys with activity surveys. And I've had cases where I had a huge great big building surveyed by one surveyor. This building was so large it was four stories and had a parapet round it and then you have the roof. And this woman was standing in the garden of this building and able to survey that whole building. Now, I reckon that with the height of the building she'd have to be so far away, and it was brown long eared she was looking for as well, there wasn't a hope in hell. So it's that sort of thing that we'll pick up on. If you're going to do an emergence survey make it an emergence survey. Don't start walking in transects because you can bet you're bottom dollar as soon as you turn round to walk in another direction something is going to come out behind you.

That wouldn't be an emergence survey then.

RB: Well, no, exactly but you see people do confuse the two. Emergence surveys are one thing and activity surveys are something else.

We sometimes go from an emergence survey after an hour and a half and then record transits.

RB: Exactly. That's fine. No problem with that at all. But it's when people start patrolling sites. And it's usually when you've got one or two surveys with a huge site and they're trying to cover it all. And it's well-nigh impossible.

What about swarming surveys in terms of surveyor output?

RB: Well, because we don't actually ask for that information we'll leave it up to you what you think is suitable. If you want to do a swarming survey you've probably got some idea already on site

where swarming is most likely to take place, like if you've got a part of an underground site or something like that. So, again, that's where we'll rely on your professional knowledge to say, well, we did this here because of and this was the result. But if you can justify. You know, it's a bit like going back to school again and justifying the reason for all the activities. It's just good science really isn't it? We need to go through the site ownership. There is obviously a huge issue for us with respect to how the mitigation is going to last long term, you know, especially when sites are being developed and they're going to change ownership immediately. It would be really nice to see how that reflects in the mitigation. Again, mitigation that isn't going to cause a problem to future householders where they're going to want to get rid of roosts. Bat boxes that aren't going to be subject to vandalism. All that sort of thing needs to be taken into consideration. And when people use heaters for maternity roosts are those heaters really going to stay on and who is going to maintain then in the future? With big schemes where you've got a 106 agreement, something like that, it's much easier to sort that. I heard somebody this weekend talk about a roost in a property that's going to be let and there's a heater in this roost and they've tied that in with the hot water system so that it stays on. But of course it's also a very good way of getting rid of a roost in the future. If the bats become dependent on the heat source and then you turn it off midway through a maternity roost there's no counting where the bats will end up. Mitigation, so this is the second part. Please provide as much information as possible and as much in drawing form as possible. Get the architect, if there's an architect involved, get the architect to do some drawings for you. And certainly this idea of overlaying existing with proposed is really good. We'd like to see a lot more permanent mitigation up before the original roost is demolished. Bat boxes for maternity roosts for any other species other than pips is not to be encouraged. Definitely will be refused. Brown long eared bats use feeding perches. They don't use bat boxes, unless you can demonstrate otherwise. These are all things that have cropped up. Feeding perches, should you really be applying for a licence?

No.

RB: No, I wouldn't. I would never unless it's a feeding perch that has a huge number of bats in it because there is no other option anywhere else for these bats. But we have come across applications for feeding perches where there has been a great big list of accredited agents on this application and you can just see that it was a means of getting all these accredited agents suitably qualified for licenses in their own right. We're not that stupid.

There was a discussion on UK Bats just recently about feeding perches.

RB: There's a really good paper. A critical bit by Phil. Yeah, I know. It's interesting. What worries me with feeding perches is, especially after that girl's work, I can't remember her name now. She did some work on feeding perches and discovered that in actual fact there were a lot of other crevice roosting brown long eared in the same building as the feeding perch and that had been missed. And that does concern me hugely that a feeding perch isn't necessarily just a feeding perch. And we will question that. I mean bits of, you know, open fronted garage or a car port or something like that is just being used. And the volume of feeding remains as well is important. By that you'll know whether or not the roost is used by lots of bats over a long time period. Again, it's the limitations. You ask how long a time period you've got to survey which is going to be so critical. Because a feeding perch might just be used for a very short period in the summer just when bats are feeding in that particular vicinity. I could ask you loads of questions with respect to, you know, bats and feeding perches and it is a bit of gamble. But on the whole I'd say that a bog standard feeding perch used by one or two bats. I'm not saying that you shouldn't mitigate for it and I'm not saying that you shouldn't oversee the work. That's still important. But do you need a licence?

Is it not a resting place? You say you wouldn't recommend people need a licence for a feeding perch unless there's a lot of wings. So you need a licence for a big feeding perch.

RB: If it's significant.

But how do you know it's just a feeding perch if it's coupled with droppings? Is it not a night roost? Is a roost not a resting place? Where is the line? How can you say it's a feeding perch if there's a lot of wings but not if there's only a few? Where is the legal determination where licences are needed?

RB: Well, there isn't unfortunately.

So you're saying in your definition a feeding perch is not a resting place?

RB: No, I'm not saying that at all.

So therefore you need a licence to damage or disturb a resting place under the Habitats Regulations. There is no other interpretation of the Habitats Regulations. One needs a licence to damage or destroy a resting place.

RB: But a resting place could have been used by a bat for one hour or one night in a year. Are you going to say that you're going to put your client through applying? If you're offering them mitigation.

But the law doesn't differentiate.

RB: What the law says, if we went after you for destroying a feeding roost what the police would say to me, the first question they'd say to me, was a bat present? That would be the question.

They only prosecute if you can prove that there's squashed bats or a roost site has been damaged and the evidence is covered in rubble or something. I've been to a lot of sites like that.

RB: Yeah, with feeding roosts. We'd never be able to get a prosecution.

Just because you're not able to prosecute doesn't mean that you shouldn't be obtaining a licence to do it but in the framework of the law.

RB: All I can say is that we do leave it up to the consultant. If you really want to apply for a licence for a feeding perch.

So why isn't that in the text, in the mitigation guideline text at the top of the licence form?

RB: The mitigation guidelines, it is about feeding perches. Feeding perches are in there. Well, all the way through the mitigation guidelines we're saying that it is up to the consultant to decide.

And then it gets refused.

RB: Well, no. We've never refused an application for a feeding perch. We would refuse it if it had a string of accredited agents attached to it. Because that is just not on. However, I would ask you if you're prepared to charge your client a lot of money to mitigate for a feeding roost?

And turn it on its head. This bureaucracy is in place and we're asked as ecologists to work within the framework. Now, I think it's ridiculous that the licence doesn't differentiate between minor roosts and feeding perches and maternity roosts. This is what we're asked to work within which as an ecologist if you're asked to do a survey and you go to a barn or a church and you're getting a few wings and you turn round and say, well, that doesn't need a licence. It is a resting place within the law. Now, although it is ridiculous bureaucratically going through this paperwork process, legally that is the process of DEFRA and Natural England have put that ecologists have to follow.

RB: Well, it's come from Europe. If we had any other way of interpreting it I can assure you we would. I mean the NERC changes have only come in because Europe says you can't have these exemptions. But what I will say to you, and what I would do if I was a consultant again, is that I

would use my professional judgement. And you will find that there's an awful lot of consultants that are doing precisely that. They're not mitigating. Actually the other thing with feeding roosts is the disturbance factor. You need to read Tony Mitchell-Jones's paper about that. I mean it specifically relates to feeding perches.

Well, I'm talking specifically about damage and destruction.

RB: Yes, but you will find I think that there are consultants who draw the line. Who know when what they're doing is good for bats and what's bad for bats. And I think, my personal view is that if we actually do not; if we say to every single developer on the basis of three moth wings and a couple of droppings that they have got to do this, that and the other that we will end up with more and more press articles about, you know, like one great crested newt costs £40,000. We want to get these people on board. We want people putting in options for bats to roost in new build. We want to conserve significant roosts. And we're not going to do it by making people spend a lot of money, in my opinion it is, on feeding perches when we can mitigate for those. I'm not saying you don't mitigate for them. You mitigate but just don't for a licence.

So what you're saying is you're asking ecologists.

RB: I'm not. It's your opinion.

To recommend to clients to operate outside the law.

RB: No, no, no, no.

So if a building inspection was done in the winter and a few droppings in your wood, a few droppings a few wings were found, that ecologist could go away and say it's insignificant because it's a waste of money for the client. It's disproportionate. So you don't apply for a licence and then the client does the work in the summer, lifts the ridge tiles and uncovers a small maternity roost.

RB: Ah, well that is a different kettle of fish. You haven't done the survey properly have you? That is totally different. That is completely and utterly different, sorry.

It isn't different in that you're saying if you find the evidence and you dismiss that you don't need a licence so why would you carry on and recommend a further survey?

RB: No, no, no.

There is no specific guidance on what is a minimum standard.

RB: No, I think you're confusing things there. You have got to survey a building adequately so that if you just find a few droppings. If you go into a building and find a few droppings and wing remains and you say that's a feeding perch and don't look any further then you're not surveying that building adequately. And this is what I said about this girl who did some really good work on looking at feeding perches and saying that perhaps we're dismissing them too quickly and that there are other bats present. You must survey a building properly. But if you have only got a very low bat interest, and, you know, you've got to establish this, and it comes with knowing what the surrounding areas are and all sorts, there's all sorts of intricacies, then is it really worth applying for a licence? But the decision is yours at the end of the day. We will not refuse a licence for a feeding perch alone provided there isn't an ulterior motive like getting half a dozen other people suitably experienced to apply for licences in their own right. And that was the crux of that point. Because that to me is not doing conservation of bats any favours.

Well, no, most of it's process isn't it. So there will be people out there not recommending clients have licences for feeding perches whereas the other people who do successfully obtain a licence for a feeding perch so immediately there's a difference.

RB: Listen, we do not get. We get probably about 3,000 applications a year. I think if we had a licence for every feeding perch that was destroyed we would probably have four times that in the course of a year easily. Because some of them are so transient. Some of them get used once and never used again. But it's up to the ecologist to determine all that. You're doing the survey work. It's your decision at the end of the day.

Whether it's a resting place or not?

RB: Yes. Well, we all know that feeding perches are resting places. I mean I'll throw another question. How old do droppings have to be before you say that a roost is no longer a roost? If you've got a building that's a hospital, say, where in the days when the hospital was in use there was a lot of surplus heat, and we didn't have the sort of lagging that we have now and the buildings were full of bats, and now these buildings are getting redeveloped and you've got all the historical information of large numbers of bats using that building, what's your interpretation of that?

Well the Habitats Regulations protect roosts because people recognise that bats reuse buildings year after year.

RB: But what I'm saying is in this instance this is historic. There's no fresh evidence that bats have been in that building. All you've got is droppings that are virtually indistinguishable as droppings because most of them have just degraded to nothing. I mean there's nothing in the guidelines at the moment which tells you when a roost is not a roost. From my work I can tell you when a badger set is no longer a badger set. Again, there must be consultants out there who are determining when a roost is no longer a roost because we would be just flooded with applications. And there has to be a degree of logic in it. Circumstances have changed with respect to how the bats are using that building. You see what I mean? We can talk for ages. I'm not a lawyer.

I understand it. I'm saying that ecologists are not given any guidance on this and it's pushing this on to ecologists to make judgements that are potentially illegal. I think that [] needs to give guidance to ecologists and say feeding perches, you can operate outside the law.

RB: No, no. Just you applying. Every time you want to apply for a feeding roost.

Well, I've rarely found that roosts are just feeding perches. It's always coupled with other evidence.

RB: Well, there you go. It solves the problem then with respect to you. But I'm just saying that I know that there are circumstances. And certainly if an application for a feeding roost is being used as an alternative means and has a hidden agenda behind it we'll be suspect. I mean we would hope that most people, most consultants, would advise their clients where possible to always do work, where if it's not a destruction of the roost it's disturbance, outside the time period that the bats aren't present so that, again, you don't actually need a licence. Because if you're not actually disturbing bats and the roost is going to be retained then there's no reason for a licence. That doesn't mean that the duty of care and the work isn't done in a proper manner and everything is double checked to make sure if you're building an extension on to a house that the actual extra volume of the loft space isn't going to affect the existing roost. But it should be done without a licence. And it's your professional judgement. We can only provide the guidance as in the Bat Workers' Guidelines. Which I think is actually quite clear with respect to the conservation value with respect to feeding perches. Because I had cause to read it again myself recently. Anyway, to move on as I suspect we're running short of time. Posts development safeguard. I did touch a bit on that with the licence application but obviously it is important because with all the will in the world if you find a bat roost that you know a householder is just going to, you know, start storing goods in a loft space again. I think possibly with mitigation lofts in houses there's an awful lot to be said for making an area of the loft space dedicated to bats. I know some consultancies do that too. But you can well imagine that in long term ownership stuff is going to get stored in loft spaces. It's as good as removing the loft space for brown long eared bats if you end up with a lot of clutter. Modern houses

of course there's lots of issues with respect to how they're used. New roost creation. Bat boxes we touched on a bit. Population monitoring. We are proposing to extend the licences to cover subsequent monitoring of mitigation, which has always been a difficult thing up to now. And probably will still be hugely difficult to implement. Because everybody knows that most roosts, unless they've been well designed and the bats are very pressured, a lot of bats don't immediately occupy a new roost, especially if it's a really new, one. So to monitor in the first couple of years may be completely irrelevant anyway. So we want to spread the monitoring out further so we get some decent results. Timetable or works. Again, it says what we need. That's interesting. Some table of works it hasn't got the exclusion bit which it used to have there. I'm personally very worried about the trend there is at the moment just to undertake soft demolition without defining what soft demolition is, because I expect if we went around the room we'd end up with half a dozen definitions of it, rather than excluding the bats. And I get occasional people saying, ah, but we can't exclude bats, it's too difficult, but then in the next breath say we're going to move the bats by hand net. And I get very worried then. I have visions of butterfly nets being used as butterfly nets. I can't quite get my head round that. I would always, always, always prefer to see excluders fitted even if you don't think the bats are there anymore.

The problem there can be on some roofs where you've got so many access points. And then you do it soft. And by soft that is by hand, every single item.

RB: I think that needs to be said because I think we often get soft demolition and it could mean a variety of things. And I think the use of lights to exclude needs to be clarified as well.

I don't like that.

RB: I don't either. Once the bats are out of the building if you then want to use lights to stop them coming back in again.

Yeah, but then you'll get long eareds and a lot of long eareds are crevice dwellers.

RB: I know. I've seen bats go further into cavity walls because of the lights.

Or behind felt. Very dodgy.

RB: Lights to exclude, definitely not. I don't mind seeing the lights to keep bats out again. But you really should be using excluders and making sure that any potential crevices that the bats currently aren't using but might use once you exclude them from roofs ceases to become available to them. And you can soft block those with a variety of things. But that is important. I was in a lovely house not that long ago, huge great big stone mansion which had [] and plaster walls. The gap, I'm not joking, between the [] plaster walls and the stone work varied hugely. I mean we were climbing in behind it and getting up into loft spaces and all sorts. And I had never realised that existed. We found all sorts of bats. It was absolutely brilliant. I'd been told by a consultant they couldn't get into the loft space to determine what species was in there but we did. We got very dirty in the meantime. Did I mention surveying from the ground? A bit concerned there's a lot of consultants surveying without using ladders or similar means of getting high up. Four storey buildings surveyed from the ground. If you're asked to survey a building which has got dodgy floors then I think you should point out to the developer or whoever owns it that there's going to be a cost implication to get you up to see in those other levels. The bats are going to be as high up as possible unless the roof structure is naff. How you're going to be able to look through dodgy flooring with a pair of binoculars or wall plates and things like that. If you're doing barns, I mean if you look into the mortice joints often you can see the back end of the mortice joint. I had somebody who gets the tape measure out. If he can see the end of the mortice joint he'll measure the length of it and he'll say a nine bat multi store in that one. Are you going to be able to get a maternity roost into it or not? All this gives you extra information. You're not going to get that from standing with a pair of binoculars on the ground.

What about other health and safety issues like asbestos where you just can't go in?

RB: Yeah, do you know, that is thrown up so many times but I have known a number of consultants who have said, and I will challenge this as well because once upon a time I had to work with asbestos, fit me out, accompany me. It's like confined spaces. I mean you could go and get a confined spaces certificate. I've got one. But even if you do that you've still got to have all the paraphernalia that goes with going into a confined space. So you're just going to turn round to your client and say fit me out, accompany me. If you've got a confined space certificate you can accompany somebody else provided they always do what they're told. And the same with asbestos work. If they give you a couple of hours induction to the risks, you know, how you put your clothing on, how you take it off and the reason for doing it in that logical order there is no reason why you cannot go into a loft space where there's asbestos present. And if the asbestos hasn't been disturbed, which it shouldn't have been because it should all be in situ, the risk is very low. If they've started demolishing a building and only discovered the asbestos that's a bigger issue.

If you've got friable asbestos in old hospitals and up in really old roofs that can be disturbed by you just walking through and you can actually see a cloud.

RB: Well a lot of it's airborne anyway.

So if it's friable, no way.

RB: But if your kitted out and you go through the de-con unit afterwards. Asbestos companies are quite good about trying to persuade people that it's a really, really terrifying experience and you shouldn't do it but it is possible. And I do know one or two consultants who have done it.

It's one thing to point that out when going into a building and you go toggged up because we've done asbestos courses. It does actually void your insurance. Most consultancies, your insurance probably won't cover you for hazardous areas. So for that work we've got specific insurance to cover any underground sites, airports, those sorts of things. But asbestos is usually excluded under most normal consultants' public liability and employers' liability. And to get insurance knowing you're going into asbestos buildings for employers' liability is extremely costly. So there would be quite major cost implications on that. So that's very, very important to make sure you don't void your insurance by actually getting toggged up and going into buildings knowingly.

RB: That's a very good point.

Physically actually working toggged up is different as well because you just can't physically get into a place. It's incredibly hot. You steam up. It's just very, very difficult to work. But it depends on how much asbestos there is. If there's not a lot of airborne you can get away with lesser degrees of having to have protection as long as you've got someone there who has got there certificate to tell you how much protection you need to have.

RB: From what you've said it just demonstrates that it is possible to do it. And you shouldn't be persuaded that a survey can't be undertaken in a particular part of a building because asbestos is present. You need to ask some more questions.

It's also an interesting one because the asbestos guys go into all these roofs but they haven't got bat licences.

RB: Well, exactly. And also on the UK Bats thing it's about people putting cable TV and stuff like that in. Is it cable TV?

Aerials and stuff like that.

RB: Aerials and stuff like that, yeah. There are lots of incidences where you could make a lot of money out of going round and telling these people where they're going wrong. I'll just quickly go through what you're going to need to get signed off from the local authority. So all this is on the web page now. This is what they have to fill in. And there's a tick box. It's fairly easy. If it's a planning you know you'll probably be able to go in. This is the problem; you can't go in and see them that easily. Screw them to their chair and say, look, please can you tick all the relevant boxes.

Are they still going to have a deadline for filling it out like they do now?

RB: Yes, I suppose so. Obviously it's going to hamper you getting a licence so I would.

Push it all over to the architect.

RB: Well, because the architect is obviously so involved with planning and obviously with the developer.

TAPE ENDED ABRUPTLY AT THIS POINT