# Bat Conservation Trust

27th July 2006

Dear

**Review of PD Regulations – domestic installation of microgeneration equipment**

Thank you for inviting the Bat Conservation Trust (BCT) to the meeting at Eland House on 11th July. It was good to meet you, and a useful meeting. You asked me to provide further information about our concerns and research needs. Please would you ensure that our views on micro-turbines and PV cells with respect to their potential effects on bats are included in your report to the Government. Many bat experts, our members, and colleagues overseas are extremely concerned about these matters.

As we discussed at the meeting, BCT is very disappointed at the Government's 'strong steer' for microgeneration to be made permitted development (PD), particularly as the implications for wildlife do not appear to have been considered. Whilst BCT is certainly positive about embracing alternative energy sources and reduced energy use to mitigate climate change, and would welcome a freeing up of systems to facilitate better take-up of microgeneration, it has serious reservations about micro-turbines, and PV cells, becoming permitted development, and is of the opinion that implications of doing this have not been adequately researched.

To bring all forms of microgeneration outside the normal checks of the planning system we consider would move the Government away from its overall aim of sustainable development and ultimately result in legislative complications for which the UK Government could be taken to the European Court. BCT would therefore like to see micro-turbines and PV cells remain within the planning system.

To explain why, I shall provide a quick background to the habits of 17 of our protected species – bats. All 17 species and their roosts are protected under country and European legislation, and all have been recorded using houses as roosting spaces. This is partly because many natural roost places and habitats have been destroyed by man, and some species have adapted well to utilising manmade structures and urban areas. In addition to roosting places bats need somewhere to feed, and 'flyways' in order to get from their roost to feeding areas. In summer, female bats gather together (often in a house roost) to have their young, which can result in a roost containing anything between 10 and several hundred individuals. Winter roosts may also be found in houses, containing several bats, although normally with fewer individuals than summer roosts. Enclosed is a leaflet outlining the legislation relating to bats and their roosts. BCT has anecdotal evidence of micro-turbines killing bats, and research on the Continent and in the USA has found that full size turbines also cause bat deaths.

Many homeowners are aware that they have bats but are not aware of the potential implications of erecting a micro-turbine or PV cell; others are not even aware that they have bats. Either way, BCT is concerned that all if microgeneration has PD rights then the existing PPS9 or TAN5 policies and guidelines will not be applied before installation. The argument that protected species are not currently always taken into account in the planning process is

not an excuse for making microgeneration PD; the presence of protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat; furthermore, Government has acknowledged this by requiring a new biodiversity question to be included in all planning application forms in the future. The application of PD rights to micro-generation does not remove the 'development' aspect from the equation, but does presumably remove the responsibility of the local authority to consider it. In this case, BCT considers that the Government is responsible for considering the effect on protected species and habitats in considering whether micro-generation should become PD. The only way for this responsibility to remain with the local authority and not the Government is for microgeneration to remain within the planning system, possibly with a presumption in favour of its approval subject to the necessary checks on nature conservation issues being undertaken.

Looking first at micro-turbines; a micro-turbine situated near the entrance of a bat roost is highly likely to cause significant mortality, possibly resulting in the roost becoming unviable; bats are vulnerable on exiting the roost, and probably more so on re-entry at dawn because they tend to fly around the roost before actually going in; this assembling of bats flying around the roost entrance may be either for social reasons, or simply because they have to 'queue up' to get access if the colony is relatively large.

Not only can turbines kill bats if sited in the vicinity of a roost (which could easily happen if turbines are placed on houses) they can also kill bats if placed on or near to a flyway (this could happen whether turbines are placed on houses or are free-standing).

A micro-turbine erected near to a roost could also provide unacceptable vibration or low-level noise that could cause bats to abandon the roost; more information is needed about the vibration and noise levels that bats find acceptable.

Finally the physical components and cabling of the turbine could potentially block a roost entrance, and the disturbance to a roost during erection of the turbine must be considered.

We have evidence (see enclosure) of cases where bats have been killed by micro-turbines. We do not know why bats seem to be unable to avoid the blades; it could be because turbines produce a certain frequency of noise that draws bats in towards the blades; or because the high speed of the turning blades confuses the echolocation messages getting back to the bat. This is an area needing more research – a list of which is enclosed. The damage that large-scale windfarm turbines cause to bats is better documented, and I enclose references and some papers that will be of interest to you.

I enclose a copy of letters to Alan Whitehead and Yvette Cooper regarding the Management of Energy in Buildings Bill that had readings in November 2005 and March 2006. These letters outline our position on micro-turbines.

Looking now at PV cells, BCT has concerns that these are also being considered for PD rights because they could unknowingly be erected over the access to a bat roost were adequate checks for roosts not made. Bats roost entrances are often under ridge tiles, between flat roof tiles, under hanging tiles, and also via small gaps in brick mortar on walls. PV cells placed over these entrances could have the effect of blocking the roost entrance – either preventing bats from gaining access to them or, worse still, entombing bats resulting in their death.

BCT is concerned that the treatment of micro-turbines and PV cells as PD would result in an increased number of householders breaking the law by damaging, destroying or obstructing access to a bat roost, or killing or injuring a bat. This is particularly worrying because of the increased uptake in microgeneration that Government is hoping for. Were incidents to get to

court, Government needs to consider that this would more than counter the apparent advantages that 'freeing up' the planning system would have had; in addition, legislation would mean that structures would have to be removed resulting in yet more expense to the householder.

We would welcome the opportunity to discuss other possibilities with you, or your colleagues, such as statutory notification procedures or presumptions in favour of planning permission. It is, after all, vital that safeguards for nature conservation and protected species are retained in attempts to increase take-up by householders of microgeneration.

Kind regards,

**Bat Conservation Trust**