

Bothwell Road, Hamilton: Toolbox Talk: Bats

Bats and the law

All bats in the UK are protected. You must not harm any bat. It is a criminal offence (see Bat Advisory Sheet 1) and can result in an unlimited fine and up to 6 months in jail, as well as equipment being confiscated. It is also a corporate offence. Due to numbers of offences, there is a higher profile for bat-related crime and the rate of prosecution is increasing. Ignorance of the law is not an excuse, and can result in a prosecution for negligence.

Legal Duty

It is recommended that you ensure your lead contractor has read this Toolbox Talk and associated Bat Advisory Sheets 1-4 prior to starting any tree work on any site at any time of year, and makes sure their crew are aware of their legal obligations and have read this Toolbox Talk as a minimum. All contractors and subcontractors involved in any works where a bat roost is present must have a site briefing about bats, be told about legal obligations, licensing, and the Bat Protection Plan (and where these documents are kept on site. They must then sign a record sheet that they have been briefed and understand the contents of the briefing.

If you find evidence of bats such as droppings or if a bat flies away from any building or tree you start work on or are about to start work on **you must stop work immediately** and inform your site manager who must consult an ecologist and or NatureScot Species Licensing Team). You must not start work again until the consultation is complete and any bat licence for your work **in place with a copy of the licence on site**. Your work on that building or tree will require licensing and some supervision by a licenced bat worker.

Pre-works check on trees for potential for use by bats

This is best done by an ecologist but if this has not been done and the arbor crew are on site the crew leader must first walk the site and check for any trees that could be used by bats – full details of typical places where bats could roost are in the accompanying Bat Advisory Sheet 2. If trees with holes, cavities, or ivy cover etc. are present we do recommend a walkover survey by an ecologist before works commence. If this is not possible then a climbed tree inspection must be done by the arbor crew for each tree with holes or crevices where bats could hide. It is not a crime to do this but if evidence of any bat is found or bats are found then you must stop the inspection immediately, mark the tree, and inform your office – they will contact an ecologist and/or NatureScot.

Note 1: A climbed tree inspection cannot be done by the arbor crew if it is apparent that a bat roost is present **BEFORE** they start to climb as that would be an offence but they can do inspections if no roost is known (as long as they withdraw as soon as any bat is found. However, they are allowed to carry out inspections where roosts are known to be present under the supervision of a ground-based licensed bat worker.

Note 2: If the climbed inspection finds no evidence of bats but features such as holes are present it is best practice to then fell the tree gradually (soft fell) with any sections with cavities lowered to the ground in a controlled descent and placed aside with the hole exposed to allow any bat the potential to escape.

Timing of works

Where possible, work where bat presence is a possibility should ideally either be between mid-September and the end of October (into November is generally ok only IF weather conditions are mild) or between early March and mid-April as these are times when the bats are active but not breeding. This will not always be convenient or practical.

Where possible, avoid working on trees with cavities or buildings with cavities or crevices suitable for bats during mid-winter when bats hibernate – if you accidentally wake a bat in winter you may cause its death.

Works on any tree with a bat roost or within proximity of the roost

All works that could cause a disturbance to a bat roost or take place within a distance where the works may constitute a disturbance of it must be done with a licence in place (subject to NatureScot confirmation), a copy of the license must be kept on site at all times, and works that could impact the roost only take place under the guidance of a licenced bat worker. It would be an offence to start works while a licence application was under review. NatureScot are often able to issue emergency bat licences within a few days of being notified. Once a licence is in place the works can continue but will need to be under the guidance of a licenced bat worker.

Works completed under the direction of a licenced bat worker will require a licence return to be submitted to NatureScot, which the bat worker will sign at the end of the project.

No potentially disturbing work can take place within proximity of the tree until you receive further advice and most likely a bat licence: there are certain types of work that may disturb roosting bats at greater distances such as pile driving, demolition, and heavy vibration, so there is no set 30m standoff from any roost as the standoff distance where no works are permitted will vary with the type of action and its potential impact – i.e., heavy vibration, audible alarm beacons, high pitched high intensity noise all will have a much higher chance of disturbing a roosting bat than a workman using a hand tool such as a spade or even a hammer.

If you know you have bats anywhere on or near your site seek advice before working. A recent prosecution for a demolition offense was over £18000 in fines and can be viewed at <https://www.bats.org.uk/news/2019/04/development-company-fined-18-000-for-destroying-a-bat-roost>.

Bat Advisory Sheet 1: Bats and the law

All bats in the UK are protected. You must not harm any bat. It is a criminal offence and can result in an unlimited fine per bat harmed as well as up to 6 months in jail. It is also a corporate offence.

It is an offence to deliberately or recklessly:

- capture, injure or kill a wild bat;
- harass a wild bat or group of bats;
- disturb a wild bat in a roost (any structure or place it uses for shelter or protection);
- disturb a wild bat while it is rearing or otherwise caring for its young (this would be a 'maternity' roost);
- obstruct access to a bat roost or to otherwise deny the animal use of the roost;
- disturb such a wild bat in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of that species;
- disturb a wild bat in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal (note: this does not need to be deliberate or reckless to constitute an offence); and
- keep, transport, sell or exchange or offer for sale or exchange any wild bat or any part or derivative of one (if obtained after 10 June 1994).

In Scotland licenses may be granted by NatureScot to permit certain activities that would otherwise be illegal due to their potential impact on bats or their places of shelter/breeding, even if bats are not present at the time of the works.

It is a legal obligation in Scotland to consult with NatureScot before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;
- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing

In all cases where bats are found to occupy trees or buildings NatureScot must be informed before any work takes place that may disturb any roosting bat. A licence to permit work may then be obtained from NatureScot if appropriate.

Bat Advisory Sheet 2: Bats and Trees – where could bats be hiding?

Potential roost sites in trees include:

- Crevices in bark;
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks;
- Cracks, splits etc. in stems and branches;
- Rotted-out branches;
- Growth deformities, compression forks, cankers;
- Gaps between overlapping branches;
- Ivy coverage;
- Woodpecker and Squirrel holes;
- Bird nesting boxes/bat boxes already present; and
- Crow, Magpie, and Buzzard nests.

Signs to look for

The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Droppings may be at a roost entrance or may be stuck to bark below a roost hole. Bat droppings will turn to dust if crushed once dry. Mouse droppings look similar but will be hard and can't be crushed. Fresh moist droppings are harder to tell apart.



Other possible signs of a bat roost are a characteristic smell like ammonia. In addition, a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

Hibernating bats leave little or no trace of their presence.

If you are working on a site where a tree condition survey has been done the report should identify any tree with high wildlife potential but **be aware that these surveys are ground-based and are unlikely to confirm actual bat roosts**. Any tree with holes, loose bark, rot, or ivy cover could have bats present even in winter. Any tree with a confirmed bat roost present must not have any works take place that could disturb any roosting bat without a disturbance/roost destruction licence in place.

Bat Advisory Sheet 3: Procedures for sites with trees where bats may be present

1. Arborist ground-based survey of tree condition – may identify features that bats could use.
2. Alternatively, if no tree condition survey is available as guidance it is acceptable to have an ecologist carry out a pre-works site walkover survey to highlight trees with potential for use by bats. Such surveys can be done at any time of year but are best done before trees are in full leaf.

If bat roost potential is found then without further bat survey work to confirm presence / absence of roosting bats it is not possible to say that bats are or are not present. If it is between March and October a series of bat presence/absence surveys can be completed for smaller numbers of trees:

- i. A minimum of either two dusk and one pre-dawn survey or two dawn and one dusk survey with at least two weeks between each survey for trees with high roost potential, while for moderate 1 dusk and 1 pre-dawn minimum is recommended (no further effort is required for those trees with low roost potential as per guidelines);
- ii. Be completed between May and August/September; and
- iii. Dusk surveys be completed on dry nights of 10°C or more at dusk (no minimum temperature requirement for pre-dawn surveys)

Each tree with Potential Roost Features should be surveyed by at least one surveyor to provide adequate coverage, and two may be required where foliage is dense or trees particularly large.

Bat licensing may be required for any works to either fell or manage trees if any bat roosts are found, and works would not be permitted within 30m of any roost until such time as a developmental bat licence was in place to permit the disturbance.

3. Where possible, arbor work for smaller site where bat presence is a possibility should ideally either be between mid-September and the third week of November, or between early March and mid-April as these are times when the bats are active but not breeding.
4. Where possible, avoid working on trees with cavities suitable for bats during mid-winter when bats hibernate – if you accidentally wake a bat in winter you may cause its death.
5. Arbor squad – if your work is between November and early March and you arrive on site and find trees with holes, crevices, etc. present that bats could use and no survey has been done by an ecologist you should complete a pre-work start climbed tree inspection of any tree with cavities etc. to check that no bats are present before any works start. It is not an offence to climb a tree to check for bats. IF you find evidence of bats during a climbed inspection you must immediately stop the inspection, and call a qualified ecologist or NatureScot for advice.
UNTIL ADVISED OTHERWISE AND A LICENCE APPROVED NO POTENTIALLY DISTURBING WORKS MAY TAKE PLACE ON THE TREE OR ANY OTHER IN PROXIMITY.
6. If a climbed inspection finds no evidence of bats but holes are present it is best practice to then fell the tree gradually (soft fell) with any sections with cavities lowered to the ground in

a controlled descent and placed aside with the hole exposed to allow any bat the potential to escape.

7. If evidence of bats such as droppings, smell of ammonia at holes, or a bat being disturbed and flying from the tree then work must stop immediately and a qualified ecologist or NatureScot be called for advice. NatureScot are often able to issue emergency bat licences within 1-2 days of being notified. Once a licence is in place the works can continue but will need to be under the supervision of a licenced bat worker.
8. Works then completed under the direction of a licensed bat worker and licence return submitted to NatureScot.

Bat Advisory Sheet 4: Bat Welfare - what to do if you find a bat or are aware of bats in the work area

What should I do if I find a bat or hear what may be mice or bats?

If you are aware of one or more bats in any tree/building, or noises coming from a cavity/wall or some other structure and think it may be mice (or bats), in a tree section that has been felled, in a room, corridor, or on the ground anywhere then you should immediately call either a qualified ecologist or NatureScot Species Licensing Team for further advice. They will arrange for someone to visit the location where the bat(s) were found or will simply advise further.

If you are unable to reach NatureScot or an ecologist and you have a bat that is either stuck, injured, or in immediate danger based on where you found it then the second course of action is to contact the Bat Helpline (0345 1300 228) for further advice. They have details for over 250 volunteer Bat Carers operating throughout the UK, and may be able to refer you to someone local to you for further advice. The Helpline is open evenings, weekends, and bank holidays till 1030pm between May and September when bats are most active. If the line is busy please leave a message and if you have not been called back within one hour please try the Helpline again, because the sooner a bat is passed on for care the greater its chances of survival.

In emergencies, other options are your local vet, or the RSPCA National Helpline 0300 1234 999.

How can I help?

If a bat is injured, sick, vulnerable, or at threat due to location you will not be breaking the law by helping it.

Any bat that is found on the ground, or in an exposed area, especially during the day, is likely to need help.

As far as is possible you should avoid handling the bat but if it is necessary WEAR GLOVES due to the small risk of a rabies type virus. If the bat is on the ground, on an outside wall, or in an exposed area where it may be vulnerable, it should be contained in a box (see the instructions below).

About the bat

Adult bats have brown hairy bodies and delicate hair-free wings that are easily damaged, and are 35 – 45mm in length (image on left). Baby bats may be much smaller and when only 2-3weeks old (June) have hardly any hair and are greyish in colour (image on right) but gradually develop the brown hair as they grow.



~It is important to know if it's an adult or a baby bat that you have found. Babies need to be kept in a warm environment (high teens to low 20s Celsius). Adults can tolerate cooler temperatures down to 4 degrees Celsius; the sooner help can be found the better the chances of survival of the bat. Do not place bats outside in daylight as other animals or birds may eat them, and baby bats will not be able to fend for themselves. The best advice is to contain the bat(s) until help arrives:

Containing a bat

You will need:

- A shoe box, or similar sized box, with holes punched in the lid (or container of equivalent size);
- A cloth or tea towel; and
- A plastic bottle cap (milk bottle tops are perfect)

How to contain the bat

1. Contain the bat:

a) Like a spider, by placing a box on top of it and sliding a piece of card underneath.

b) Alternatively, cover the bat with a cloth/tea towel and carefully scoop it up and place it in the box. **(You should not handle the bat with bare hands.)**

2. Put kitchen roll or a soft cloth in the box for the bat to hide in.

3. Put in a small, shallow container e.g., a plastic milk bottle top with **a few drops of water** (not enough for the bat to drown in). Make sure the water is topped up regularly.

4. Keep the bat indoors somewhere quiet and dark; please do not put it in a hot car in the full heat of the day.

5. Most importantly, **call** for further advice.

Only a bat that has been confirmed as fit and healthy by a bat carer should be released, and never during the day, as birds may eat them if they are released, and they may also struggle to find a safe roost.

Please don't assume the bat is healthy and leave it outside to fly away.

Attendance Record for Toolbox Talk for Bats

The following persons have been briefed either by the Site Manager or by the project ecologist and understand the basic obligations and procedures to follow where bats are involved including but not limited to: any restrictions on work due to a Bat licence, procedures in any Bat Protection Plan that must be followed on site, where the bat roost is and working constraints associated with its presence. They also acknowledge and accept that they are fully aware of the legal protection of bats and their obligation to ensure the safety of bats on this site through following procedure and making sure that no works to any roost are done without a bat specialist being consulted first and present.

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