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Make provision to enhance the protection available for bat habitats in the vicinity of a building site and to limit the protection for bat habitats in buildings used for public worship.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Surveys of bat habitats in the vicinity of a building site

- (1) No new building shall be constructed on a previously undeveloped site unless prior to its construction a local bat survey has been conducted and it has been established whether or not a bat habitat is located in the vicinity of the proposed building. 5
- (2) Where a survey under subsection (1) concludes that a bat habitat is located in the vicinity of the site of a proposed building, the building shall not be occupied unless or until the developer of that building has provided a bat box or artificial roost for each species of bat located in the vicinity.
- (3) In this section, the meaning of “building” includes “wind turbine”, such that no wind turbine for which planning permission is required shall be constructed unless prior to its construction a local bat survey has been conducted and it has been established that no bat habitat is located in the vicinity of the proposed wind turbine. 10

2 Limiting the protection for bat habitats in buildings used for public worship 15

Notwithstanding the European Communities Act 1972, the provisions of the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 shall not apply to bats or bat roosts located inside a building used for public worship unless it has been established that the presence of such bats or bat roosts has no significant adverse impact upon the users of the building. 20

3 Regulations

- (1) The Secretary of State must by regulations made by statutory instrument specify –
 - (a) the criteria to be used in a local bat survey;
 - (b) the meaning of key terms such as “in the vicinity of a building site”; 5
 - (c) who may conduct a local bat survey; and
 - (d) how the costs of a local bat survey are to be met.
- (2) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

4 Extent, commencement and short title

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- (1) This Act extends to England and Wales only.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Bat Habitats Regulation Act 2017.

Bat Habitats Regulation Bill [HL]

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Lord Cormack

Ordered to be Printed, 3rd July 2017

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