

10th Meeting of the Advisory Committee

Bratislava, Slovak Republic, 25 – 27 April 2005

Interaction between Bats and Humans: a discussion paper from the United Kingdom



The Eurobats agreement requires Parties to prohibit the deliberate capture, keeping and killing of bats except under permit from a competent authority. The United Kingdom considers a discussion on this subject, at the 10th Meeting of the Advisory Committee, may be useful and productive. The following paper is an aid to discussion and indicates a few practical examples where permits are required. It does not seek to imply any legal interpretation of the provisions referred to.

Many of the Eurobats Parties are now also Member States of the European Union, which through Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) similarly requires member states to establish systems of strict protection for certain species, including all species of bat.

The Directive specifically requires Member States to prohibit all forms of deliberate capture or killing: deliberate disturbance, particularly during periods of breeding, rearing, hibernation or migration; and deterioration or destruction of breeding sites or resting places. It allows derogations to be issued to allow activities which would breach these strict requirements, to proceed, but there are similarly strict requirements about the basis on which derogations can be issued.¹ They may also only be issued if there is no satisfactory alternative to carrying out the proposed activity; and only if the action is not detrimental to maintaining the population of the species at a 'favourable conservation status'.

¹ Article 16 to the Habitats Directive indicates they may be issued in the interests of protection wild fauna and flora and conserving natural habitats: to prevent serious damage, to crops, livestock, forests, fisheries and water and other types of property; in the interests of public health and safety, of for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; for the purposes of research and education: and to allow the taking or keeping of certain specimens, in limited numbers, on a selective basis and to a limited extent.

General objectives under Eurobats

Our general aim is to secure the conservation status of bats and to protect from damage or disturbance, the sites important for the conservation of the species, including for shelter and protection, taking into account as necessary economic and social conditions.² We believe it might prove useful to the Parties to elaborate on the ways in which we are seeking to deliver this objective, by examining some case studies and exchanging views.

There is a range of circumstances where there is a direct connection between bats and human activities. The Eurobats Agreement has consistently recognised that these situations should be handled both sensibly, and sensitively, and in a way which causes no detriment to the populations of the species.

We suggest that we might usefully explore, within the Meeting, how different Parties are handling these situations, and that we might focus on three particular examples:

- i) a bat is found within a dwelling house, either one which has strayed into the living space, or where there is a roost in the loft. Can we allow activity to remove the bat without a permit? Should we require a permit in each case? Or should we provide a general exemption, allowing the exclusion to be carried out sensitively? Alternatively, is it really an option to insist that no action is taken?
- ii) bats are present on property (or trees) proposed for demolition (either because it is not needed, or to allow development to take place on the site). An individual permit is likely to be required, but how can we best secure the measures necessary to protect bat populations, to secure 'favourable conservation status', including refusal of a permit where this cannot be guaranteed.
- iii) bats are present in commercial, managed woodland (including woodland managed for recreation). Again, is a permit required and if so, is this best delivered through a system of individual permits or through a general 'derogation' for activities carried out in particular ways? We do not want to prevent woodland management, which brings a range of environmental benefits, or to provide an overly-bureaucratic system that people may resent and possibly ignore. Do effective Guidelines overcome the need for permits? How can they be enforced?

² Article III(2) to the Eurobats agreement

In each of these cases there are issues raised, concerning

- the likelihood of applying for a permit, as opposed to carrying out activity without one
- the type of permit to be issued, and whether a single permit can cover a number of different situations
- judging whether individual activities have an effect on the species, at the population level (or in terms of the species 'favourable conservation status'.)
- the application of 'mitigation' measures through the permit, including monitoring the effects of the activity after the permit has expired and activity has been concluded
- enforcement of any system, including legal prosecution.
- the role of education and awareness, in helping to prevent problems

The meeting is asked to discuss the issues raised, by reference to particular examples from within individual countries, in the context of how best we can deliver the overall objectives of the agreement in relation to the conservation of bats: **and if appropriate to make recommendations for further action.**