Regulation 54 Derogation Application

Cahercon House, Co. Clare

October 2025

Prepared for:

Church Road Limited Partnership

CIEEM REGISTERED PRACTICE 2025-2026

O'DONNELL ENVIRONMENTAL

Summary

Project: Cahercon House maintenance (repair of windows), Co. Clare.

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Statement of Competence: O'Donnell Environmental is an independent environmental consultancy established by Tom O'Donnell BSc (Hons) MSc CEnv MCIEEM in 2019. O'Donnell Environmental is a Chartered Institute of Ecology and Environmental Management (CIEEM) 'Registered Practice' which demonstrates our commitment to high professional standards, accountability and the delivery of the best outcomes for biodiversity and our Clients.

Tom O'Donnell is a Chartered Environmentalist and a full member of the Chartered Institute of Ecology and Environmental Management. He was awarded a BSc in Environmental and Earth System Science [Applied Ecology] in 2007 and an MSc in Ecological Assessment in 2009, both from UCC. Tom has over 17 years professional experience in the environmental industry, including working on projects such as windfarms, overhead power lines, roads, cycleways and residential developments. Tom is licensed by NPWS for roost disturbance (Ref: DER/BAT 2023-16) and to capture bats (C25/2023).

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1 Introduction

In January 2025 O'Donnell Environmental Ltd. were commissioned by Church Road Limited Partnership to undertake bat surveys relating to a proposed development project at Cahercon House Estate.

Cahercon House is a Georgian building built in 1790, which was subsequently occupied as a boarding school from 1962 to 2002 after which it was abandoned. The central block of the building comprises four floors, including an underground basement space, while the north and south wings of the house have three floors including the underground basement space.

The current Regulation 54 Derogation application applies to works required to remove and replace the windows of this Georgian building, on the ground floors and above, with access for bats retained in two windows on the western face of the building (see **Section 4**; **Plates 4.1a** and **4.1b**).

Repair works to the roof and to some of the windows of Cahercon House has already been completed under a Section 57 declaration (Planning and Development Act 2000), without the need for a derogation under Regulation 54 of European Communities (Birds and Natural Habitats) Regulations (2011), as the latter was not deemed necessary at the time in 2024.

Repair works to the roof in particular have facilitated a return of Lesser Horseshoe Bat to the attic, and as a result all work was stopped on ecological advice in July 2025. It was considered appropriate to only recommence works with a valid Regulation 54 Derogation and given this change in context, it was considered appropriate to reapply for Section 57 Declaration.

The subject of this Regulation 54 Derogation application pertains exclusively to the main Cahercon House (see **Plate 1.1A – 1.1D**; **Figure 2.1**) and specifically relates to the repair and replacement of those external windows which have not yet been replaced.

It is proposed to maintain bat access to the house throughout works, and the works are designed accordingly.

Plate 1.1A – Eastern side of Cahercon house

Plate 1.1B – Alternate view of eastern side of Cahercon house.

Plate 1.2C – Western side of Cahercon house.

Plate 1.2D – Southwestern side of Cahercon house.

2 Methodology

O'Donnell Environmental were appointed to carry out bat surveys of a number of structures on the Cahercon Estate, including the Main House, in January 2025. At this point, works permitted by a previous Section 57 Declaration were underway, with the roof repair works largely complete and window removal, repair and replacement ongoing.

Information on the condition of Cahercon House at the time the repair and maintenance works commenced was gained from review of reports prepared by MKO and others.

Dedicated pre-construction bat surveys were undertaken at the Cahercon House Estate by O'Donnell Environmental, including survey of the main Cahercon House, from January 2025 to September 2025.

Bat surveys consisted of a mixture of daytime building assessments, passive monitoring, DNA analysis of bat droppings, dusk emergence surveys and dawn re-entry surveys. All surveys were carried out in accordance with industry standard best practices, including the following:

- Bat Mitigation Guidelines for Ireland (Marnell et al., 2022)
- Bat Conservation Trust guidelines Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition (note that the guidelines were recently updated to 4th edition) (Collins, 2023)
- Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes (NRA (now TII), 2005b)
- Guidelines for the Treatment of Bats during the Construction of National Road Schemes (NRA (now TII), 2006b).

2.1 DESK STUDY

A desktop review of publicly available relevant data was undertaken. This included the review of all previous survey reports which were commissioned by Clare County Council or Church Road Limited Partnership:

- Cahiracon House Estate, Kildysart, Co. Clare (MKO, 2020)
- Cahercon House & Gate Lodge, Cahercon Estate, Killadysert, Co. Clare Roof Bat Survey (Russell Environmental and Sustainability Services Ltd., 2023)
- Cahercon House, Kildysart, County Clare, Dusk to Dawn Bat Survey (Russell Environmental and Sustainability Services Ltd., 2023)
- Caheracon Gate Lodge Bat Survey (Jim Minogue, 2023)
- Cahercon Estate and Farmyard Bat Survey (Jim Minogue, 2024).

Relevant information was sought on the National Biodiversity Data Centre (NBDC) and National Parks & Wildlife Service (NPWS) websites to identify any rare or protected species records located within the relevant national grid squares encompassing the site.

The NBDC was reviewed for relevant bat data, specifically i) existing species records for the 10km square in which the study site is located (R25) and ii) an indication of the relative importance of the wider landscape in which the study site is located, based on Model of Bat Landscapes for Ireland (Lundy et al., 2011). In the latter, the index ranges from 0 to 100, with 0 being least favourable and 100 most favourable for bats.

Designated international and national nature conservation sites within the wider hinterland of the proposed redevelopment were identified through a desktop review. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) form part of a European Conservation network known as Natura 2000 sites. SACs are designated under the EU Habitats Directive[1] while SPAs designated under the EU Birds Directive[2]. Nationally designated conservation sites include Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). While NHAs are legally protected by the Irish Wildlife Acts (1976 as amended), pNHAs are not.

2.2 DAYTIME ASSESSMENT

Daytime assessments consisted of exterior and interior assessments on a number of occasions during 2025. Daytime visual surveys aim to identify any signs of bat roosting which might be associated with the structure. Signs of bat use include bat droppings, feeding remains, potential bat access points identified by characteristic staining and scratches, noise made by bats etc. Daytime visual assessments help to determine the appropriate survey effort required during the dusk emergence or dawn re-entry surveys.

On the 15th of January 2025 and 26th of February 2025 winter roost inspections were carried out to determine potential access points into the building, the presence of winter roosting bats and the exact locations of their hibernacula within the building.

Daytime roost inspections were also carried out on the 29th of April, 10th of June, 8th of July and 9th of September 2025 in an attempt to identify the presence of bats or signs of any current use of the building by bats during this time of the year (i.e. determine the potential presence of a maternity roost).

Where evidence of bat roosting was identified, droppings were collected and sent of DNA analysis to confirm species identification in the absence of observed individuals.

2.3 PASSIVE MONITORING

Passive bat monitoring was carried out within the underground cellar of Cahercon House for two nights on the 26th and 27th of February 2025. A longer monitoring period was intended but a technical error occurred.

The detector was sited in areas where evidence of bat roosting has been identified following the daytime visual inspections. Bio-acoustic analysis of bat sonograms was carried out according to the parameters set out in Russ (2012; 2021) and Middleton et al. (2014). Kaleidoscope Pro software was used to aid analysis and all calls were manually verified.

2.4 EMERGENCE/RE-ENTRY SURVEYS

Three emergence surveys and one dawn re-entry survey were conducted on Cahercon House during summer 2025 (see **Table 2.1**). For each survey, surveyors were positioned to maximise views of the structure, in combination with night vision aids (NVAs) following best practice guidelines (Collins, 2023). Particular attention was applied to any identified access/egress points noted during previous daytime

[1] Council Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna, as amended by Council Directive 97/62/EC.
[2] Directive 2009/147/EC (Birds Directive) on the conservation of wild birds (the codified version of Council Directive 79/409/EEC as amended).

visual roost assessments. During the surveys concurrent internal inspections were carried out by surveyors to establish potential internal flight lines or night roosting locations.

Guide IR Pro 19 thermal imaging cameras and Nightfox infrared camera were positioned to optimise views of the structure, following Collins (2023). Echolocation recordings were made on handheld Echo Touch Meter Pro 2 and Anabat Scout full spectrum recorders. Given the size and complexity of the target building, and the presence of scaffold, it was not generally possible to locate ultrasonic detectors with the viewsheds of night vision aids to correlate any potential emergence with echolocation data.

Surveys were carried out during suitable weather conditions. See **Plates 2.1A-D** for example views of thermal camera perspectives.

Table 2.1 – Active survey dates

Survey Date	From - To Times	Sunset/Sunrise Time	Weather
29/04/2025	20:45 - 22:30	21:00	15°C, dry, low winds, clear sky
10/06/2025	21:45 - 23:30	21:59	14°C, dry, low winds, clear sky
08/07/2025	21:45 - 23:30	21:59	16°C, dry, low winds, cloudy
09/09/2025	05:30 - 07:15	07:00	13°C, dry, low winds, cloudy

Plate 2.1A - Thermal camera covering the southern wing of Cahercon House.

Plate 2.1B - Viewshed of the thermal camera covering the southern wing of Cahercon House.

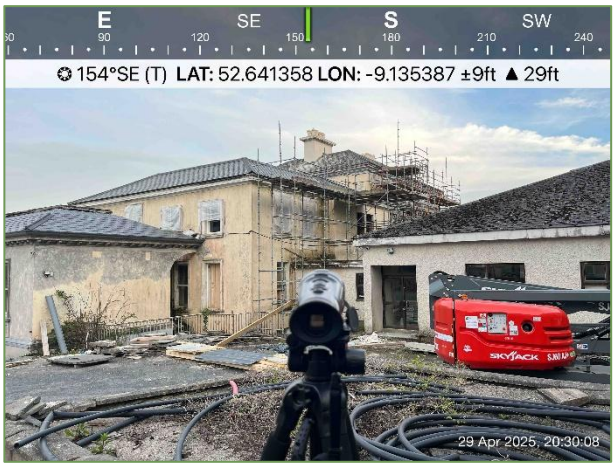

Plate 2.1C - Thermal camera covering the northwestern corner (north wing) of Cahercon House.

Plate 2.1D – Viewshed of the thermal camera covering the northwestern corner (north wing) of Cahercon House.

2.5 SURVEY LIMITATIONS

Full site and building access was supplied by the Client. Scaffolding on the rear of the main house partially obscured views of some possible emergence points (e.g. **Plate 2.2D**) but this was not considered to be a significant limitation. A passive bat detector located in the basement of the main house failed after two nights of monitoring in February 2025; this is not considered to be a significant limitation given the availability of two nights data as well as results of visual surveys.


Gate Lodge
Georgian Farm Buildings
School Building
Kitchen Extension
Cahercon House
Accommodation
0
50
100 m
Figure 2.1
Study Site Location
Project:
Caheron House - Section 57 Works
Prepared for:
Church Road Limited Partnership
Tom O'Donnell CEnv MCIEEM
D: 20/10/2025
Microsoft product screen shot(s) reprinted with permission from Microsoft Corporation
O'DONNELL ENVIRONMENTAL
Legend
Structures
Accommodation
Cahercon House
Gate Lodge
Georgian Farm Buildings
Kitchen Extension
School Building

3 Results

The results of the desk study, winter/summer visual inspections, passive monitoring and emergence/re-entry surveys carried out at Cahercon House are discussed separately below.

3.1 DESK STUDY

Surveys carried out pre-planning, from 2019 to 2024, identified evidence of roosting in multiple locations of the Cahercon House estate, including Cahercon House.

Surveys carried out by MKO in 2019 and 2020 recorded a Lesser Horseshoe Bat hibernaculum within the basement of Cahercon House during the winter survey and night roosting on the first floor of the southern wing and within the bathrooms on the second floor (MKO, 2019; 2020). Individual *Myotis* spp. bats were recorded emerging and re-entering the central block attic space of Cahercon House, accessing it via the west facing facia.

Surveys carried out by Russell Environmental and Sustainability Services Ltd. (RESS) in June 2023 recorded signs of roosting bats throughout the house (i.e. droppings and feeding remains) but no roosting bats were recorded at the time of the survey.

Following a Section 57 Declaration for roof and window repair works at Cahercon House, NPWS raised concerns regarding potential disturbance to the bat population roosting at the estate and an additional report was requested by Clare County Council. This was prepared by Jim Minogue (2024). This report identified winter and summer roosting by Lesser Horseshoe Bat within Cahercon House and two individuals roosting in the Gate Lodge. Photos in Minogue (2025) from Gate Lodge report which are presented as being Lesser Horseshoe Bat in fact show Brown Long-eared Bats, and therefore there is no credible evidence of Lesser Horseshoe Bat having used the Gate Lodge prior to the winter of 2024/2025 and it is unlikely the building would have been accessible to this species then.

National Biodiversity Data Centre holds previous records of bat presence from within the 10km square (R25) in which the proposed site is located. These records are for the following seven species:

- Common Pipistrelle (*Pipistrellus pipistrellus*).
- Soprano Pipistrelle (*Pipistrellus pygmaeus*).
- Leisler's Bat (*Nyctalus leisleri*).
- Daubenton's Bat (*Myotis daubentonii*).
- Brown Long-eared Bat (*Plecotus auritus*).
- Whiskered Bat (*Myotis mystacinus*).
- Lesser Horseshoe Bat (*Rhinolophus hipposideros*).

All bat species in an Irish context are of 'Least Concern' within Marnell et al. (2019). The most recent Article 17 report (NPWS, 2019) states the conservation status of all bat species are 'favourable', with the exception of Lesser Horseshoe Bat which is 'inadequate and declining' due to declines in Limerick and North Kerry populations specifically.

The overall bat suitability index value (*44.44*) according to 'Model of Bat Landscapes for Ireland' (Lundy et al., 2011) suggests the landscape in which the proposed site is located is of high suitability for bats in general. Species specific scores are provided in **Table 3.1**. Lesser Horseshoe Bat is assigned a score of '35' due to the presence of suitable landscape features and being located within their known

range. The nearest available roost record within the NPWS database for this species is approximately 7.9km northeast of the Cahercon House Estate.

Table 3.1 - Suitability of the study area for the bat species according to 'Model of Bat Landscapes for Ireland' (Lundy et al., 2011).

Common name	Scientific name	Suitability index
All bats		*44.44*
Soprano pipistrelle	*Pipistrellus pygmaeus*	51
Brown long-eared bat	*Plecotus auritus*	60
Common pipistrelle	*Pipistrellus pipistrellus*	45
Lesser horseshoe bat	*Rhinolophus hipposideros*	35
Leisler's bat	*Nyctalus leisleri*	51
Whiskered bat	*Myotis mystacinus*	40
Daubenton's bat	*Myotis daubentonii*	41
Nathusius pipistrelle	*Pipistrellus nathusii*	34
Natterer's bat	*Myotis nattererii*	43

Source: https://maps.biodiversityireland.ie/Map. Accessed 01/10/2025.

3.2 DAYTIME INSPECTION

Detailed inspections of Cahercon House were completed in 2025, during both the winter and summer months. Overall, Cahercon House is considered of 'high' suitability for roosting bats following Collins (2023) and evidence of roosting by Lesser Horseshoe Bat was recorded throughout the building.

3.2.1 Winter Inspections

The initial inspection was completed on the 15th of January 2025 by Tom O'Donnell and Elaine Keegan, the local NPWS Conservation Ranger. A subsequent winter roost inspection was completed on the 26th of February 2025 by Tom O'Donnell and Claire McCarthy.

Across these two winter daytime assessments roosting by Lesser Horseshoe Bat was recorded in the underground basement and additional rooms at the basement level. Evidence was recorded in the form of accumulations of droppings in the basement (**Plate 3.1A**) and a count of eight individual Lesser Horseshoe Bats in torpor across the various rooms which form the basement (**Plate 3.1B** to **3.1F**).

Plate 3.1A Accumulation of droppings in the cellar of Cahercon House.

Plate 3.1B Lesser Horseshoe Bat in torpor in a basement level room in Cahercon House.

Plate 3.1C Lesser Horseshoe Bat in torpor within a room of the basement level beneath the north wing.

Plate 3.1D Lesser Horseshoe Bat in torpor within a room of the basement level beneath the north wing.

Plate 3.1E Lesser Horseshoe Bat in torpor in the cellar of the basement of Cahercon House.

Plate 3.1F Three Lesser Horseshoe Bats in torpor in the cellar of the basement of Cahercon House.

3.2.2 Summer Inspections

Visual assessment surveys were carried out across the summer months, before each emergence survey and after the dawn re-entry survey at Cahercon House. These inspections were carried out by Tom O'Donnell, Oisín O Sullivan, Colm Breslin, and Claire McCarthy.

Lesser Horseshoe Bat droppings beneath a decorative ceiling rosette on the second floor of house suggest that this location was being used regularly by night-roosting Lesser Horseshoe Bats (see **Plate 3.2G** & **3.2H**). Droppings were found in a variety of locations in Cahercon House suggesting the building is used widely, possibly for pre-emergence flight and night-roosting. During the inspection on the 9th of September 2025 the presence of at least 18 roosting bats was confirmed in the central attic space of Cahercon House (**Plate 3.1K**). At least two Lesser Horseshoe Bats were recorded in the northern attic space which are likely accessed through an partially-blocked window at the rear (west) of the building (see **Plate 3.2L**). An individual juvenile Lesser Horseshoe Bat was recorded perched in a sunlit 2nd floor room (**Plate 3.2I**) in the southeastern section of the building (which likely indicates ill-health). One additional Lesser Horseshoe Bat was recorded within the basement during a site meeting with David Lyons (NPWS) that morning.

Plate 3.2G Decorative ceiling rosette beneath which droppings have accumulated.

Plate 3.2H Accumulation of droppings which have accumulated beneath the ceiling rosette.

Plate 3.2I Individual juvenile Lesser Horseshoe Bat roosting in the east facing room on the first floor of the southern wing.

Plate 3.2J One Lesser Horseshoe Bat roosting and one Lesser horseshoe bat in flight in north wing attic.

Plate 3.2K Lesser Horseshoe Bats (min. 18) in the main house central attic.

Plate 3.2L Access to north wing attic by gap above window boarding and partially collapsed ceiling.

3.3 PASSIVE MONITORING

A total of 148 registrations attributed to Lesser Horseshoe Bat were recorded on the detector placed in the underground cellar of Cahercon House from 26th February 2025 to 28th February 2025. The detector was deployed proximal to where the individuals had been recorded during the building inspections carried out in the winter months. No registrations were recorded during daylight hours and no other bat species were recorded.

Table 3.2 – Passive monitoring results from interior detector.

Survey Date	Lesser Horseshoe Bat Registrations
26/02/2025	29
27/02/2025	96
28/02/2025	23

3.4 EMERGENCE/RE-ENTRY SURVEYS

Emergence surveys were conducted on Cahercon House on the 29th of April 2025, 10th of June 2025, and 8th of August 2025. A re-entry survey was conducted on the 9th of September 2025. Given the size and complexity of the target building, and the presence of scaffold, it was not generally possible to locate ultrasonic detectors with the viewsheds of night vision aids to correlate any emergences with echolocation data to identify species. This limitation was partially overcome by carrying out brief active surveys within the buildings to record those bats which were active within the building during surveys. Only Lesser Horseshoe Bat were recorded during such echolocation surveys and therefore it is assumed that the majority of emergences and re-entries, outlined below, are attributable to Lesser Horseshoe Bat but it is likely that other species utilise Cahercon House also, at least occasionally.

The first survey night on 29th April 2025 recorded no bat emergences from Cahercon House. During an internal inspection concurrent with this survey, Lesser Horseshoe Bats were recorded flying within the basement.

On the 10th of June 2025 the thermal camera covering the western side of the house, recorded light sampling at two open windows and a window boarded with OSB that has a gap allowing access/egress (**Plate 3.4A – 3.4B**). In total seven emergences were recorded from Cahercon House. Three were recorded from the upper floors (see **Plate 3.4A**), with a further four emergences from a ground floor window on the eastern side of the building (**Plate 3.4C**). Only Lesser Horseshoe Bats were recorded within Cahercon House during this survey.

The emergence survey on the 8th of July 2025 did not record any emergences from Cahercon House. However, during a concurrent internal inspection of the house, a single Lesser Horseshoe Bat was recorded roosting in a chimney on the second floor. Another Lesser Horseshoe Bat was also recorded flying within the second floor in the northern section of the building.

The aim of the dawn survey on the 9th of September 2025 was to identify any previously unrecorded roosting locations within Cahercon House. Access, egress and roosting locations recorded were consistent with previous findings outlined above.

Plate 3.4A Locations where light sampling Lesser Horseshoe Bats were recorded emerging and re-entering.

Plate 3.4B Internal view of emergence/re-entry points, an open window (left), and a window covered with OSB with a gap (right).

Plate 3.4C Emergence location on the east face of Cahercon House

Plate 3.4D Room on western side of building with OSB sealed window with access gap and ceiling holes allowing access to attic in central block.

3.5 SUMMARY OF RESULTS

Following roof repairs, Lesser Horseshoe Bat roosting and activity in the upper floors and attic of Cahercon House has been identified by O'Donnell Environmental. Is likely that repairs to the roof have improved the condition of the attic, increasing its suitability for roosting bats.

No evidence of species other than Lesser Horseshoe Bat was noted during surveys carried out by O'Donnell Environmental, but on the basis that roosting by *Myotis spp.* (MKO, 2019) was identified previously, it is likely that other species utilise the building also, at least occasionally. As outlined above, it was not possible to confirm all emergences as being of Lesser Horseshoe Bat and given other species were abundant locally and Cahercon House is highly accessible to bats, it is assumed that other species will roost here also at least occasionally.

Up to eight Lesser Horseshoe Bats were observed using the basement of Cahercon House during the hibernation period, mostly in the cellar. During active seasons, the central and northern attics were used by day roosting Lesser Horseshoe Bats. Two primary emergence points were identified, 1) windows shown in **Plate 3.4A** and **Plate 3.4B** and, 2) a window partially covered with OSB (**Plate 3.4D**, **Plate 4.1B**). Night roosting locations have also been documented in multiple rooms and a fireplace on the

second floor. The most complete count was achieved in September 2025, and 22 Lesser Horseshoe Bats were recorded Cahercon House in total.

An additional note made during the winter inspections is that a new entrance to the basement of the Gate Lodge was created in 2024 when a man-hole cover was left open. Previously there was no credible evidence of Lesser Horseshoe Bats using in this building and it was not likely to be accessible to them. During the inspection in September 2025, 71 Lesser Horseshoe Bats were recorded roosting in the basement in of the Gate Lodge likely ahead of the hibernation period given its suitable conditions. It is likely that this is a more favourable hibernation location than the basement of the main house.

4 Mitigation

The measures for minimising and avoiding impacts on roosting bats will include the following:

- Works will take place from December to February inclusive only, when bats are not likely to be using the ground floor, the upper floors, or attic of the building for daytime roosting to any significant extent.
- Prior to works commencing in December, the absence of bats in all roosting areas above the basement floor will be confirmed. A hibernation count will also be conducted on the basement floor and Gate Lodge basement.
- No works will take place within the basement floor of the building, unless it can be confirmed by a bat-licensed Ecologist that bats are entirely absent from the basement. The letter scenario is considered unlikely, but is possible given the colony has demonstrated a preference for the newly accessible Gate Lodge basement in winter.
- Works (e.g. window removal and replacement) will be carried out with hand-tools only to limit the potential for noise and vibration disturbing any bats that may be overwintering in the basement.
- Two identified entrance points will be retained on the western side of the building (**Plate 4.1A, Plate 4.1B**) with access points suitable for Lesser Horseshoe Bat being provided (a minimum of 30cm x 20cm gap) if protective OSB installed in place of the windows
- Appropriate signage will be placed on the interior of the boards to ensure the access points are not blocked.
- Monthly site inspections by a bat-licensed Ecologist to monitor the colony and ensure the above measures are properly implemented.

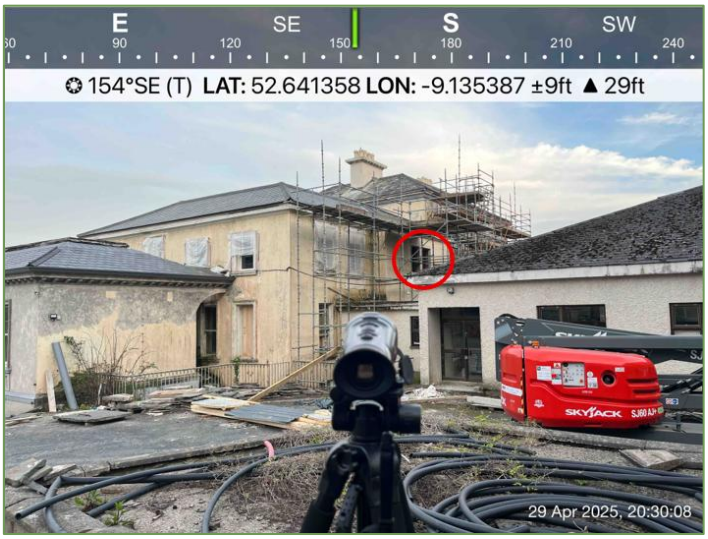

Plate 4.1A – A pair of windows through which bat access with be continued.

Plate 4.1B – Window through which bat access with be continued (internal view in Plate 3.4D)

5 Derogation Licence Application

A Regulation 54 Derogation is requested for the proposed works.

The proposed works consist of removal, repair and replacement of those windows not yet repaired (with the exception of those identified above through which bat access will be retained) subject to Section 57 Declaration.

Mitigation measures to avoid disturbance of the known bat roost in Cahercon House have been outlined in this report. The measures outlined in **Section 4** will be implemented to achieve this.

5.1 TEST 1 – REASON FOR DEROGATION

The reason for the current derogation is contained within Option 2(c) "*In the interests of public health and public safety, or 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*"

Cahercon House is a Protected Structure which requires maintenance, and "*its condition is such that unless urgent remedial works are carried out the building will sharply deteriorate*"[3]. Given its protected status, it is considered that there is an imperative overriding public interest of a social nature in its conservation.

Section 57 of the Planning and Development Act (2000) provides an exemption from planning for works on a protected structure which do not affect the character of the protected structure. Repair works under Section 57 Declaration have paused since July 2025 on the advice of O'Donnell Environmental in order to prevent disturbance to Lesser Horseshoe Bat.

In order to maintain the building, and prevent further deterioration, completion of the window repair works (subject to Section 57 Declaration) is proposed. Continued bat access to Cahercon House will be facilitated during and after the proposed window repair works through two identified window openings which were recorded to be used currently by Lesser Horseshoe Bat.

5.2 TEST 2 – ABSENCE OF ALTERNATIVE SOLUTIONS

Alternative solutions are detailed below and considered as to their suitability.

5.2.1 Alternative 1 – Do Nothing

Under a do-nothing scenario the maintenance works to repair the remaining windows of Cahercon House will not be completed. In the short term there would be no impact on roosting bats. In the medium to long term the interior of the building would continue to deteriorate potentially reducing the suitability for roosting bats.

This solution was not considered suitable, and alternative options are required.

5.2.2 Alternative 2 – Complete Exclusion of Roosting Bats

The second alternative solution considered was total exclusion of the bat roost from the house. This is not considered necessary for the current maintenance works which can be completed while avoiding

[3] https://www.antaisce.org/cahercon-house-kildysart

significant disturbance through seasonal avoidance primarily. It is concluded that the level of impact from full exclusion from the building on the roosting bats is excessive and unnecessary for the scale of maintenance works being completed under the Section 57 Declaration.

This solution was not considered suitable, and alternative options are required.

5.2.3 Alternative 3 – Works Continue with Mitigation

The final alternative considered is the continuation of works, following the mitigation laid out in **Section 4** of this report, which largely consists of seasonal and spatial avoidance of roosting bats. This involves the retention of that access to the building via three window openings, which will not be replaced (**Plate 4.1, Plate 4.2**), with works limited to December to February inclusive when bats are not likely to be day roosting in the upper floors or attics of the main house. There will also be complete avoidance of works in the basement floor to avoid disturbance of any bats that may be roosting there. These works may cause minor, temporary noise and vibration disturbance. However, there is significant alternative known hibernation roosting space in the Gate Lodge (hibernation) (**Figure 2.1**).

Alternative 3 was considered the most suitable option in this instance.

5.3 TEST 3 – IMPACT OF A DEROGATION ON CONSERVATION STATUS

For the current works being carried out under a Section 57 declaration all efforts to avoid direct disturbance are being carried out to complete the maintenance of windows of the building.

Lesser Horseshoe Bats within an Irish context are considered of 'Least Concern' (Marnell et al., 2022). The most recent Article 17 report (NPWS, 2019) states the conservation status of Lesser Horseshoe Bat as 'inadequate'. The maximum number of Lesser Horseshoe Bat recorded in the winter of 2024/2025 in the basement and cellar of the main house were 7 individuals, with 71 having relocated to the newly accessible Gate House which evidently presents better conditions for hibernation.

The mitigation stipulated in **Section 4** of this report will avoid disturbance during the time that maternity roosting is occurring. The retention of entrances and seasonality of the works is considered sufficient to ensure continued use of the structure by Lesser Horseshoe Bats. There is also suitable alternative hibernation and summer roosting options available and in use in the immediate vicinity.

The proposed derogation will ensure the continued use of the building by roosting Lesser Horseshoe Bats in both the hibernation and active season. The completion of described works under the Section 57 Declaration with the mitigation described is not considered detrimental to the maintenance of the populations of the species to which the Habitats Directive relates (Lesser Horseshoe Bat in this instance) at a favourable conservation status in their natural range.

5.4 MONITORING

Once-monthly monitoring of the Main House will be carried out by means of a daytime visual inspection by a bat-licensed Ecologist, while proposed window repair works are ongoing.

6 References

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