BAT DEROGATION LICENCE APPLICATION – MENLOUGH CASTLE

Project Reference	240209-a
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Subject	Menlough Castle Phase 5 & 6 - Derogation License
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Introduction

MKO have been collaborating with 7L Architects and Galway City Council on a phased project to stabilise and conserve the ruins of Menlo Castle. The works are essential to prevent further deterioration and its ultimate collapse (thus reducing or nullifying its potential as a wildlife habitat). The site of the proposed works area is located on the banks of the River Corrib in Galway city (Grid reference: E128479, N227868). MKO have completed a number of ecological surveys and assessments during 2021, 2022, 2023, 2024 and 2025 and have consulted extensively with NPWS local staff and Galway City Council. The ruined castle is known to support a roost of lesser horseshoe bats. Surveys have also revealed in most recent years a small roost of Soprano pipistrelle and Nathusius' pipistrelle bats located within the castle. The necessary works have been carefully planned to minimise any impacts on these, or any other ecological receptors.

The works for Phase 5 were completed in 2025, however the Phase 6 works are due to take place in the early months of 2026. Therefore, an extension of the existing derogation licence is being requested.

The proposed works involve the stabilisation and conservation of the ruins to prevent their deterioration and collapse. Following the precautionary principle, it has been identified that the Phase 5 and 6 works have the potential to cause disturbance to the confirmed Lesser horseshoe bat species. Repointing and stabilisation works are proposed on the wall where the main lesser horseshoe roost entrance is located.

This briefing note includes a brief description of the works proposed in this phase of the conservation works, the survey works that have been undertaken by MKO and the proposed mitigation that is designed to ensure that there will be no adverse effects on protected fauna.

Statement of Authority

MKO employs a dedicated bat unit within its Ecology team, experienced in scoping, carrying out, and reporting on bat surveys, as well as producing impact assessments in relation to bats. MKO ecologists have relevant academic qualifications, licences and are qualified in undertaking surveys to the levels required. The daytime inspection and dusk emergence survey in 2025 were carried out by licenced Bat Ecologist David Culleton (BSc, MSc) (DER-BAT-2025-120) and Clare Mifsud (PhD) (DER-BAT-2025-120). They were assisted by Noel Fahy (BSc), Saoirse Fitzsimons (BA, MSc) and Kate Leahy (BSc).

Background

Proposed Activity

The proposed works aim to support the stabilisation and conservation of Menlough Castle. The proposed Phase 5 and 6 works will run concurrently/consecutively in 2025 and 2026 and will focus on the east side of the spine wall, the eastern wall, and areas to the northwest and interior ground floor areas not completed in previous phases (Figure 1 & 2).

Openings where lintels have rotted out will be strengthened with new stone and precast concrete lintels and jambs where necessary, and damaged or cracked lintels repaired where possible. Large cracks are to be stitched with stainless steel pins. Wall tops are to be flaunched, and surviving lime render and mortars retained wherever they are found to be sound. The proposed works to the spine wall will include the removal of the heavy galvanised steel beam supports and propping installed during Phase 1 (2021) of the Three Castles Project. These supports were critical in preventing the wall from collapsing and ensured safer access to the upper sections of the structure. Their removal will enhance the historic character and visual integrity of these areas.

For full details on the proposed activity for Phase 5 and 6 see Appendix 1 – Method Statement, Appendix 2 – Engineering Drawings and Appendix 3 – Archaeological Drawings.

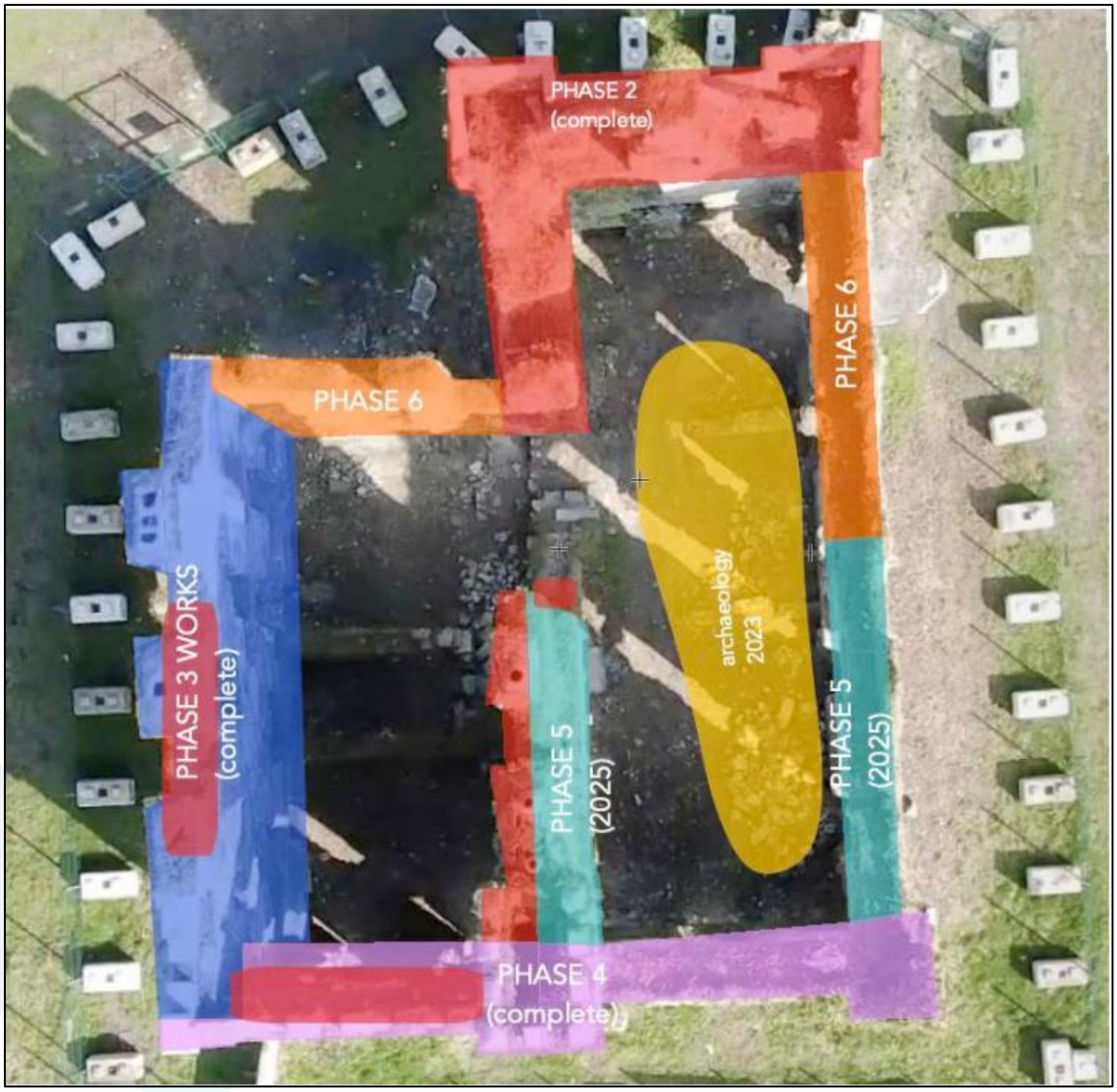

Figure 1 – Completed and proposed Phased works of Menlo Castle

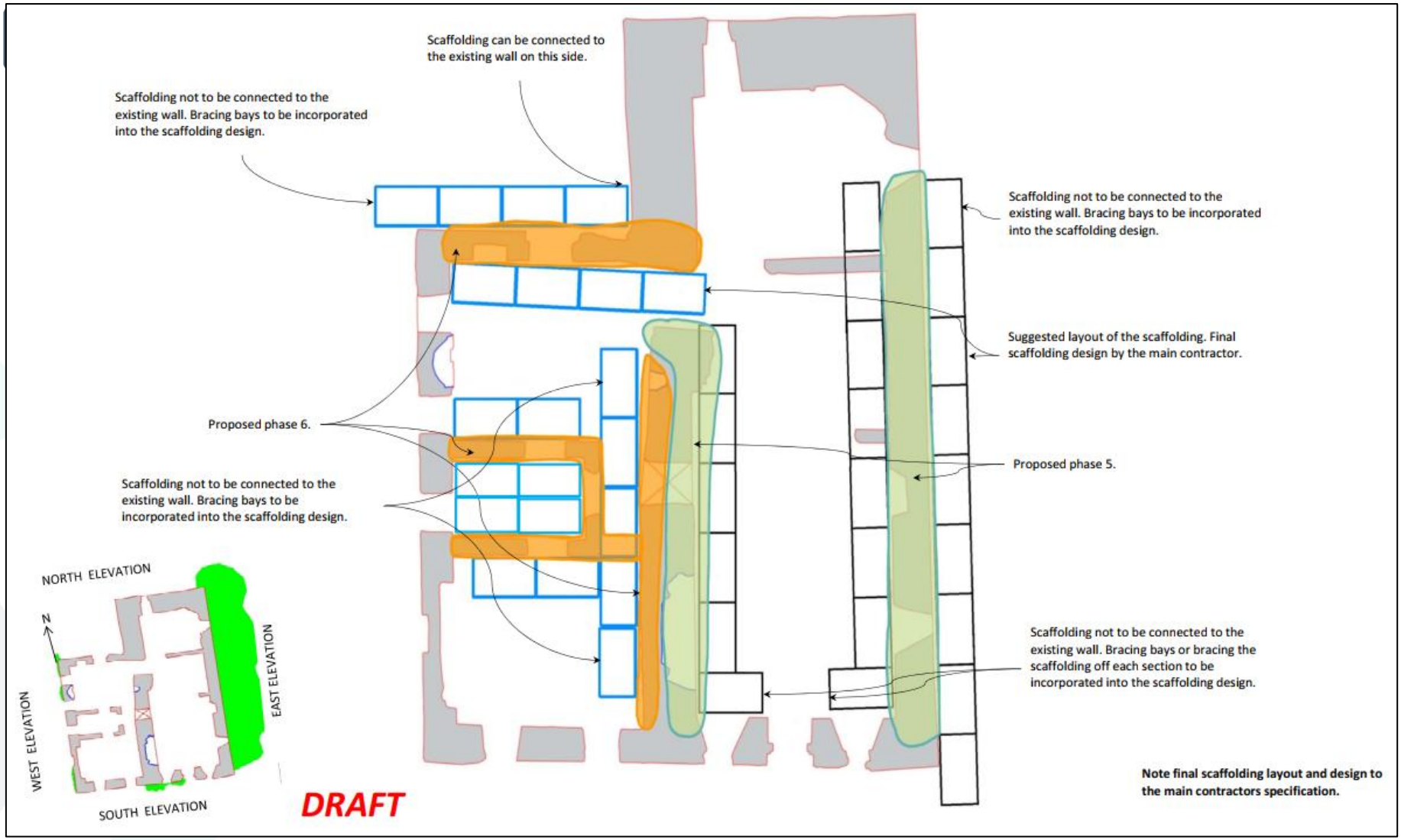

Figure 2 – Proposed Phase 5 & 6 works of Menlo Castle

Location
The site of the proposed works area is located on the banks of the River Corrib in Galway city (Grid reference: E128479, N227868).

Ownership
Menlo Castle is owned by Galway City Council.

Reason for Activity
Menlough Castle is a large 16th- century Castle, in a deteriorated state. The loss of its roof and floors, combined with the progressive decay of structural lintels, has left the building at risk. While the majority of the walls remain standing, they are at significant risk of collapse, with loose masonry from openings and wall tops posing a safety hazard. Internally, the ground is uneven and littered with debris from previous structural failures. The tall chimneys of the spine wall are poorly supported at mid-level where missing joists were burnt away. Lower down, an infilled fireplace is at immediate risk of collapse. Should this occur, there is a high risk that nesting/roosting sites below would be disturbed or destroyed.

Planning History
Please refer to the Conservation Method Statement in Appendix 1 for full details on the planning history.

Proposed Works
A summary of the necessary works in Phase 5 & Phase 6 is as described in the Conservation Method Statement in appendix 1:

- *To protect and maintain the existing built and archaeological heritage of the monument and setting of Menlough Castle, ensuring repairs do not adversely impact on this heritage.*
- *Proposed works are to first obtain extension to existing consent C001030 from the National Monuments Service under Section 14 of the National Monuments Act.*
- *To carry out specialist repairs to the spine and east wall to assist in the preservation of the site and the safety of the public.*
- *Specialist works to the spine wall include repointing and stabilisation and the removal of the heavy galvanised steel beams and propping installed in Phase 1 (2021) of the Three Castles Project, which were critical in preventing wall collapse and enabling safe access to upper areas; their removal will restore the historic character and visual integrity of these areas.*
- *Repairs to be overseen by a conservation structural engineer along with a RIAI Grade 1 Conservation Architect and monitored by a licensed archaeologist.*
- *Repairs to be carried out using lime mortars and specialist masonry repair techniques by contractors who have extensive experience in working in historic masonry structures in their repair, especially where they are in poor condition or unstable.*
- *Encroachment of ivy has advanced to a stage that there is little option other than its removal without risking further losses of historic fabric and risking the safety of the public.*
- *Stones left around the wall base, in the river and to the interior to be used for this purpose, identified by the archaeologist in association with the design team, to ensure that there is no further loss or obscuring of archaeological heritage.*
- *Scaffold to be designed to be free-standing and not reliant on the historic structure for support.*
- *Surviving wall plaster to be protected for the duration of the works.*
- *Rough racking and stone pinning of exposed wall tops and wall core.*

Please refer to the Conservation Method Statement in Appendix 1 for full details on the proposed works for Phases 5 and 6.

Ecological Surveys and Site Assessment

Existing Information

Previous Survey Results - 2024

A dusk emergence survey was carried out by four surveyors on 13th August 2024. During this dusk emergence survey 13 Lesser horseshoe bats were observed emerging from the chimney in the spine wall. One Common pipistrelle was observed emerging from the east side of the central wall. No works are proposed in the vicinity of either of these locations. Five bats, confirmed to be a mixture of Soprano pipistrelle and Nathusius' pipistrelle bats were seen to be emerging from cavities on the interior, southern wall. Overall, moderate commuting and foraging activity was recorded during the survey. Species recorded during the survey were Common pipistrelle, Soprano pipistrelle, Nathusius' pipistrelle, Myotis spp., Leisler's bat, and Lesser horseshoe bat.

Prior to the commencement of works, a toolbox talk was delivered to all site personnel, outlining key measures to protect bats and owls. These included stopping work immediately and notifying the site ecologist and manager if a bat, roost, or nesting owl is found; avoiding direct contact with any wildlife; restricting access to known roost sites, including barn owl locations and the main spine wall chimney used by Lesser horseshoe bats; and minimising lighting and noise where possible. A pre-commencement inspection was carried out by licensed ecologist Nathan Finn on 4th November 2024, during which no bats were found in any crevices within the works area. A final post-construction inspection was completed by licensed ecologist Aoife Joyce on 29th January 2025, confirming all known roosting locations were avoided, fencing had been repaired, and suitable crevices were retained on the southern elevation

Previous Survey Results – 2023

In May and June 2023, MKO carried out two dusk surveys in collaboration with a NPWS Ranger, during which licensed ecologists recorded Lesser horseshoe bat emergence from the internal spine wall and assessed potential additional roosting within the site. These surveys informed the derogation licence application, which was granted in September 2023 (Licence No. DER/BAT 2023–112) for structural conservation works potentially affecting bats. Ahead of works, a toolbox talk was delivered by MKO ecologist Ryan Connors on 9th October 2023, and a pre-commencement survey was completed by licensed ecologists Aoife Joyce and Kate Greaney on 19th October 2023. In line with mitigation requirements, all works were undertaken outside the main bat activity period (May–September) and completed before the next maternity season. No lighting was used during the works, and scaffolding was erected to avoid disturbance to known barn owl roosting sites.

Previous Survey Results – 2021 & 2022

In June 2021 and 2022, MKO conducted dusk and dawn bat surveys on-site, carried out by licensed ecologists on 21st–22nd June 2021 and repeated on 29th–30th June 2022, with a NPWS Ranger in attendance. These surveys aimed to identify bat roosting locations and supported the derogation licence application. A bat derogation licence (Licence No. DER/BAT 2022–131) was subsequently granted by NPWS in October 2022 for structural conservation works that could impact bats. Prior to commencement, a toolbox talk was delivered by MKO ecologist Pat Roberts on 26th August 2022, followed by a pre-commencement survey conducted by licensed ecologist Aoife Joyce on 14th October 2022 (DER-BAT-2022-06). An additional inspection of works areas 2 and 3 was undertaken on 8th November 2022. In accordance with the agreed mitigation, all works were carried out outside the main bat activity period (May–September) and completed ahead of the next maternity season. No lighting was used during the works, and scaffolding was carefully installed to avoid the barn owl nest site.

Previous Survey Results – N6 Galway City Ring Road EIAR 2023

Numbers of Lesser horseshoe bats observed emerging from the structure varied in 2023 between 36 no. LHB early in the season (mid-June) to 40 no. in mid-July and 46 in August 2023. Table 8.20 within Chapter 8 of the EIAR displays the Number of LHB recorded emerging from Menlo Castle from 2006 to 2023. The table shows that the average count of LHB in Menlo Castle over the last 18 years has been 29.

Status of species in local/regional area

Table 1 Irish Bat Species Conservation Status and Threats (NPWS, 2019). Pressures and Threats are ranked from medium importance (M) to high importance (H) in the 2019 Article 17 report.

Bat Species	Conservation Status	Principal Threats
Common pipistrelle *Pipistrellus pipistrellus*	Favourable	**A05** Removal of small landscape features for agricultural land parcel consolidation (M) **A14** Livestock farming (without grazing) [impact of anti-helminthic dosing on dung fauna] (M) **B09** Clear--cutting, removal of all trees (M) **F01** Conversion from other land uses to housing, settlement or recreational areas (M) **F02** Construction or modification (e.g. of housing and settlements) in existing urban or recreational areas (M) **F24** Residential or recreational activities and structures generating noise, light, heat or other forms of pollution (M) **H08** Other human intrusions and disturbance not mentioned above (Dumping, accidental and deliberate disturbance of bat roosts (e.g. caving) (M) **L06** Interspecific relations (competition, predation, parasitism, pathogens) (M) **M08** Flooding (natural processes) **D01** Wind, wave and tidal power, including infrastructure (M)
Soprano pipistrelle *Pipistrellus pygmaeus*	Favourable	
Nathusius' pipistrelle *Pipistrellus nathusii*	Unknown	
Leisler's bat *Nyctalus leisleri*	Favourable	
Daubenton's bat *Myotis daubentoni*	Favourable	
Natterer's bat *Myotis nattereri*	Favourable	
Whiskered bat *Myotis mystacinus*	Favourable	
Brown long-eared bat *Plecotus auritus*	Favourable	
Lesser horseshoe bat *Rhinolophus hipposideros*	Inadequate	

As stated in the N6 Galway City Ring Road EIAR, based on the counts from 2006-2016, the maternity roost at Menlo Castle makes up approximately 0.6% of the summer population of LHB for the national population and 6% of the County Galway summer population. The roost does not meet the threshold of representing 1% of the national population to make it of National Importance, it does exceed the threshold at a county level and is therefore deemed to be of County Importance.

Survey Objective(s)

The main objective of the surveys was to gather information on roosting, commuting, and foraging bats using the site and to identify any important features for bats. The surveys were designed to determine the nature, scale, and locations of potential bat activity in the castle and to assess the need for further surveys or recommendations to safeguard bats.

Description of Survey Area

The site of the proposed works area is located on the banks of the River Corrib in Galway city (Grid reference: E128479, N227868). Menlough Castle is a large residence ruins, dating from the sixteenth to nineteenth century that was severely damaged by a major fire in 1910 and has remained unused since. It is listed as a protected structure (5702) in Galway City Development Plan 2023-2029.

Map Legend

- Site Boundary
- Surveyor Locations
- Thermal Camera Locations

N

Drawing Title

Survey Effort

Project Title

Menlough Castle

Drawn By	Checked By
SF	AJ
Project No.	Drawing No.
191204	Figure 4
Scale	Date
1:250	23.07.2025

MKO

Planning and Environmental Consultants

[redacted]

Plate 1 external east wall to be repaired as part of phase 5 – no bats seen emerging externally

Plate 2: west side of internal wall to be repaired as part of phase 6

Plate 3 east side of internal wall to be repaired as part of phase 5

Plate 4: internal walls in the west area of the castle to be repaired as part of phase 6

Survey Methodology

A daytime inspection and dusk emergence survey were conducted on the 23rd of July 2025 by 5 MKO bat ecologists to assess the castle for its potential to support roosting bats. Full access to the structure was provided. The daytime inspection survey included a thorough examination of all accessible interior spaces and an external inspection from ground level upwards. Equipment used included torches, an endoscope, a thermal camera, and binoculars to search for signs of bat activity, such as live or dead bats, droppings, feeding remains, urine stains, fur oil marks, and vocalisations, as well as potential access points.

During the dusk emergence survey, one surveyor was located within the castle to the southeast, one was located to the northeast, one to the northwest, one to the southwest and one outside the castle to the east (Figure 4). Surveyors were equipped with full spectrum bat detectors (Batlogger M bat detector (Elekon AG, Lucerne, Switzerland)). The purpose was to identify any bat species, numbers, access points and roosting locations within the castle building, specifically within the Phase 5 and 6 areas. Night vision aids (NVAs), including two thermal cameras, aided the survey effort. Surveys were carried out in favourable weather conditions. The dusk emergence survey commenced at least 15 minutes before sunset and concluded approximately 1.5 hours after sunset. The survey effort is summarised in Table 2 below.

Table 2 Bat Activity survey effort

Date	Surveyors (initials)	Survey Type	Sunrise/Sunset	Start	End	Weather
23/07/2025	DC, SF, NF, KL, CM	Roost Emergence	21:44	21:30	23:15	14°C, Dry, Calm

Figure 4 Survey Effort – 18th June 2025

Survey Results

2025

During the daytime inspection of the castle on 23rd July 2025, no evidence of active roosting (e.g. live or dead bats, staining, or accumulations of droppings) was recorded. However, previous surveys had identified a Lesser horseshoe bat roost in the main fireplace on the central spine wall of the southeast room. The dusk emergence survey confirmed emergence activity of Lesser horseshoe bat, with 63 observations of LHB emerging and re-entering the chimney during the survey. From previous surveys carried out at the site, this behaviour is typical for this population. The estimated population of LHB roosting is approx. 30. They were also recorded utilising other chimney cavities within the castle but outside the works area as night roosts during the survey. Three Soprano pipistrelles were also recorded emerging from the fireplace.

No other bat species were recorded emerging from the Phase 5 & 6 works areas. However, Soprano pipistrelle, Common pipistrelle and Leisler's bat were also recorded across the 5 batloggers commuting and foraging throughout the castle and surrounding area.

Plate 5: Fireplace on the eastern side of the central spine wall where the Lesser horseshoe and Soprano pipistrelles were recorded emerging.

Population size and class assessment

Previous surveys carried out in 2021, 2022, 2023 and 2024 confirmed several lesser horseshoe bats roosting in a chimney which has been retained and will continue to be retained as part of the works. Surveys carried out in 2025 confirmed the presence of a Lesser horseshoe roost within the fireplace of the southeastern room. Previous monitoring has confirmed a maternity roost during the summer with day/night roosts elsewhere in the castle. Three no. Soprano pipistrelles were also suspected to have emerged from the same location. No other bat species were recorded emerging from the structure during the survey.

Regular monitoring has been conducted on Menlo Castle to record the number of roosting bats (especially Lesser horseshoe bats) since the discovery of a maternity roost in 2000. Surveys have been conducted by consultants (including MKO) and the NPWS. A summary of results of previous surveys we conducted, along with surveys detailed in public reports are shown in Table 3.

Table 3: Summary of surveys carried out at Menlo Castle.

Year	Approx. count of roosting bats
2024	13 Lesser horseshoe bats
2023	6 Lesser horseshoe bats
2022	37 Lesser horseshoe bats 4 Soprano pipistrelles
2021	34 Lesser horseshoe bats
2018	20 Lesser horseshoe bats
2017	43 Lesser horseshoe bats
2016	35 Lesser horseshoe bats
2015	32 Lesser horseshoe bats
2014	35 Lesser horseshoe bats
2012	27 Lesser horseshoe bats
2009	38 Lesser horseshoe bats
2006	2 Lesser horseshoe bats
2005	5 – 10 Lesser horseshoe bats
2000	12+ Lesser horseshoe bat 20 Daubenton's bat 20+ Brown long-eared bat <30 Natterer's bat 1 Soprano pipistrelle

Evidence to support the Derogation Tests

The NPWS document, *Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland* - National Parks and Wildlife Service Guidance Series 1 (2021), was reviewed before undertaking this derogation application.

Article 16 of the Habitats Directive sets out three pre-conditions, all of which must be met before a derogation from the requirements of Article 12 or Article 13 of the Directive can be granted. These preconditions are also set out in Regulation 54 of the Regulations.

The preconditions are:

1. A reason(s) listed in Regulation 54 (a)-(e) applies
2. No satisfactory alternatives exist
3. Derogation would not be detrimental to the maintenance of a population(s) at a favourable conservation status.

It is believed that the pre-conditions for granting a derogation licence have been met, as follows:

Test 1 – Reasons for Seeking Derogation

Regulation 54(2) (a)–(e) states that a derogation licence may be granted for any of the reasons listed (a) to (e). We are of the opinion that the following reasons apply:

> *(c) In the interest 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.*

The Site comprises a 16th-century castle in poor condition. In the interest of public safety, structural repair works are required to maintain the site and to prevent any further damage. The proposed Phase 5 & 6 works are necessary for the conservation of a protected heritage building, without which the structure would fall into further decline, thus rendering the structure unsafe and at risk of collapse. The previous phases have effectively stabilised and conserved other sections of the castle; however, these proposed phases (Phase 5 & 6) are essential to address areas not previously included in areas of work, where there remains a significant risk of rock fall or structural collapse. These works are critical to ensuring the ongoing preservation and long-term stability of the castle as a whole. Please see Appendix 1: Method Statement for further details on the success of the previous phase works.

Additionally, Menlo Castle is listed as a protected structure (5702) in Galway City Development Plan 2023-2029. Historic built fabric, archaeology and natural heritage are given protection under the following legislation:

- Planning & Development Acts
- National Monuments Acts, 1930–2004, and the Record of Monuments & Places, established under Section 12 of the 1994 Act.
- EU Habitats Directive (92/43/EEC)
- EU Birds Directive (79/409/EEC as amended 2009/147/EC)
- Wildlife Amendment Act (2000)

The Conservation Method Statement in Appendix 1 provides full details on the condition of the castle. The proposed works aim to preserve the built and archaeological heritage of the site through specialist conservation repairs, while minimising impact and improving overall site stability.

Test 2 – There is no Satisfactory Alternative

There are no alternatives to the structural works. The repair works have been designed with specialist architecture and archaeology in mind to retain the remainder of the castle ruin and to prevent any further damage. The current structure has been identified as presenting a high risk and needs to be repaired, as outlined in Appendix 1, there are areas of the Castle at immediate risk of collapse. If the works are not carried out, the stability of the structure will be compromised and there is a high risk of further damage occurring, if the building were to collapse it would cause damage to the current roosts on site.

As outlined in the Conservation Methodology & Specifications in Appendix 1, the tall chimneys of the spine wall are poorly supported at mid-level where missing joists were burnt away. Lower down, an infilled fireplace is at immediate risk of collapse. Should this occur, there is a high risk that roosting sites below would be disturbed or destroyed. The proposed works on the other areas of Phases 5 and 6 are proposed to protect the historic fabric of the castle, including the repair of the surviving stone windows and weathering of exposed ledges to ensure rainwater does not enter the wall core. The scaffolding will be designed to be free-standing and not reliant on the historic structure for support.

Test 3 – Favourable Conservation Status

Annex IV species must be maintained at Favourable Conservation Status or restored to favourable status if this is not the case at present. The net result of granting a derogation licence must be neutral or positive for the species in question.

Surveys conducted in July 2025 identified several Lesser horseshoe and Soprano pipistrelle within the aforementioned structure. The works are proposed on the central spine wall where the main lesser horseshoe bat roost located. The existing roost will be retained within the spine wall and will still be suitable for Lesser horseshoe bats on the completion of the works.

Structural works will commence outside of the main bat maternity season and will conclude before the following activity season. However, the mitigation measures as discussed below will be in place to ensure that there are no negative impacts in the event that bats are roosting in any gaps/crevices. Should bats be encountered during the works, the licence will be in place to ensure that any bat is appropriately cared for and no potential for detrimental impacts on the local bat population exists.

Monitoring the impacts of the derogations

A derogation licence is being sought for Phase 5 & 6 of the proposed works. Proposed mitigation measures include:

- As bats were observed emerging from the structure, a bat derogation licence will be obtained from NPWS prior to the commencement of works.
- Works to the central spine wall and fireplace will be undertaken outside the main bat activity period (May - September. The works are proposed to take place from October 2025 to avoid the main bat activity period.
- Works proposed on other areas of the castle where no roosts have been identified are proposed to take place in August 2025.
- Prior to the commencement of works, a toolbox talk will be undertaken to ensure that all staff members are fully aware of the sensitivities of the site i.e. existing lesser horseshoe roost.
- Scaffolding must be positioned so that it does not obstruct access to the roosting areas.
- Scaffolding is not to be sheeted in the areas surrounding the identified bat roost entrances and must be erected in a manner that ensures continued access.
- No artificial lighting is proposed as part of the proposed works.
- As Lesser horseshoe and Soprano pipistrelle bats were identified emerging from the structure during the dusk emergence survey carried out, a pre-commencement endoscope and visual inspection survey is recommended to ensure there are no roosting bats present in the buildings prior to works at the roost entrance locations. The requirement for a pre-commencement survey does not represent a lacuna in the survey assessment but is fully in line with industry best practice. The function of this survey will be to assess any changes in baseline environment since the time of undertaking the survey in July 2025.
- It is recommended that an ecologist be present during works at the identified LHB roost location on the spine wall. This will allow for:
    - Confirmation of bat presence/absence at the time of works
    - Verification of the nature of the roost
    - Will provide guidance on appropriate repair, reinstatement or replacement of roosting features

The surveys and recommendations provided in this report are in accordance with the relevant industry guidance. Provided that the works are carried out in accordance with the measures outlined within this report, no impacts on bats are anticipated at any geographic scale.