BAT DEROGATION LICENCE APPLICATION

Table of Contents

Introduction

I am applying for a personal derogation licence to enable me to lawfully undertake precautionary inspection surveys of potential bat roost features as part of my professional duties. This licence is required as a precautionary measure to allow for the inspection of buildings, trees, and other features where bats may be present, ensuring that surveys can be undertaken in compliance with legislation and best practice.

Background

MKO maintains a dedicated bat unit within its Ecology team, with extensive experience in scoping, undertaking, and reporting on bat surveys, as well as preparing ecological impact assessments relating to bats. Ecologists within the team hold relevant academic qualifications and licences and are trained to undertake bat surveys to the required professional standards.

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 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

I am applying for a precautionary disturbance licence to allow me to inspect potential bat roost features, including buildings and trees, in order to determine the presence or absence of bats, and to undertake surveys of confirmed roosts to gather additional information where required. This licence is sought to enable me to carry out inspection surveys lawfully in situations where bats may be present, but roost locations are not yet known.

These inspection surveys are necessary to inform ecological impact assessments for proposed developments and represent the initial step in determining whether further survey work or mitigation measures are required. All survey activities will be undertaken in accordance with best practice guidance, with due care taken to avoid unnecessary disturbance to bats or damage to roosts. Any works will be carried out sensitively and only to the minimum extent required to confirm roost presence and status.

The purpose of this licence is to provide legal cover for precautionary inspections carried out in the course of my professional duties, particularly where bats may be encountered unexpectedly during surveys. Bats may be present at potential roost sites at any time of year, and there are no satisfactory alternatives to undertaking such inspections under a precautionary disturbance licence.

Over the past year, I have undertaken relevant training and gained practical experience through assisting licensed bat ecologists on multiple surveys, including roost inspections and activity surveys. This experience has provided me with the necessary skills to identify potential roost features, recognise signs of bat presence, and carry out surveys in a safe and sensitive manner. Details of this training and supervised survey work are provided below, demonstrating that I have attained an appropriate level of competence to undertake the proposed survey activities independently.

Training Undertaken

Kaleidoscope Pro Analysis (Wildlife Acoustics)
Structure & Tree Inspection (Internal)
Manual Transect Survey (Internal)
Bat Habitat Appraisal (Internal)
Emergence and Re-Entry Surveys (Internal)
Introduction to Bats and Using Detectors (BCI)
Analysing Kaleidoscope Pro Outputs with RStudio (Advanced)
Bat carcass identification (Internal)
Seasonal Summaries Reporting (Internal)
Fieldmaps for bats (Internal - MKO Academy)
Bats and trees (Internal)
Bats and Windfarms (BatLife) (Webinar)
Bats and Light Pollution (BatLife) (Webinar)
Bats and Climate Change (BatLife) (Webinar)
R studio analysis (Internal)
Patterns of Bat Activity at Upland Windfarms (CIEEM Webinar)
Bats and the Offshore Marine Environment Ireland & Wales (CIEEM Webinar)
Desktop Study (Internal - MKO Academy)
Static Detector Deployments (Internal - MKO Academy)
Thermal Imaging NVAs (Internal - MKO Academy)

Surveys Completed

Project Name	Brief Notes on Survey
Slievegrine	site walkover to each turbine location except for T9 as access was difficult. 4 buildings were inspected (no endoscope). building by T15 had no access.
Greensourse Ballybroder WF	Collected 9 detectors, 1 weather station.
Greensource Ballybroder WF	Emergence conducted on ivy covered hazel tree near T8
Greensource Ballybroder WF	Walked transect conducted within woodland of T8 and in the field of T9 and near the treeline of T9, then walked back through T4 and T5 and drove. Then driven from T5 to site boundary.
Slievegrine WF	Collected 14 detectors and 1 weather station, D15 redeployed on 08/05/25 as it had fallen in the field
Slievegrine WF	Emergence conducted on old abandoned farmhouse near T15, no emergence seen on night of survey, foraging and commuting PipPip, PipPyg and NycLei.
Slievegrine WF	Transect conducted along dirt track up to old abandoned house, down along the main road and up the track leading to T16 and T17. Some foraging and commuting PipPip, PipPyg and NycLei.
Roscommon CC Hodson Bay Waterfront Park	Emergence conducted on attic of building near waterfront, no emergence seen but commuting and foraging PipPyg seen circling the building, coming from treeline nearby, NycLei recorded also.
Corestone 16 Ltd Garraun LRD	2 statics deployed, near treeline at SW of site and hedgerow at NE of site.
Corestone 16 Ltd Garraun LRD	Walked transect conducted around site from 21:27 to 23:27, two 5 minute point counts carried out, no activity detected up until end of survey with two commuting PipPip detected.
Curraglass	3 statics deployed and Weather Station 1.
Curraglass	Emergence conudcted on old substation with previous emergence seen in 2023. No emergence seen but PipPip seen circling and foraging the substation and going between the treelines at either side.
Curraglass	Walked transect along road from substation up to T01 and then back to T02 and T03. PipPip seen foraging along the treelines.
Curraglass	3 statics deployed and Weather Station 1.
Slievegrine	15 statics and 1 WS (MKO1) deployed. D15 collected from T23. Dusk emergence survey attempted but weather got too bad.
Coolnakilla	10 statics and 1 WS (MKO6) deployed, D03 collected as well
Coolnakilla	Dusk Emergence conducted on sheds near T2, very little activity, commuting PipPip recorded
Coolnakilla	Walked transect starting at T1, down to road and up to T2. Very little activity, commuting bats recorded but not seen.
Coolnakilla	Statics and SDs checked and changed, D03 at T3 redeployed as mic not working. D10 redeployed. TDR pinch points also surveyed.

Slievegrine	Emergence survey conducted on building near T17. PIPPYG foraging around building- no emergence.
Slievegrine	Transect conducted near T12, walked along edge of conifer plantation, PIPPIP and PIPPYG foraging activity.
GCC Renmore	Walked transect along western section of project area by Lough Atalia, very little activity, one PipPip recorded.
Coolnakilla	Collected 7 statics, redeployed D08, WS6 also collected
LIT Cap Dev Advisory Services	Deployed 4 gen eco statics
LIT Cap Dev Advisory Services	Walked transect starting at Detector 4 and ending at site entrance. Some foraging PipPip & NycLei.
GCC Renmore	Walked transect conducted with PipPip and PiPPyg foraging activity.
University of Galway - McLaughlin Building	Building Inspection carried out, no evidence of bats found within the structure, some crevices between floors of the building and hole found in attic of 5th floor, some windows open on ground and 5th floors, second attic space not completely accessible
Statkraft Pinewoods PCM	11 statics & 1 WS deployed
Curraglass	Dusk Emergene conducted on old substation, emergence/re-entry of PipPip recorded. PipPip also foraging around substation + NycLei commuting.
University of Galway - McLaughlin Building	Dusk emergence conducted on McLaughlin building, no emergence, foraging PipPyg and NycLei around river and to trees at side of building.
Coolnakilla	Deployment of 10 statics + 1 WS (MKO2), collected 3 statics as well
Coolnakilla	Dusk emergence conducted on tree PRF near T3, no emergence recorded, some foraging and commuting PipPyg + PipPip.
Coolnakilla	Walked transect conducted around T6, T7 and T8. Very Little activity, some PipPip and PipPyg commuting.
Slievegrine	Emergence conducted on derelict building, long range scope used as area is overgrown. Some foraging and commuting PipPip + Pippyg recorded.
Slievegrine	Deployment of 15 statics + 1 WS (MKO12)
Slievegrine	Inspection of 2 buildings for additional surveys. All farm buildings with block walls and corrugated iron.
Slievegrine	Dusk Emergence conducted on building near T11, no emergence recorded, foraging and commuting PipPyg + NycLei recorded.
Slievegrine	Dusk Emergence conducted on building BL5
LIT Cap Dev Advisory Services	Walked transect covering W field and woodland, and middle field. Horses present in both E and W field, limiting full transect. PIPPIP and PIPPYG foraging activity.
Roscommon CC Hodson Bay Waterfront Park	Emergence conducted on attic of building near waterfront again, no emergence seen but commuting and PipPyg consistently foraging and circling the building,

LIT Cap Dev Advisory Services	Walked Transect carried out with foraging PipPip, NycLei and PipPyg. Survey had to be called off after 1hr 10mins due to livestock presence on site.
Curraglass	Deployed 3 statics & 1 WS (MKO10)
Curraglass	Dusk emergence conducted on substation, emergence confirmed on thermal – PipPip (3 individuals). Commuting + foraging PipPip, PipPyg and NycLei.
Curraglass	Walked transect conducted from substation to T1, T2 and T3. Foraging PipPip and PipPyg recorded.
GCC Kingston Park & Millers Lane	Walked transect, Foraging PipPip & PipPyg recorded
Ardderroo PCM Yr2	Driven transect, one PipPyg recorded
Ardderroo PCM Yr2	Driven transect starting at site entrance to T5>T2>T1>T11>T10>T8>T4>T7>T13>T12>T16>T21>T25>T24>T20>T23<T19. 1 PIPPYG commuting on way to T19. Little to no other activity.
Ballygar	Dusk transect walked T5 > T1 > T4 > T5, driven T5 > T1
Ballygar	Collected 5 statics, redeployed D01 in a more sheltered location due to detector being knocked over and mic disconnected.
Coolnakilla	Collection of 10 statics + 1 WS (MKO2)
Coolnakilla	Tree PRF inspection (additional). Roost found of 1-3 BLE.
Ballygar	Collection of 5 statics. 1 (D01) redeployed
Ballygar	Walked transect T5-T1-T4-T5. Dirven transect T5-T1
Slievegrine WF	Dusk emergence conducted on BL7. No emergence, commuting and foraging PipPyg. PipPip and NycLei recorded.
Slievegrine WF	Collection of 15 statics and 1 WS (MKO12)
Slievegrine WF	Bridge Inspection on grid connection route. Few cracks and crevices. No bats found. Low roosting potential.
Dunneill	Deployed 13 statics.
Dunneill	Commuting and foraging PipPip recorded.
KCC Kilcock Courthouse	Courthouse building very damp inside, few gaps in fascia along the roof to the back and side of the building, hole at top of the wall at the front of the building as well.
KCC Kilcock Courthouse	No emergence recorded, very little activity, PipPyg recorded commuting and foraging
KCC Kilcock Courthouse	Deployment of 1 static
Lackareagh	Deployment of 7 statics and 1 WS (MKO5), SAH & ground static checked, SDs + batteries changed
Ballymoneen LRD	Dusk emergence carried out on 2 buildings within the redline boundary. Activity recorded from mainly common and soprano pipistrelles, one Leisler's. 4 emergences from eastern building.
TCC Cashel Estate	Inspection of 52 derelict houses, little evidence of bats found with some moth wings and small amount of droppings in some houses, mostly bird droppings and nests found.

Test 2 – There is no Satisfactory Alternative

Alternative Solution	Reasons for "Unsatisfactory"
Do-Nothing	Choosing not to apply for a precautionary licence is not a viable option. Irish bat survey guidance (Marnell, Kelleher & Mullen, 2022, p. 27) notes that although a licence is not strictly required when searching for previously unknown roosts, surveyors are required to withdraw immediately if bats are discovered. This restriction would significantly limit the ability to complete essential roost assessments. As such, proceeding without a licence would prevent the collection of the information needed to inform ecological assessments and responsible project design.
Restricting inspections to certain times of year	Limiting inspections to specific seasons is not a workable alternative. Bats may be encountered at any time of the year, and the potential for disturbance cannot be completely avoided. While surveys are always carried out with care, particularly during sensitive periods such as maternity and hibernation, licensing remains essential to allow surveys to proceed lawfully should an unexpected roost be found. Seasonal restriction would also delay or prevent timely ecological assessment for active development proposals.
Not carrying out inspections at all	Forgoing inspections would result in incomplete bat survey data. Preliminary roost assessments are the first step in determining whether additional surveys (e.g., dusk/dawn activity surveys) are required and are fundamental to identifying species presence, roost type, and potential impacts. Without these inspections, there is a significant risk that important bat use of a site would go undetected, preventing appropriate mitigation measures from being designed and undermining the ecological impact assessment process. This approach is therefore incompatible with best practice and conservation objectives.
Applying for individual, project-specific precautionary licences	Submitting a separate licence application for each inspection is not practical or proportionate. As practising ecologists, we regularly undertake roost assessments across a wide range of projects. Requiring project-specific licences would create unnecessary administrative burden for us and NPWS, slow down survey programmes, and potentially reduce the

	capacity to influence project design in ways that benefit bat conservation. A single precautionary licence is the most efficient, resource-effective, and conservation-supportive solution.

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.

The purpose of this application is to ensure that any bat roost inspections undertaken are carried out lawfully and with full regard for the protection of bats and their conservation status. The derogation is being sought on a precautionary basis, and all work will be carried out in strict accordance with recognised best-practice guidelines to avoid unnecessary disturbance.

We are trained ecologists, experienced in conducting bat inspections and handling, and our survey methodology strictly adheres to established standards designed to minimise disturbance. Inspections will be carried out carefully, and disturbance will be limited to what is unavoidable when identifying the presence of bats within potential roost features. On this basis, it is not anticipated that the proposed survey work will negatively affect the favourable conservation status of any bat species.

If bats are encountered during inspections, this will be appropriately recorded and reported to NPWS as part of the licence return process. Such reporting contributes to national datasets and ensures transparency and continued monitoring of bat populations.

Our work follows up-to-date best-practice guidance, including but not limited to:

- Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th Edition (Collins, 2023)
- The Bat Worker's Manual, 3rd Edition (Mitchell-Jones & McLeish, 2004)
- Ecological and Behavioural Methods for the Study of Bats, 2nd Edition (Kunz & Parsons, 2009)
- Handbook of Biodiversity Methods (Hill, 2005)
- Bats and Appropriate Assessment Guidelines (BCI, 2012b)
- UK Bat Mitigation Guidelines V1.2 (Reason & Wray, 2025)
- Bat Mitigation Guidelines for Ireland v2 (Marnell, Kelleher & Mullen, 2022)
- Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes (NRA, 2006a)
- Guidelines for the Treatment of Bats During the Construction of National Road Schemes (NRA, 2006b)
- Bat Surveys – NIEA Specific Requirements (Northern Ireland Environment Agency, 2017)

These methodologies have been widely applied across Ireland and the UK and have been demonstrated to be effective in ensuring that survey work does not compromise bat conservation status when implemented correctly.

Taken together, the precautionary approach, informed survey practice, and commitment to minimising disturbance provide assurance that the derogation will not be detrimental to maintaining bat populations at favourable conservation status within their natural range.