BAT DEROGATION LICENCE APPLICATION

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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)
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)
RStudio 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
Sligo Greenway	Bat habitat appraisal along proposed corridor. Single pip sp. found roosting underneath bridge arch.
Ballygar	Deployment of 5 static detectors
EDF Lackareagh WF	8 statics & 1 WS collected. Mic at height checked. Walked transect conducted. Foraging activity at T1 river side and trees, walking down to T2 continued activity along double treelines, Rhinolophus recorded there, foraging activity for Myotis and Pleco within forestry around T3 and T4
University of Galway - Medical School	Emergence survey conducted on medical building on UG campus
GCC Maum Court House Refurbishment Ecological Services	BHA, Walkover and Dusk Emergence of old courthouse building. Surrounding habitat of the building was very overgrown. RhiHip seen emerging from doorway on the thermal camera. A number of NycLei, a PipPyg, a PipPip, a PipSp and a RhiHip were HNS likely commuting along the trees by the road in front of the courthouse. A number of RhiHip were recorded commuting at the back of the building and one was recorded foraging.
Greensource Cunlaghfadda WF	Deployed 7 statics for the summer season, completed a dusk emergence for a structure and continued as a transect, not much activity overall, no emergence, few common, soprano and Leisler's bats recorded commuting. It started raining towards the end of the dusk.
Ardderroo PCM Yr 2	Conducted a Dusk to Dawn for July Operational WF Yr 2, NBW covering T11, T3, T5, T6, T10 and T9. Leisler's, Myotis spp. and common and soprano pipistrelle bats recorded commuting and foraging. High level of activity of Leisler's bats foraging nearby the lit substation.
Roscommon CC Hodson Bay Waterfront Park	Dusk emergence focusing on the attic of the Bay sports building to be demolished. Commuting and foraging activity by mainly pipistrelles and Leisler's bat. Four emergences from the rear of the attic, likely soprano pipistrelles.
Kilmaley	8 statics collected. Dusk emergence conducted on derelict house and adjacent stone sheds. No emergence - PIPPIP commuting and foraging activity. Continued as walked transect. Walked from PRF > T2 > T1 > T3 > T4 > T8 > T7 and back. PIPPIP and PIPPYG foraging near PRF and along treeline to T2. No activity elsewhere - potentially because of the increased rain.
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.
Sligo Greenway	Deployment of 2 detectors in Fermanagh along the proposed greenway.
Sligo Greenway	Walked dusk transect along existing greenway near Glenfarne. Common and soprano pipistrelles, one Leisler's and potentially brown long-eared bat observed commuting/foraging.
Renville West	2 statics deployed. Walked transect and PRA conducted. PIPPIP and PIPPYG foraging and commuting activity. Roads along golf course, within golf course, and all locations illuminated by artificial lighting. Lots of light spill. x4 structures externally inspected. Low roosting potential - corrugated iron sheds.
Renville West	Walked transect covering the woodland directly east of the golf course clubhouse, the road along the coast to the south and west of the golf course, and the fields where earth houses are proposed (where static was deployed).

	A number of soprano pipistrelles were recorded foraging in the woodland, around the treeline along the road, and around the streetlights later in the evening. Approx. 2 common pips were recorded during the survey but were not seen. One Leisler's was observed near the field likely foraging.
Greensource Cunlaghfadda WF	Collection of 6 statics and 1 WS (MKO3). D06 redeployed as mic chewed by cows and only 3 days data collected. Dusk emergence conducted on derelict house near D02. Previously confirmed as roost in spring. 1 PIPPYG emergence - PIPPYG, MYOSPP, & non-echolocating bats entering and exiting. PIPPYG, PIPPIP, and MYOSPP foraging activity in surrounding trees. NYCLEI & PLEAUR activity HNS. Continued as walked transect. Walked transect starting at PRF covering D02 > D03 > D04 > D01. Stopped for 5 minutes at each turbine location. Low activity overall. PIPPIP & PIPPYG foraging activity near D01 No activity at D03 or D04 & minimal activity on transect between.
Ballygar	Collected 5 statics, redeployed D01 in a more sheltered location due to detector being knocked over and mic disconnected. Dusk transect walked T5 > T1 > T4 > T5, driven T5 > T1.
Killoshulan	11 static detectors & 1 WS deployed. Dusk emergence and transect. Myotis spp., common and soprano pipistrelles and brown long-eared bats recorded flying around the sheds. Not much activity during the transect, soprano and common pipistrelles observed foraging
Dromcollogher WwTP	BHA incl. structure and tree inspection. Dusk emergence conducted. One SOPPIP recorded foraging in and around the grounds of the WwTP consistently throughout the evening. One PIPPIP observed commuting.
Kilmaley	Collection of 8 static detectors
Lackareagh	Deployment of 7 statics and 1 WS (MKO5), SAH & ground static checked, SDs + batteries changed
University of Galway - McLaughlin Building	Dusk emergence conducted on McLaughlin building, no emergence from building. Pipistrelles observed commuting, and foraging in the trees to the west, Daubenton's bat foraging in the river to the north. Leisler's recorded commuting/foraging. Soprano pipistrelle roost identified in a separate building to the south.
Killoshulan	Collected statics and MKO5 weather station
Statkraft Pinewoods PCM	Collected D09 which was redeployed last season.
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.
EDF Lackareagh WF	Collected weather station MKO5, and 9 detectors (including detectors at met mast). Driven transect T1 > T2 > T6 > T5 > T3 > T4. SOPPIP commuting and PIPPIP foraging near T2, PIPPIP foraging near T6, PIPPIP and SOPPIP commuting near T5, PIPPIP foraging at T3, PIPPIP foraging at T4.
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.
HSE Kelvin Grove	Structure inspection, No evidence of bats found. Low suitability in the building, moderate suitability as a hibernation roost in the basement. Additional survey needed.

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.