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 shadowing 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)
Seasonal Summaries Reporting (Internal)
Fieldmaps for bats (Internal - MKO Academy)
Bats and trees (Internal)
Desktop Study (Internal - MKO Academy)
Static Detector Deployments (Internal - MKO Academy)
Bat: Assessing the Impact of Development on Bats Mitigation & Enhancement (CIEEM Webinar)
Kaleidoscope Pro Analysis for Birds and Land Animals (Wildlife Acoustics)
Thermal Imaging NVAs (Internal - MKO Academy)
Structures - Preliminary Roost Assessment (Internal)

Surveys Completed

Project Name	Brief Notes on Survey
Derrykillew	Deployment of 12 static detectors throughout the site, BHA of the habitats within the red line boundary, NBW (1 Dusk Transect & 1 Dawn Transect)
Cleanrath	Deployment of 9 static detectors within the red line boundary, BHA, NBW (2 Dusk Transects)
Trinity Hall	Pre-commencement surveys of a number of buildings, including roofs, external walls and internal attics and floor areas. Tree PRF inspections and a dusk transect of the entire site
Violet Hill	Deployment of 12 static detectors, BHA of the habitats within the red line boundary, NBW (2 Dusk Transects)
Kilsallagh	Deployment of 15 static detectors, BHA, NBW (2 Dusk Transects)
Glenora	Deployment of 15 static detectors, BHA, NBW (2 Dusk Transects)
Cooloo	Collection of 11 static detectors through the site at the proposed turbine locations
Dunneil Extension	Deployment of 13 static detectors, BHA, NBW (2 Dusk Transects). Inspection of 1 derelict building within the site boundary. No PRF's identified
Presentation Convent, Hospital	Inspection survey of PRF's. Internal inspection of attic spaces and internal floors as well as the exterior features of the building and surrounding trees. Emergence & re-entry survey on identified PRF. Swift survey carried out also
Roykeel Ltd. Oranmore SHD	Deployment of statis detectors & a daytime inspection and NBW and manual transect. No evidence of bats was found during the inspection
Merlin	Inspection survey of PRF's, Emergence & re-entry surveys
Clooney Quin GAA	Completed a NBW & manual transect of the entire site
Chancellorstown solar	Completed a NBW & manual transect of the entire site
Moygaddy Mixed-use EIAR	Completed a NBW & manual transect of the entire site

Rockbarton Salthill	Completed a NBW & manual transect of the entire site
EDF Athlone Solar	Static deployment of 3 detectors, BHA and tree PRF assessment and completed a NBW & manual transect of the entire site
McDonagh Drumbiggle Ennis	Completed a NBW & manual transect of the entire site
Rosshill	Static deployment and BHA completed
Knockanean FI Additional	Completed a NBW & manual transect of the entire site
King Lakeview Claregalway SHD	Completed two NBW & manual transect of the entire site (Dusk & Dawn)
Kilcullen - Kildare	Completed a site walkover and deployed 3 static detectors. Completed a NBW & manual transect of the entire site
Flanagan Ennis Dev Plan	Bat Habitat Appraisal and site walkover. Deployed & collected 1 static detector

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.