



BAT DEROGATION LICENCE APPLICATION

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Introduction

I am applying for a personal roost disturbance 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.

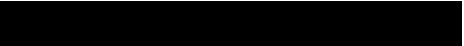
The preconditions are:

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). This application is made with reference to Regulation 54(2)(c):



(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

This application seeks a precautionary disturbance derogation licence to allow the lawful inspection of 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 where additional information is required. The licence is required to enable roost inspections to be carried out in situations where bats may be present, but where roost locations are not yet known.

These inspection surveys are necessary to inform ecological impact assessments for proposed developments and represent an essential first step in determining whether further survey work, avoidance measures or mitigation are required. This process is fundamental to ensuring compliance with wildlife legislation and to avoiding inadvertent impacts on protected bat species and their roosts. All survey activities will be undertaken in accordance with best-practice guidance, using a precautionary approach, and will be limited to the minimum level of disturbance necessary to confirm roost presence and status.

The purpose of this licence is to provide legal cover for precautionary roost inspections carried out in the course of professional ecological duties, particularly in circumstances where bats may be encountered unexpectedly. As bats may occupy potential roost features at any time of year, there are no satisfactory alternatives to undertaking such inspections under a precautionary disturbance licence.

I hold a PhD and have approximately 14 years' experience undertaking bat roost surveys as part of academic research and professional ecological practice, with surveys carried out primarily in the interest of bat conservation and roost protection. I have undertaken roost inspections and surveys across Malta, Croatia, Poland and Ireland in a wide range of structures, including derelict buildings, castles, sheds, ruins, bridges, caves, underground structures and trees. Over the past year in Ireland, and under a previously issued derogation licence, I have undertaken roost surveys and submitted all required licence returns, with no bats disturbed, demonstrating that surveys were undertaken in a careful and controlled manner and in accordance with best-practice guidance. I also have experience undertaking surveys during sensitive roosting periods, including maternity and hibernation surveys conducted outside Ireland under the relevant national licensing systems and using precautionary methodologies to minimise the risk of disturbance. A summary of relevant training and experience directly related to disturbance-sensitive roost surveys is provided below.

Training and Experience

1. Licensed bat handling, including identification of European bat species in the hand, undertaken in accordance with relevant national licensing requirements.
2. Extensive experience undertaking bat roost inspections and disturbance-sensitive surveys, with a primary focus on bat welfare and roost protection.
3. Underground roost surveys, including caves and extensive tunnel systems, undertaken using precautionary methods to minimise disturbance.
4. Winter hibernation census surveys at large underground roost sites (licensed surveys, outside Ireland).
5. Monitoring of maternity roosts using non-intrusive survey techniques (licensed surveys, outside Ireland).
6. Roost surveys across a wide range of structures, including derelict buildings, castles, sheds, ruins, bridges, caves, underground structures and trees.



7. Emergence and re-entry surveys at confirmed and potential bat roosts.
8. Identification and assessment of potential roost features (PRFs) and evidence of bat use.
9. Training and supervision of other ecologists in roost survey methods and bat handling.
10. Conservation-led bat work, including the care and rehabilitation of injured and abandoned bats, followed by successful release where individuals were deemed fit for release.

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)



