



Supporting Document for Residential Development at Mount Saint Mary's, Dundrum Road, Dublin.

Document Control Sheet			
Client	Dun Laoghaire Rathdown County Council		
Project	Mount Saint Mary's		
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Final	Author	Reviewed	DATE
	Bryan Deegan	Jack Doyle	09/01/2026

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1) Introduction

Altemar Ltd. has been commissioned by Dún Laoghaire–Rathdown County Council to carry out ecological surveys for a proposed residential development at Mount Saint Mary's, Dundrum Road, Dublin. The development will comprise 129 residential units, including duplexes and apartments within three buildings ranging from two to part six storeys, together with associated infrastructure such as public open space, car and cycle parking, and landscaping.

Ecological surveys, including tree inspections and bat emergence/detector surveys, were undertaken to assess the presence and potential use of existing trees and structures by bats. Surveys were carried out on the 19th and 25th of September 2024, and the 12th, 14th, and 21st of May 2025. During these surveys, a Soprano Pipistrelle (*Pipistrellus pygmaeus*) roost was confirmed within an Ash tree along the western boundary of the site. No evidence of a maternity roost or large aggregation was identified; the tree provides a roost suitable for occasional or opportunistic use.

This report provides a description of the proposed development, details of the ecological surveys undertaken by Altemar Ltd., and outlines the mitigation measures proposed to ensure that there will be no adverse effects on protected fauna, particularly bats, during the course of the works. All ecological assessments were carried out by suitably qualified and experienced Altemar Ltd. ecologists.

2a).Objective of Proposed works

The objective of the proposed development at Mount Saint Mary's, Dundrum Road, Dublin, is to regenerate the site through the delivery of high-quality residential accommodation combined with associated infrastructure and public realm improvements. The development will comprise 129 residential units, including a mixture of duplexes and apartments within three buildings ranging from two to part six storeys.

The project involves the removal of existing vegetation, including trees within the development footprint, and the reconfiguration of site access to provide safe and efficient circulation for vehicles, cyclists, and pedestrians. Supporting infrastructure includes car and cycle parking, landscaping, boundary treatments, and all necessary engineering and service works to ensure a functional and sustainable development.

Overall, the proposed development aims to deliver a well-integrated, accessible, and attractive residential scheme that makes efficient use of serviced urban land, enhances the local streetscape, and contributes to the wider regeneration and sustainable growth of the Dundrum area.

b). Scientific Staff

Name	Position	Qualification	Relevant experience
Jack Doyle	Ecologist	(MSc Sustainable Environments)	Jack Doyle (MSc Sustainable Environments) also carried out fieldwork elements of this Bat Fauna Assessment. Jack is an experienced environmental project manager, joining Altemar in March 2021. Jack has led and carried out a wide range of flora and fauna surveys across Ireland and produced ecological assessments on residential, commercial, and infrastructure projects. Jack is skilled in breeding & wintering ornithological surveys, roving and static acoustic bat surveys, terrestrial non-avian mammal surveys, and habitat identification.
Luke Dodebier	Ecologist	BSc Wildlife Biology	Luke holds a BSc (Hons.) in Wildlife Biology and has 6 years' experience in ecological consultancy, Luke has worked on a large variety of projects from large scale renewable projects to small scale residential projects and seen them to completion. Luke is a skilled terrestrial ecologist experienced in Bird, mammal and flora surveying as well as associated reporting in AA, NIS and EclA. Designing and implementing mitigation for bat including lighting and habitat enhancement. Luke has attended the following courses: Bat Detector Workshop (BCI, July 2018), Bat mitigation course (CIEEM, November 2019) Bat Handling Course (BCI, 2025

Bryan Deegan	Managing Director	MSc, BSc (MCIEEM).	Bryan has over 30 years of experience providing ecological consultancy services in Ireland. He has extensive experience in carrying out a wide range of bat surveys including dusk emergence, dawn re-entry and static detector surveys. He also has extensive experience reducing the potential impact of projects that involve external lighting on Bats. Bryan trained with Conor Kelleher author of the Bat Mitigation Guidelines for Ireland (Kelleher and Marnell (2022)) and Bryan is currently providing bat ecology (impact assessment and enhancement) services to Dun Laoghaire Rathdown County Council primarily on the Shanganagh Park Masterplan. The desk and field surveys were carried out having regard to the guidance: Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Edition (Collins, J. (Ed.) 2016) and Marnell, Kelleher and Mullen (2022), Bat Mitigation Guidelines for Ireland V2 (which update and replace the Bat Mitigation Guidelines for Ireland published in 2006).
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2).Background

Proposed Activity

The proposed development consists of:

The applicant intends to seek planning permission for a residential development at Mount Saint Mary's, Dundrum Road, Dublin. The site comprises a mix of existing vegetation, mature trees, and previously developed areas, some of which are to be cleared to facilitate the proposed scheme.

The development includes the construction of 129 residential units, delivered as a combination of duplexes and apartments within three buildings ranging in height from two to part six storeys. Associated site works include the provision of car and cycle parking, public open space, landscaping, boundary treatments, and all necessary engineering and service works to support the residential units. Site access will be configured to provide safe and efficient circulation for vehicles, pedestrians, and cyclists throughout the development.

Additional elements of the development comprise sustainable design features, including roof-mounted solar panels, and all associated external plant areas and infrastructure to ensure the scheme is fully serviced. The proposed works seek to comprehensively regenerate the Mount Saint Mary's site, enhance its visual appearance, improve the local streetscape, and deliver a high-quality, functional, and well-integrated residential development within the Dundrum area.

Location

- The site of the proposed works is Mount Saint Mary's, Dundrum Rd, Dundrum, Dublin 14 .
Grid reference (53.3076043907884, -6.245984110668558)

Ownership

The proposed development client is Dun Laoghaire Rathdown County Council .

Reason for Activity

The proposed development involves the construction of 129 residential units at Mount Saint Mary's, Dundrum Road, Dublin, together with associated infrastructure including public open space, car and cycle parking, landscaping, and boundary treatments. The works require the removal of existing vegetation, including an Ash tree along the western boundary of the site that supports a confirmed Soprano Pipistrelle (*Pipistrellus pygmaeus*) roost. The tree lies within the development footprint and must be removed to facilitate the delivery of the approved building layouts, site access, and supporting infrastructure.

The proposed works will also involve modification of existing hardstanding and other site features to accommodate circulation, service areas, and sustainable infrastructure. Bat surveys conducted on 19th and 25th September 2024, and 12th, 14th, and 21st May 2025, confirmed the presence of a Soprano Pipistrelle roost within the Ash tree proposed for removal. As the tree must be removed to enable the development, these works require careful consideration of the confirmed bat roost and the implementation of appropriate ecological safeguards, including pre-construction inspections, timing restrictions, and provision of compensatory roosting opportunities, to ensure compliance with wildlife legislation and best practice.

Planning History

The planning application was submitted on 14/3/2025 (planning ref PC/H/02/25) and was approved by the planning authority on 9/6/2025.

3). Proposed Works

The proposed works involve the redevelopment of the Mount Saint Mary's site, Dundrum Road, Dublin, to provide 129 residential units in a mix of duplexes and apartments within three buildings ranging from two to part six storeys, together with associated infrastructure including public open space, car and cycle parking, landscaping, boundary treatments, and site servicing. The works require the removal of existing vegetation, including an Ash tree along the western boundary that supports a confirmed Soprano Pipistrelle (*Pipistrellus pygmaeus*) roost.

Bat surveys conducted on 19th and 25th September 2024, and 12th, 14th, and 21st May 2025, confirmed the presence of a roost within the Ash tree proposed for removal. As the roost will be affected by the works, mitigation measures will be implemented to ensure compliance with wildlife legislation and best practice. These measures include pre-construction inspections of trees with bat roosting potential, timing of tree removal outside sensitive periods where feasible, and the provision of compensatory roosting opportunities in nearby retained trees.

The proposed works are designed to minimise impacts on bats while allowing for the delivery of a high-quality, functional, and well-integrated residential development that enhances the site and contributes to the sustainable growth of the Dundrum area.

Mitigation

As outlined in Marnell et al. (2022) *"Mitigation should be proportionate. The level of mitigation required depends on the size and type of impact, and the importance of the population affected."* In addition as outlined in Marnell et. al (2022) *'Mitigation for bats normally comprises the following elements:*

- *Avoidance of deliberate, killing, injury or disturbance – taking all reasonable steps to ensure works do not harm individuals by altering working methods or timing to avoid bats. The seasonal occupation of most roosts provides good opportunities for this*
- *Roost creation, restoration or enhancement – to provide appropriate replacements for roosts to be lost or damaged*
- *Long-term habitat management and maintenance – to ensure the population will persist*
- *Post-development population monitoring – to assess the success of the scheme and to inform management or remedial operations.*

The following mitigation measures will be implemented as stated in the bat report:

- A pre-construction inspection of trees to be felled will be carried out. A derogation licence will be acquired for the Ash tree (Tree 759). (Derogation Licence Application in Appendix I).
- The tree will be felled in an appropriate time of year as deemed by the project ecologist.
- In relation to the removal of ash tree 759, the ivy will be removed by hand in the presence of a licenced bat handler. The bat handler will inspect the tree prior to the removal of ivy and be present on site during the tree felling process. Following the clearance of ivy the tree will be felled in sections and lowered to the ground, where the sections will remain for 24 hours.
- Lighting at all stages will be done sensitively on site with no direct lighting on perimeter treelines and will comply with the sensitive public lighting design. Lighting will follow the Bat Conservation Ireland "Bats & Lighting Guidance Notes for: Planners, engineers, architects and developers (December 2010).
- Lighting will comply with bat lighting guidelines

- A post construction lighting assessment will be carried out by the project ecologist.
- 3 Bat boxes will be placed on site in consultation with the project ecologist.

4. Ecological Surveys and Site Assessment

Bat roosts.

The site at Mount Saint Mary's, Dundrum Road, Dublin, was assessed for the presence of bats and their potential use of trees and structures within the development area. All accessible trees with potential roosting features were inspected for signs of bat activity, including droppings, staining, or cavities. Inspections were undertaken using a Petzl Tikkina 300 Lumens headtorch and a Magnusson IM18 Inspection Camera (Endoscope) to assess potential roosting features in the Ash and other mature trees.

2024 Surveys

In September 2024, dusk bat detector surveys were conducted using an Echo Meter Touch 2 Pro detector to determine bat activity across the site. Bats were identified by their ultrasonic calls in combination with behavioural and flight observations. Two species were noted on site: Soprano Pipistrelle (*Pipistrellus pygmaeus*) and Lesser Noctule (*Nyctalus leisleri*), with Common Pipistrelle (*Pipistrellus pipistrellus*) also recorded foraging. A single Soprano Pipistrelle was observed emerging from an ivy-clad Ash (Tree 759) along the western boundary of the site. Foraging activity of Soprano Pipistrelle and Lesser Noctule bats was recorded throughout the site, particularly along tree lines and near existing buildings. The removal of trees within the development footprint is expected to result in the loss of this roost and a reduction in available foraging habitat.

2025 Surveys

In May 2025, dusk emergence and dawn re-entry surveys were carried out to confirm roost use and bat activity. Two Soprano Pipistrelles were observed emerging from and re-entering the ivy-clad Ash (Tree 759), confirming continued use of this tree as a roost. No other trees of bat roosting potential on site were associated with roost activity. The lime trees along the northern and eastern boundaries of the site were largely inactive, likely due to proximity to floodlighting from an adjacent building and the lit road. Bat activity across the site was generally low, with several passes recorded. A single Common Pipistrelle was noted briefly foraging on 21st May 2025. Lesser Noctule and Soprano Pipistrelle activity was observed primarily along tree lines and adjacent to buildings, consistent with commuting and foraging behaviour.

Overall, the surveys indicate that the ivy-clad Ash (Tree 759) along the western boundary supports a confirmed Soprano Pipistrelle roost, while the wider site provides low-level foraging and commuting opportunities for Soprano Pipistrelle, Lesser Noctule, and Common Pipistrelle bats. The majority of other trees and hedgerows on site were not associated with roost activity, although they contribute to connectivity and habitat availability for commuting bats.

Status of species in local/regional area

Table 1 Irish Bat Species Conservation Status and Threats (NPWS, 2019)

Bat Species	Conservation Status
Common pipistrelle <i>Pipistrellus pipistrellus</i>	Favourable
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	Favourable
Leisler's bat <i>Nyctalus leisleri</i>	Favourable

Survey Objective(s)

The primary aim of the surveys was to collect information on roosting, commuting, and foraging bats within the site and to identify key features of importance to bats. The surveys were undertaken to establish the type, extent, and locations of potential bat activity on site and to evaluate whether additional surveys or mitigation measures would be required to protect bats.

Description of Survey Area

The survey area is a green field site located .

Survey Methodology

A ground level roost assessment was carried out and used to examine the trees on site for features that could form bat roosts. Potential roosting features include heavy ivy growth, broken limbs, areas of decay, vertical or horizontal cracks, cracks in bark etc. All trees on site were assessed for bat roosting potential.

The exterior and interior of all accessible onsite buildings were inspected for evidence of bat activity (e.g. bat droppings, grease markings at potential access points). Accessible areas of these structures were inspected for bat roosts using a Petzl Tikkina 300 Lumens headtorch and a Magnusson IM18 Inspection Camera (Endoscope).

As outlined in Collins (2016) in relation to weather conditions '*The aim should be to carry out surveys in conditions that are close to optimal (sunset temperature 10°C or above, no rain or strong wind.), particularly when only one survey is planned.... Where surveys are carried out when the temperature at sunset is below 10°C should be justified by the ecologist and the effect on bat behaviour considered.*' There were no constraints in relation to the survey carried out. All areas of the site were accessible. Weather conditions were optimal for the emergent survey and acoustic transect survey.

At dusk, a bat detector survey was carried out onsite using an *Echo meter touch 2 Pro* detector to determine bat activity. Bats were identified by their ultrasonic calls coupled with behavioural and flight observations. The weather conditions were ideal for bat surveying for the emergent survey and for one complete survey area transect.

Survey Results

Following the initial tree inspections, emergent and detector surveys were carried out by Luke Dodebier on the 19th and 25th of September 2024, and the 12th, 14th, and 21st of May 2025. Bat activity was determined through visual observation and the use of an Echo Meter Touch 2 Pro handheld detector. Bats were identified by their ultrasonic calls, coupled with behavioural and flight observations.

19th and 25th September 2024 Surveys

During dusk surveys, a single Soprano Pipistrelle (*Pipistrellus pygmaeus*) was observed emerging from an ivy-clad Ash (Tree 759) along the western boundary of the site. Foraging activity of Lesser Noctule (*Nyctalus leisleri*) and Soprano Pipistrelle was also recorded across the site, primarily along tree lines and near existing buildings.

12th, 14th, and 21st May 2025 Surveys

Dusk emergence and dawn re-entry surveys confirmed continued use of the ivy-clad Ash (Tree 759) by Soprano Pipistrelles, with two individuals observed emerging and re-entering the roost tree. No other trees on site were associated with roosting activity. Bat activity across the site was generally low, with several passes of Soprano Pipistrelle, Lesser Noctule, and Common Pipistrelle (*Pipistrellus pipistrellus*) recorded foraging and commuting along tree lines and near buildings.

No evidence of a maternity roost or large aggregation was observed during the surveys, and no other bat species were recorded using the tree roost. While the Ash tree is not a maternity roost and no active roosting signs (e.g., live or dead bats, staining, or accumulations of droppings) were observed, the structure exhibits features suitable for occasional or opportunistic day or night roosting.

Population size and class assessment

Considering that the confirmed Soprano pipistrelle roost supports 2 individuals, and given the species' 'Least Concern' conservation status, widespread distribution, and stable population in Ireland, it is concluded that with implementation of the mitigation measures outlined above, the proposed development will not be detrimental to the maintenance of the local bat population at a favourable conservation status within its natural range.

5.) 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).

Under Regulation 54(2)(a)–(e) of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), a derogation licence may be granted where there is a legitimate justification for doing so.

It is the opinion of the applicant that the following reason applies in this instance:

(c) In the interest of overriding public interest, including those of a social or economic nature.

The proposed works involve a residential development at Mount Saint Mary's, Dundrum Road, Dublin, for which planning permission is being sought by Dún Laoghaire–Rathdown County Council. The development will comprise 129 no. residential units, together with associated infrastructure including public open space and car and cycle parking, delivered as a mixture of duplexes and apartments within three buildings ranging in height from two to part six storeys.

The project will deliver significant public and socio-economic benefits through the provision of much-needed residential accommodation within an established urban area, in accordance with local and national housing policy objectives. The development will contribute to the efficient use of serviced lands, support sustainable urban growth, and provide associated public realm and infrastructural improvements.

Implementation of the permitted development will necessitate the removal of existing vegetation, including an Ash tree located along the western boundary of the site which supports a confirmed roost of Soprano Pipistrelle (*Pipistrellus pygmaeus*). Retention of this tree is not feasible due to its location within the development footprint and the requirement to deliver essential site infrastructure and building layouts. As a result, the loss of the roost is unavoidable in order to realise the residential development and associated public benefits.

The proposed development therefore meets the test of imperative reasons of overriding public interest. The impacts on bats arising from the loss of the roost will be appropriately addressed

through a suite of mitigation and compensation measures, as detailed within the accompanying ecological assessment, ensuring compliance with relevant wildlife legislation

Test 2 – There is No Satisfactory Alternative

Alternative solutions considered and justification:

Under Regulation 54(3)(a) of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), a derogation licence may only be granted where there is no satisfactory alternative to the proposed action that would avoid impacts on a protected species.

Do Nothing Scenario

Under a “do nothing” scenario, the site at Mount Saint Mary’s, Dundrum Road, Dublin would remain in its existing condition and the proposed residential development would not proceed. This would result in the loss of an opportunity to deliver 129 residential units on a suitably zoned and serviced site within an established urban area. The associated public realm, infrastructure improvements, and contribution to local and national housing policy objectives would not be realised. While the Ash tree supporting the Soprano Pipistrelle (*Pipistrellus pygmaeus*) roost would remain in situ under this scenario, the do-nothing option would fail to meet the planning and development objectives for the site and is therefore not considered a satisfactory alternative. The tree would likely continue to be a small opportunistic day roost.

Avoiding the tree entirely

Avoidance of impacts through retention of the roost tree is not feasible. The Soprano Pipistrelle roost is located within an Ash tree along the western boundary of the site that lies within the proposed development footprint. Retention of this tree would conflict with the approved site layout, building footprints, access arrangements, and associated infrastructure, and would compromise the design, safety, and functional requirements of the development. As such, avoidance of impacts to the roost through retention of the tree cannot be achieved without undermining the viability of the project.

Alternative Site Location

Relocation of the proposed development to an alternative site is not considered a satisfactory alternative. The proposal is specific to this site, which is appropriately zoned and strategically located to accommodate residential development within the existing urban fabric. Development of an alternative site would not deliver the same planning, sustainability, or housing objectives, and extensive site selection at this stage would be impractical. Furthermore, relocating the development would undermine the purpose of utilising this serviced urban site for residential use.

Conclusion

Given these considerations, no satisfactory alternative exists that would avoid impacts on the Soprano Pipistrelle roost while still enabling delivery of the proposed residential development at Mount Saint Mary’s. The removal of the roost tree is therefore unavoidable. With the implementation of appropriate mitigation and compensation measures, the proposed derogation will minimise impacts on bats and ensure the species is maintained at a favourable conservation status within the wider area.

Test 3 – Favourable Conservation Status

With the proposed mitigation measures in place, the removal of the Ash tree roost and development of 129 residential units at Mount Saint Mary's, Dundrum Road will have only a minor impact on the local bat population. Surveys conducted on 19th and 25th September 2024, and 12th, 14th, and 21st May 2025, confirmed the presence of a Soprano Pipistrelle (*Pipistrellus pygmaeus*) roost within an Ash tree along the western boundary of the site. No additional roosts were identified within the site, although foraging activity by bats occurs across the wider area. The works will affect only the identified roost; the majority of local bat activity and other potential roosting sites will remain unaffected.

Soprano Pipistrelles are widespread throughout Ireland, commonly recorded in both urban and semi-natural environments, and frequently utilise a range of roost types including tree cavities, crevices, and buildings. They are highly mobile, forage over extensive areas, and routinely move between transient and seasonal roosts. The national population is considered stable, with no significant pressures identified, and the species is classified as Least Concern (NPWS, 2019).

The accompanying ecological assessment sets out a suite of mitigation measures to avoid or minimise disturbance during works, including pre-construction inspections of trees with roosting potential, timing of tree removal to avoid key activity periods where feasible, and the provision of compensatory roosting features in nearby retained trees. The implementation of a sensitive public lighting strategy across the site will also ensure continued foraging opportunities post-development.

Given the limited scale of the affected roost, the abundance of alternative roosting habitats in surrounding trees and green corridors, the urban context of the site, and the implementation of the proposed mitigation measures, it can be concluded that the proposed development will not have a detrimental impact on the maintenance of the local Soprano Pipistrelle population at a favourable conservation status.

6.)Monitoring the impacts of the derogations

Monitoring of the impacts associated with the derogation licence and implementation of mitigation measures will be undertaken by a suitably qualified ecologist to ensure full compliance with licence conditions and best practice. As outlined in the mitigation a an ecologist be present during works at the identified roost locations. This will allow for: Confirmation of bat presence/absence at the time of works, Verification of the nature of the roost and Will provide guidance on appropriate reinstatement or replacement of roosting features. Should any bats be found to be roosting during the site works the removal of the roost will be carried out as a bat specialist under NPWS license.

References

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NPWS

An tSeirbhís Páircanna
Náisiúnta agus Fiadhúra
National Parks and Wildlife
Service

**Application for Derogation
Under Regulation 54 & 54A of the
European Communities
(Birds and Natural Habitats) Regulations
2011, as amended**

Revision 2.0 – July 2025

- This form can be used by any individual or Company applying for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (“the Regulations”) **or** any individual applying on behalf of the Minister for Housing, Local Government and Heritage under Regulation 54(A) of the Regulations.
- Note this application form is not for Domestic Dwelling Derogations (bats within private homes) which can be found here > ([3D Application Form](#))
- Please ensure that you answer questions fully in order to avoid delays and/or your application being rejected on the basis that it does not contain sufficient information and detail for the application to be considered further.
- Please read and familiarise yourself with the [NPWS Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)
- Please read and familiarise yourself with the [European Commission’s Guidance document on the strict protection of animal species of Community interest under the Habitats Directive](#)
- Please also note that the responses to these questions are supplementary to the documentation required for the NPWS to be in a position to consider your application. A complete application should include both the application form and an associated report. Failure to supply either will result in your application being returned and/or refused.
- In circumstances in which a derogation is given on foot of this application, the Applicant is responsible for ensuring compliance with the conditions of any such derogation, even though they may employ another person to act on their behalf. To carry out any activity without, or not in accordance with, a derogation granted under regulation 54 or 54A of the Regulations constitutes a criminal offence, subject to prosecution.
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit: reg54derogations@npws.gov.ie
- Please note – applications, associated reports and derogations will be published on the NPWS website and/or the Department’s Open Data website.
- Where any applicant is applying for a derogation to carry out surveys, please ensure to list all qualified ecologists and trainees under their supervision. See section 1(c) of Part A.

Part A: The Applicant - Personal Details

These questions relate to the person responsible for any proposed works and who will be the **Applicant**.
If this application is being submitted on behalf of a third party, please also complete Part B below.

1. (a) Name of Applicant

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	Conor	Rhatigan
(b) Company Name, if applicable	Winterbrook Limited	
(c) Address Line 1	Ashgrove works	
Address Line 2	Dun Laoghaire, Co. Dublin. A96V8C2	
Town	Dublin	
County	Dublin	
Eircode	A96V8C2	
(d) Contact number	[REDACTED]	
(e) Email address	[REDACTED]	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Mount Saint Marys	
Address Line 2	Dundrum Road	
Town	Dublin 14	
County	Dublin	
Eircode	D14 P9P3	

Details of Person Submitting Application on Behalf of Applicant/Derogation Holder

Information relating to the person (e.g. ecologist) responsible for submitting the application on behalf of the applicant should be entered below:

1. (b) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	Bryan	Deegan
(b) Company Name	Altemar	
Address Line 1	50 Templecarrig Upper	
Address Line 2		
Town	Delgany	
County	Wicklow	
Eircode		
(c) Contact number	[REDACTED]	
(d) Email address	[REDACTED]	

Part B: Species covered by the Derogation

1. **Species of Animal:** Please indicate which species is/are the subject of the application:

- Bat
- Otter
- Kerry Slug
- Natterjack Toad
- Dolphin
- Whale
- Turtle
- Porpoise

2. Please detail the exact species (scientific name): Soprano pipistrelle

3. Please provide the maximum number of individuals affected* 2

4. Please provide the maximum number of breeding or resting sites affected* 1 x bat roost

5. Please provide the maximum number of eggs to be taken* N/A

6. Please provide the maximum number of eggs to be destroyed* N/A

*If no figures can be provided for the maximum number of individuals, breeding sites, resting places and eggs to be covered by the derogation please provide reasons why.

7. **Species of Plant:** Please indicate which species is/are the subject of the application:

- Killarney Fern
- Slender Naiad
- Marsh Saxifrage

8. If you previously received a derogation for any species of animal or plant, please state derogation number and confirm that you have made a return to NPWS on the numbers actually affected by that derogation.

Licence No. C 158/2021 translocation of frogs.

Licence No.: DER/BAT 2023 – 126- Removal of bats in Greenore Co. Co. Louth.

Licence No.: Der/Bat (151-2024)- Removal of bats from Central Mental Hospital.

Altamar have also been involved in the translocation of 7 badgers at the Glass Bottle site in Ringsend (Dr Chris Smal

- 9. Proposed Dates for Activities:** Please indicate the timeframe that you propose to carry out the activities. Dates set by NPWS may differ from dates proposed here. *A derogation will only be issued with a start and end date within a calendar year.*

Start Date:
 End Date:

Part C: Nature of the Derogation.

1. Please tick which prohibition(s) the application for a derogation relates to:

Regulation 51	
Deliberately capture or kill any specimen of the relevant species in the wild	<input type="checkbox"/>
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input type="checkbox"/>
Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
Damage or destroy a breeding or resting place of such an animal, or	<input checked="" type="checkbox"/>
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	<input type="checkbox"/>
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	<input type="checkbox"/>

Further information should be provided in the format set out in Part E: Template for Supporting Information

Part D: Derogation Tests

Note: The following summary information must be provided by the applicant in all cases, and will be used to determine if a derogation can be provided. Further information must be provided in the format set out in Part E: Template for Supporting Information

Test 1: Reason for the Derogation

1. Please tick which reason(s) below explains how this application qualifies under Regulation 54(2)(a-e) or Regulation 54A(2)(a-e) of the European Communities (Birds and Natural Habitats) Regulations: Please provide a summary of how the application meets the 3 conditions required to provide a derogation. Note that in all cases additional information must be provided (see Part E).

a.	In the interests of protecting wild flora and fauna and conserving natural habitats (proceed to 2a)	<input type="checkbox"/>
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property (proceed to 2b)	<input type="checkbox"/>
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 (proceed to 2c)	<input checked="" type="checkbox"/>
d.	For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants (proceed to 2d)	<input type="checkbox"/>
e.	To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule (proceed to 2e)	<input type="checkbox"/>

2a. In the interests of protecting wild flora and fauna and conserving natural habitats:

i) Please state the wild flora, fauna or habitats that require protection and /or conservation.

ii) Please summarise how the interests of protection and conservation of the species/habitat concerned justify affecting another species under strict protection.

2b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property:

i) Please summarise the nature of the potential damage, why it is considered “serious” and how this outweighs the conservation interest of the species under strict protection.

2c) 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) Where the reason is for public health and public safety, summarise the evidence provided to support this reason (e.g. documentary evidence of the risk from a chartered structural engineer, tree surgeon, Garda Síochána, qualified health professional etc.)

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ii) Where the reason is 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”, summarise the nature of the public interest and how this outweighs the conservation interest of the species under strict protection.

The proposed works involve a residential development at Mount Saint Mary’s, Dundrum Road, Dublin, for which planning permission is being sought by Dún Laoghaire–Rathdown County Council. The development will comprise 129 no. residential units, together with associated infrastructure including public open space and car and cycle parking, delivered as a mixture of duplexes and apartments within three buildings ranging in height from two to six storeys.

The project will deliver significant public and socio-economic benefits through the provision of much-needed residential accommodation within an established urban area, in accordance with local and national housing policy objectives. The development will contribute to the efficient use of serviced lands, support sustainable urban growth, and provide associated public realm and infrastructural improvements.

Implementation of the permitted development will necessitate the removal of existing vegetation, including an Ash tree located along the western boundary of the site which supports a confirmed roost of Soprano Pipistrelle (*Pipistrellus pygmaeus*). Retention of this tree is not feasible due to its location within the development footprint and the requirement to deliver essential site infrastructure and building layouts. As a result, the loss of the roost is unavoidable in order to realise the residential development and associated public benefits.

The proposed development therefore meets the test of imperative reasons of overriding public interest. The impacts on bats arising from the loss of the roost will be appropriately addressed through a suite of mitigation and compensation measures, as detailed within the accompanying ecological assessment, ensuring compliance with relevant wildlife legislation

2d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants:

- i) Please summarise the objective(s) of the proposed activities making reference to those listed above and how the the purpose of such activities overrides the interests of strict protection of the species. ¹

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- 2e)** To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule

- i) Please clearly state the objective of the activity and verify that this reason is being chosen as the objective of the activity does not match reasons a-d listed above.

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- ii) Please summarise how the activity will result in the taking or keeping of limited numbers of specimens of the species, how it will be applied on a selective basis and to a limited extent, and how it will be done under strictly supervised conditions.

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Test 2: Absence of Alternative solutions

- 2.** Please summarise the alternative solutions that have been considered and why these solutions are deemed unsatisfactory. This must include the option of the “do-nothing” alternative and evidence should be objective and robust. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	Under a “do nothing” scenario, the site at Mount Saint Mary’s, Dundrum Road, Dublin would remain in its existing condition and the proposed residential development would not proceed. This would result in the loss of an opportunity to deliver 129 residential units on a suitably zoned and serviced site within an established urban area. The associated public realm, infrastructure improvements, and contribution to local and national housing policy objectives would not be realised. While the Ash tree supporting the

¹ Note that this reason may be appropriate for when research involves surveys that may cause disturbance of species under strict protection. But the sole purpose of the surveys should be for research and education or the other reasons listed above under 1d.

	<p>Soprano Pipistrelle (<i>Pipistrellus pygmaeus</i>) roost would remain in situ under this scenario, the do-nothing option would fail to meet the planning and development objectives for the site and is therefore not considered a satisfactory alternative. The tree would likely continue to be a small opportunistic day roost.</p>
<p>Avoiding the tree entirely</p>	<p>Avoidance of impacts through retention of the roost tree is not feasible. The Soprano Pipistrelle roost is located within an Ash tree along the western boundary of the site that lies within the proposed development footprint. Retention of this tree would conflict with the approved site layout, building footprints, access arrangements, and associated infrastructure, and would compromise the design, safety, and functional requirements of the development. As such, avoidance of impacts to the roost through retention of the tree cannot be achieved without undermining the viability of the project.</p>
<p>Alternative Site Location</p>	<p>Relocation of the proposed development to an alternative site is not considered a satisfactory alternative. The proposal is specific to this site, which is appropriately zoned and strategically located to accommodate residential development within the existing urban fabric. Development of an alternative site would not deliver the same planning, sustainability, or housing objectives, and extensive site selection at this stage would be impractical. Furthermore, relocating the development would undermine the purpose of utilising this serviced urban site for residential use.</p>
<p>Conclusion</p>	<p>Given these considerations, no satisfactory alternative exists that would avoid impacts on the Soprano Pipistrelle roost while still enabling delivery of the proposed residential development at Mount Saint Mary's. The removal of the roost tree is therefore unavoidable. With the implementation of appropriate mitigation and compensation measures, the proposed derogation will minimise impacts on bats and ensure the species is maintained at a favourable conservation status within the wider area.</p>

* Please insert additional rows above if needed

Test 3: Impact of a Derogation on Conservation Status

3. Please summarise the possible impacts on the population of the species that is subject to this application, taking into account all the mitigation and/or compensation measures that are to be undertaken. Evidence that such mitigation has been successful elsewhere should be provided where relevant. Mitigation measures being relied upon must ensure that the derogation will not be detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

With the proposed mitigation measures in place, the removal of the Ash tree roost and development of 129 residential units at Mount Saint Mary's, Dundrum Road will have only a minor impact on the local bat population. Surveys conducted on 19th and 25th September 2024, and 12th, 14th, and 21st May 2025, confirmed the presence of a Soprano Pipistrelle (*Pipistrellus pygmaeus*) roost within an Ash tree along the western boundary of the site. No additional roosts were identified within the site, although foraging activity by bats occurs across the wider area. The works will affect only the identified roost; the majority of local bat activity and other potential roosting sites will remain unaffected.

The occurrence of Soprano Pipistrelle on site is not unexpected, as the species is widespread and common throughout Ireland and is known to utilise a wide range of roosting and foraging habitats, including buildings, trees, parkland, and urban environments (NPWS, 2019). National populations are considered stable, and no significant threats to the conservation status of this species have been identified.

The accompanying ecological assessment sets out a suite of mitigation measures to avoid or minimise disturbance during works, including pre-construction inspections of trees with roosting potential, timing of tree removal to avoid key activity periods where feasible, and the provision of compensatory roosting features in nearby retained trees. The implementation of a sensitive public lighting strategy across the site will also ensure continued foraging opportunities post-development.

Given the limited scale of the affected roost, the abundance of alternative roosting habitats in surrounding trees and green corridors, the urban context of the site, and the implementation of the proposed mitigation measures, it can be concluded that the proposed development will not have a detrimental impact on the maintenance of the local Soprano Pipistrelle population at a favourable conservation status..

Part E: Template for Supporting Information

This application form should provide a summary of the evidence that the applicant has provided. In all cases, it is necessary to provide separate supporting information so that the assessment of the application can be undertaken in a robust and comprehensive manner. Applicants should refer to guidance provided by the NPWS and the European Commission whilst preparing this application form and the supporting information.

It is essential that supporting information is prepared in a consistent manner using the template below so that NPWS officials assessing the application can locate the relevant evidence to determine if the three Tests can be met. Failure to provide sufficient evidence will result in the application being refused.

The structure of the Supporting Information should be as follows:

- 1) Table of Contents
- 2) Introduction
 - a. Objective of the proposed works (for example, as part of construction of a national road, repair of roofing, undertaking surveys etc.)
 - b. Name, qualifications and relevant experience of scientific staff, including trainees, (e.g. ecologist) involved in the preparation of the application and those responsible for carrying out the proposed activity.
 - c. If this application is for the carrying out of surveys that may cause disturbance, qualifications of all involved must be provided and trainees must be clearly identified.
- 3) Background to proposed activity including location, ownership, type of and need for the proposed activity, planning history, policy context, zoning in relevant Development plan (or equivalent), etc.
- 4) Full details of proposed activity to be covered by the derogation (including a site plan). The site may be inspected by an NPWS representative, so the details given should clearly reflect the extent of the project. This information will be used to compare site conditions with the Method Statement.
- 5) Ecological Survey and site assessment (Not required for applications to carry out surveys)
 - a. Pre-existing information on species at location and environs.
 - b. Status of the species in the local/regional area (relevant to the consideration of the impact on the population at the relevant geographic scale (Test 3))
 - c. Objective(s) of survey
 - d. Description of Surveys Area
 - e. Survey methodology (including evidence as to how the methodology represents best practice and is appropriate to the Objective). Methodology should include survey maps, details of timing, climate, equipment used and identify any uncertainties or difficulties encountered.
 - f. Survey results including raw data, any processed or aggregated data, and negative results as appropriate. Photographs and maps must be provided where site-specific features are referred.
 - g. Population size class assessment.
- 6) Evidence to support the Derogation Tests

- a. Test 1 - Reason for Derogation:
 - i. There should be a clear explanation as to why a specific reason(s) has been selected in the application form.
 - ii. Applicants are advised to read the guidance published by the NPWS '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.1.
- b. Test 2 - Absence of Alternative Solutions
 - i. Applicants must list the alternatives to the proposed activity that have been considered, including the do-nothing alternatives in a clear and objective manner. A basic requirement is that these alternatives should be compared in terms of their impact on the species subject to strict protection. It should be clear to NPWS officials as to why the chosen approach has been selected.
 - ii. Applicants are advised to read the guidance published by '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.2.
- c. Test 3 - Impact of a derogation on Conservation Status
 - i. Applicants should include details of the population at the appropriate geographic scale and an evaluation of how the proposed activity will affect the conservation status both before and after mitigation measures have been applied.
 - ii. Full and detailed descriptions of proposed mitigation measures that are relevant to the potential impact on the target species. Evidence that such mitigation has been successful elsewhere should be provided, where available.
 - iii. Applicants are advised to read the guidance published '[Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants](#)' with specific reference to Section 3.3.

7) Monitoring the impacts of the derogations

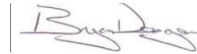
- a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
- b. Applicants should provide details of proposed reports to be submitted to the NPWS including the results of monitoring.
- c. Applicants are advised to read the guidance published by the European Commission "[Guidance document on the strict protection of animal species of Community interest under the Habitats Directive](#)" with specific reference to Section 3.4.

Part F. Declaration

I declare that all of the foregoing particulars are, to the best of my knowledge and belief, true and correct. I understand that the deliberate killing, injuring, capturing or disturbing of protected species, or damage or destruction of their breeding sites or resting places or the deliberate taking or destroying of eggs is an offence without a derogation and that it is a legal requirement to comply with the conditions of any derogation I may be granted following this application. I understand that NPWS may visit to check compliance with a derogation.

Please note that under Regulation 5 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 an authorised officer may enter and inspect any land or premises for the purposes of performing any of their functions under these Regulations or for obtaining any information which they may require for such purposes.

Signature of the Applicant



Date

09/01/2026

Name in BLOCK LETTERS

BRYAN DEEGAN

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

