



**NPWS**

An tSeirbhís Páirceanna  
Náisiúnta agus Fiadhúlra  
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](mailto: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<br>(Mr/Mrs/Miss/Ms/Dr)  | Forename(s)  | Surname |
|---|--|---------|
|   | Donegal County Council   |         |
| <b>(b)</b> Company Name, if applicable  | Donegal County Council   |         |
| <b>(c)</b> Address Line 1   | National Roads Office  |         |
| Address Line 2  | Drumlonagher   |         |
| Town  | Donegal Town   |         |
| County  | Co. Donegal  |         |
| Eircode   | F94 DK6C   |         |
| <b>(d)</b> Contact number   |  |         |
| <b>(e)</b> Email address  |  |         |
| <b>(f)</b> Address where works are to be carried out if different from (b) above. |  |         |
| Address Line 1  | Abandoned railway bridge over the River Derg between the N15 and Lough Mourne. |         |
| Address Line 2  |  |         |
| Town  | Municipal District of Lifford-Stranorlar                                       |         |
| County  | Co. Donegal  |         |
| Eircode   | n/a  |         |

### 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<br>(Mr/Mrs/Miss/Ms/Dr) | Forename(s)                              | Surname |
|------------------------------|--|---------|
|                              | Rachel                                   | Heaphy  |
| <b>(b)</b> Company Name      | Roughan & O'Donovan Consulting Engineers |         |
| Address Line 1               | The Chase                                |         |
| Address Line 2               | Arkle Road                               |         |
| Town                         | Sandyford                                |         |
| County                       | Dublin                                   |         |
| Eircode                      | D18 Y3X2                                 |         |
| <b>(c)</b> Contact number    | ██████████                               |         |
| <b>(d)</b> Email address     | ██████████                               |         |



## 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): Myotis daubentonii

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

4. Please provide the maximum number of breeding or resting sites affected\* 1

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.

An external Preliminary Roost Assessment (PRA) was undertaken on the 29<sup>th</sup> April 2025. During the survey, at least two live bats were visually observed in a medium-sized cavity in the highest part of the arch barrel. In order to characterise the roost, emergence surveys were undertaken on the 22<sup>nd</sup> July and 13<sup>th</sup> August 2025 using best practice guidelines. Two bats were recorded emerging from the cavity on the 13<sup>th</sup> August 2025.

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.: DER/BAT 2023-69. Returned on 03/01/2024 and 14/03/2025 with no individuals affected.

Licence No.: DER/BAT 2024-20. Returned on 14/01/2025 and 14/03/2025 with no individuals affected.

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: 01/01/2026  
 End Date: 31/12/2026

## Part C: Nature of the Derogation.

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

| <b>Regulation 51</b>  |                                     |
|---|-------------------------------------|
| 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 checked="" 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 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"/>            |
| <b>Regulation 52</b>  |                                     |
| 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).

|           |   |                                     |
|-----------|---|-------------------------------------|
| <b>a.</b> | In the interests of protecting wild flora and fauna and conserving natural habitats <b>(proceed to 2a)</b>  | <input type="checkbox"/>            |
| <b>b.</b> | To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property <b>(proceed to 2b)</b>   | <input type="checkbox"/>            |
| <b>c.</b> | 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 <b>(proceed to 2c)</b> | <input checked="" type="checkbox"/> |
| <b>d.</b> | 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 <b>(proceed to 2d)</b>                                    | <input type="checkbox"/>            |

|   |                          |
|---|--------------------------|
| <b>e.</b> 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 ( <b>proceed to 2e</b> ) | <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.)

This application qualifies under Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations as it is 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.

The greenway will provide enhanced access to the wider region, enticing users to explore its surrounding towns and villages and to further develop sustainable tourism in the area.

An existing former railway bridge will be repaired and brought back into use for the greenway. A bat roost is present in a crevice in the arch barrel. The proposed works on the bridge could lead to disturbance, and therefore this derogation is required.

- 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.

|  |
|--|
|  |
|--|

- 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.<sup>1</sup>

|  |
|--|
|  |
|--|

- 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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<sup>1</sup> 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.

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

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.

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

**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                   | This would involve not developing the greenway at all. This would result in a lost opportunity to provide a recreational transport link for commuters and leisure cyclists, pedestrians and impaired mobility users between the town of Donegal and Ballybofey/Stranorlar. The provision of a greenway in this location will provide enhanced access to the wider region, enticing users to explore its surrounding towns and villages and to further develop sustainable tourism within the area. |
| Construction of a new bridge | This would require the construction of a new bridge which would impact on the surrounding habitat and the river corridor, requiring a new watercourse crossing over the River Derg, including new foundations and a new section of the greenway to tie into the new bridge.  |
|                              |  |

\* 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.

Please refer to Section 5.3 of the appended supporting information document. |

## 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**

17/12/2025

**Name in BLOCK LETTERS**

RACHEL HEAPHY

**PRIVACY STATEMENT**

See Privacy Statement at [www.npws.ie/licences](http://www.npws.ie/licences)

npws.ie

Department of Housing, Local Government and Heritage



An Roinn Títhíochta,  
Rialtais Áitiúil agus Oidhreachta  
Department of Housing,  
Local Government and Heritage



# BARNESMORE GAP GREENWAY

Bat Derogation Licence Supporting Information

Revision: P01



Tionscaldal Éireann  
Project Ireland  
2040



Comhairle Contae  
Dhún na nGall  
Donegal County Council



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## 1. Introduction

### 1.1 Overview

Roughan & O'Donovan and AECOM (ROD-AECOM Alliance) has been commissioned by Donegal County Council (DCC) to undertake a detailed options appraisal, design and environmental assessment in respect of the proposed Barnesmore Gap Greenway in Co. Donegal ("the proposed development").

### 1.2 Competent Experts

The works proposed in this licence application supporting information document will be supervised by Rachel Heaphy.

Rachel is an Ecologist with 4 years' experience in ecological surveys and assessment. She has extensive experience carrying out surveys and assessments of bats, including preliminary roost assessments, close inspections using endoscopes, activity surveys, emergence/re-entry surveys and surveys using static detectors using full spectrum bat detectors and infra-red equipment. She previously held bat survey licences issued by the NPWS (DER/BAT 2023-69 and DER/BAT 2024-20). She holds BSc (Hons) degree in Zoology from University College Cork and an MRes from the University of Roehampton and she is a Qualifying Member of the Chartered Institute of Ecology and Environmental Management.

## 2. Description of the Proposed Development

The proposed Barnesmore Gap Greenway will provide commuters and leisure cyclists, pedestrians and impaired mobility users with an attractive recreational trail linking Donegal Town to the 'twin towns' of Ballybofey/Stranorlar in the south of County Donegal. One of the objectives of the 'Strategy for Future Development of National and Regional Greenways' (published in 2018) is to increase the number and geographical spread of greenways throughout the country over the next ten years. This will consequently grow the network and improve national connectivity, while increasing the number of users of such greenways as a visitor experience, commuting opportunity and/or as a recreational amenity.

It is planned to utilise much of the abandoned Donegal railway line between Donegal Town and Ballybofey/Stranorlar for the proposed development. The proposed development also includes repair and upgrading of existing masonry railway bridges along the route.

An abandoned masonry arch railway bridge over the River Derg was surveyed as part of the visual structural inspections for the proposed development (**Figure 2.1** and Figure 2.2). The assessment of the bridge stated that the shape of the arch appeared good, indicating no loss of structural integrity. Leakage was evident in the arch, with some minor displacement of stones with calcite deposits and vegetation growth. Grout loss was evident in the soffit and walls. At deck level, the parapets were no longer in place.



Figure 2.1

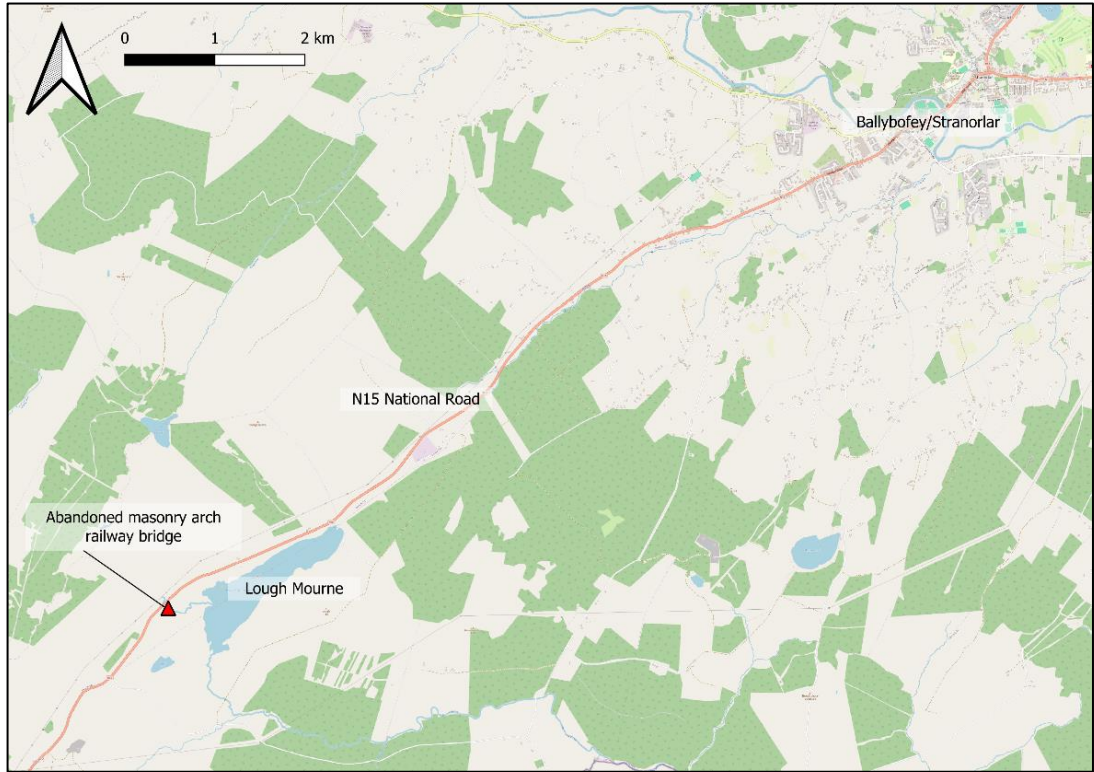
North side of River Derg railway bridge.



**Figure 2.2** South side of Rive Derg railway bridge.

## 2.1 Location

The River Derg railway bridge is located between the existing N15 National Road and Lough Mourne, approximately 9.7km southwest of Ballybofey/Stranorlar in Co. Donegal. The River Derg flows under the bridge in a southeasterly direction towards Lough Mourne. The bridge and the lands to the southeast of the bridge are under the ownership of Donegal County Council, while the lands immediately to the northeast, northwest and southwest of the bridge are under private landownership. The location of the bridge is presented in Figure 2.3.



**Figure 2.3** Location of the abandoned River Derg railway bridge (denoted by red triangle).

### 3. Ecological Survey and Site Assessment

#### 3.1 Description of Survey Area

The existing bridge is a single span masonry arch over the River Derg between the N15 National Road and Lough Mourne. The N15 and Lough Mourne are located approximately 65m northwest and 494m east of the bridge, respectively. The bridge is approximately 2.5m wide between the parapets. The upstream riverbanks are vegetated with trees growing on both side while there is little to no vegetation along the riverbanks downstream of the bridge. The River Derg flows into Lough Mourne approximately 640m downstream of the bridge. The surrounding habitats on the upstream side of the bridge generally comprises Wet Heath (HH3) while the surrounding habitats on the downstream side of the bridge comprises Upland Blanket Bog (PB2) in accordance with Fossitt (2000). The abandoned railway line, which runs over the bridge in a northeasterly direction parallel to the N15, is comprised of degraded upland habitats at this location.

#### 3.2 Desk Study

The National Biodiversity Data Centre (NBDC) database was used to check for records of bats within 2km grid squares that encompass the proposed Barnesmore Gap Greenway. Five bat species were recorded in the grid squares, as presented in Table 3-1.

**Table 3-1 – Records for bat species. Source: NBDC (2025).**

| Common Name          | Scientific Name                  | Grid Square            | Status*         |
|----------------------|----------------------------------|------------------------|-----------------|
| Brown Long-eared Bat | <i>Plecotus auritus</i>          | G98R                   | Annex IV HD, WA |
| Common Pipistrelle   | <i>Pipistrellus pipistrellus</i> | G97J; G98R; H08I; H19B | Annex IV HD, WA |
| Daubenton’s Bat      | <i>Myotis daubentonii</i>        | G97J; G98K             | Annex IV HD, WA |
| Leisler’s Bat        | <i>Nyctalus leisleri</i>         | H08B; H08I             | Annex IV HD, WA |
| Soprano Pipistrelle  | <i>Pipistrellus pygmaeus</i>     | G97J; G98R; H19B       | Annex IV HD, WA |

\*Status (listing conferring protection or describing conservation status) abbreviations: Annex II/IV/V = Habitats Directive (HD); WA = Wildlife Acts.

#### 3.3 Surveys

An Preliminary Roost Assessment (PRA) was undertaken at the bridge on the 29th April 2025. The arch barrel had numerous gaps due to grout loss. During the survey, two live bats were visually observed in a cavity in the highest part of the arch barrel (Figure 3.1). In order to characterise the roost, emergence surveys were undertaken on the 22<sup>nd</sup> July and 13<sup>th</sup> August 2025 in accordance with best practice guidelines. Two bats were recorded emerging from the cavity on the 13th August 2025.



**Figure 3.1 Cavity (denoted with red arrow) with live bats recorded in the arch barrel during the PRA in April 2025.**

Two dusk emergence surveys were carried out in 2025. The surveys were undertaken adhering to best practice guidance including:

- Guidelines for the Treatment of Bats During the Construction of National Road Schemes (TII, 2005)
- Guidelines for Ecological Survey Techniques for Protected Flora and Fauna during the Planning of National Road Schemes (TII, 2008).
- Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition (Collins, J. (ed.) 2023).

The emergence surveys were undertaken from 15 minutes before sunset to 90 minutes after sunset.

The surveys were undertaken by two surveyors, one stationed on the north side and one at the south side of the bridge. The surveys were undertaken using Anabat Walkabout bat detectors and Nightfox Whisker infra-red binoculars, which were mounted on tripods along with two Nightfox XB5 Pro infra-red torches to increase the level of illumination.

Following these surveys, the recordings were processed using Kaleidoscope Pro Analysis software to extract information including sound recordings, sonograms, GPS coordinates, time, date, and species identification confidence values. Recordings with low confidence values or of rare species were validated manually. The footage captured on the Nightfox Whisker was reviewed manually using VLC Media Player.

No bats were recorded during the survey on the 22<sup>nd</sup> July 2025. Leisler's Bat and a *Myotis* species were recorded during the survey on the 13<sup>th</sup> August 2025. The survey results are presented in Table 3.2.

**Table 3.2**      **Details of emergence surveys**

| Date                         | Sunset | Start time | End Time | Weather                                 | Position | No. Passes   | Notes   |
|------------------------------|--------|------------|----------|---|----------|--|---|
| 22 <sup>nd</sup> July 2025   | 21:50  | 21:35      | 23:30    | 12°C, gentle wind, no rain, overcast    | North    | No bats recorded                                   | No bats recorded  |
|                              |        |            |          |   | South    | No bats recorded                                   | No bats recorded  |
| 13 <sup>th</sup> August 2025 | 21:10  | 20:55      | 23:10    | 18°C, no rain, gentle wind, fine clouds | North    | 1 No. Leisler's Bat<br>2 No. <i>Myotis</i> species | 2 No. individuals recorded emerging from cavity in the arch barrel of the bridge. |
|                              |        |            |          |   | South    | 3 No. <i>Myotis</i> species                        | 2 No. individuals recorded emerging from cavity in the arch barrel of the bridge. |

## 4. Details of the Proposed Activity

### 4.1 Construction Methodology

A detailed construction programme will be developed in advance of the construction for the project. It is likely that the construction of the greenway will be progressed as a single construction contract with the construction phase potentially lasting up to 24 months depending on the approach taken by the contractor. A construction period of 24 months has been assumed for the entirety of the greenway, and it is anticipated, subject to planning, the construction will take place in 2026 and 2027. The works to the bridge are expected to take 2-3 months to complete.

The following works to the bridge are proposed:

- Vegetation clearance
  - Vegetation growing on the structure will be removed. Vegetation and soil will be removed from the bridge deck.
- Masonry repointing and replacement
  - Grouting and repointing required on the arch barrel. Localised masonry repair will be required where stone has been displaced by vegetation.
- Parapet replacement
  - The parapet stone walls will be built up, or edge protection attached in the form of post and rail fencing.
- Surfacing works
  - Paving of deck between parapet walls.

### 4.2 Detailed description of the works

- Vegetation clearance
  - All vegetation including but not be limited to trees, shrubs, ivy, moss and roots shall be removed from masonry and concrete in such a manner as to avoid damage to the structure. Power hosing of masonry is not feasible as it would damage the mortar.
  - All vegetation rooted in the structure shall be removed in such a manner as to avoid damage. This shall include but not be limited to trees, shrubs, ivy and moss.

- This process will initially involve the chemical spraying of the vegetation, allowing sufficient time based on manufactures instructions for the spray to take effect before returning to carefully remove the vegetation. Vegetation (including ivy) may be chemically sprayed with a product to be approved by the Ecological Clerk of Works and left to wilt before removal.
- All operators will hold a current (local industry) qualification and be in possession of training certificates for the type of work specified. Chemicals shall be prepared and applied in accordance with manufacturers' recommendations and Codes of Practice and in strict compliance with all relevant Acts, Regulations and Bylaws governing their use.
- Due consideration will be given to run-off and the risk of contaminates entering the watercourse or affecting the surrounding flora and fauna. Where necessary, run-off shall be contained by water retaining barriers and disposed of at an approved disposal site. No spraying shall be undertaken in the rain or when rain is forecast to fall before the manufacturers labelled drying times can be met.
- Trees shall be cut above ground level and the stumps grubbed out. The stumps of vegetation with a diameter greater than 100mm shall have vertical saw cuts made into the stub to promote natural rotting. Any roots remaining after the above work shall be treated with a root killer approved by the Ecological Clerk of Works. Deeply rooted trees and other vegetation which are likely to result in damage to the structure on removal are to be referred to the Ecological Clerk of Works for further guidance.
- Masonry repointing:
  - Repointing and concrete repairs will be undertaken on foot, from a ladder, or using scaffolding.
  - Repointing will take place in dry weather and will not take place if rain is forecast in the following 12 hours. The commencement of the works will be approved by the Ecological Clerk of Works.
  - Mortar and concrete will be mixed in a watertight container at least 20m from the watercourse.
  - Only one bucket of wet mortar or concrete will be brought to the work site at any time by each person carrying out the repointing.

- A catch net will be placed flush with the bridge to catch any spilled mortar or concrete. The catch net will be made of Visqueen heavy duty plastic sheeting or similar and will cover the entire area underneath the works.
- The effectiveness of the catch net will be approved by the Ecological Clerk of Works.

## 5. Evidence to Support the Derogation

### 5.1 Test 1: Reason for Derogation

This application qualifies under Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations as it is 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.

The greenway will provide enhanced access to the wider region, enticing users to explore its surrounding towns and villages and to further develop sustainable tourism in the area.

An existing former railway bridge will be repaired and brought back into use for the greenway. A bat roost is present in a crevice in the arch barrel. The proposed works on the bridge could lead to disturbance, and therefore this derogation is required.

### 5.2 Test 2: Absence of Alternatives

The following is a list of alternatives considered for the repair and upgrade of the abandoned masonry arch railway bridge over the River Derg between the N15 and Lough Mourne:

1. Do nothing scenario: This would involve not developing the greenway at all. This would result in a lost opportunity to provide a recreational transport link for commuters and leisure cyclists, pedestrians and impaired mobility users between the town of Donegal and Ballybofey/Stranorlar. The provision of a greenway in this location will provide enhanced access to the wider region, enticing users to explore its surrounding towns and villages and to further develop sustainable tourism within the area.
2. Construction of a new bridge: This would require the construction of a new bridge which would impact on the surrounding habitat and the river corridor, requiring a new watercourse crossing over the River Derg, including new foundations and a new section of the greenway to tie into the new bridge.

### 5.3 Test 3: Impact of Derogation on Conservation Status

#### 5.3.1 Conservation Status of Irish Bats

The conservation status of Irish bat species recorded during surveys at the bridge, as per *The status of EU protected habitats and species in Ireland* (NPWS, 2019), is outlined in Table 5-1 below:

**Table 5-1 – Conservation status of Irish bat species recorded at the bridge.**

| Species                                       | IUCN Red List | Overall Status |
|---|---------------|----------------|
| Daubenton's Bat ( <i>Myotis daubentonii</i> ) | Least Concern | Favourable     |
| Leisler's Bat ( <i>Nyctalus leisleri</i> )    | Least Concern | Favourable     |

The roost within the bridge has been confirmed as a day roost for Daubenton's bat, with two bats present on two occasions 2025. Day roosts provide individual bats, or small groups, rest and shelter during the day in the active season, generally March to November.

There is potential for a slight impact on the conservation status of this species in the absence of mitigation, with the potential to impact bats through disturbance at the bridge. The works at the bridge could lead to the direct mortality of bats through the infilling the roost, and through disturbance as a result of noise and vibration during other elements of the works. If appropriate mitigation measures are implemented, there will be no impact on the conservation status of any bat species at the site.

### 5.3.2 Mitigation

The following guidance documents were used in the development of this derogation licence application and the mitigation measures for the bat roost at the proposed development site:

- *Bat Mitigation Guidelines for Ireland – V2* (Marnell, F., Kelleher, C. & Mullen, E., 2022).
- *Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition* (Collins, J., 2023).
- *UK Bat Mitigation Guidelines – V1.1* (Reason, P.F. & Wray, S., 2023).
- *Annex II - Preventing bat access in domestic dwelling houses* (Scottish Natural Heritage, 2018)

The following mitigation measures are proposed as part of this licence application. Should a licence be granted, we would request that the licence conditions include the measures presented below.

#### 5.3.2.1 Preconstruction Survey

A preconstruction survey will be carried out prior to the commencement of works at the bridge. The ecologist will be licenced to undertake invasive surveys that could disturb bats. This will involve a close inspection of all of the potential roost features on the bridge using a torch and an endoscope, if required. This licence application relates to one confirmed roost. Should other roosts be identified, the works will be postponed until a licence is in place.

Where the crevice can be inspected using a torch and/or endoscope entirely, and no bats are found, the crevice will be stuffed immediately with material such as cloth, plastic or other

suitable material. This material will be removed by the contractor immediately prior to repointing.

Where a feature cannot be fully examined, a dawn survey will be undertaken to confirm that no bats are present in the feature. Where no bats are recorded entering the roost, the crevice will be sealed immediately using cloth, plastic or other suitable material.

#### 5.3.2.2 Roost Exclusion

The roost will be clearly marked by the licenced ecologist and easily identifiable. The ECoW will advise the contractor of the presence of the bat roost as part of a Toolbox Talk. Repointing will not begin until the people doing the repointing have attended the Toolbox talk.

The confirmed roost will be temporarily excluded to avoid disturbing bats during construction. The implementation of the mitigation measures will be supervised by the ecologist named on the licence application form. The exclusion of the roost will be undertaken between March and October, to avoid impacting hibernating bats. Depending on the programme, it may be possible to exclude the roost during the winter months when the bats are not present. This would be preferable and would avoid the need to exclude bats from the roost when they might be present.

The roost will be inspected with an endoscope to determine if bats are present. As described above, if the crevice can be inspected in its entirety and the licenced ecologist can confirm with confidence that no bats are present, the crevice entrance will be stuffed immediately with material such as cloth or plastic to prevent bats entering it for the duration of the construction phase.

If a bat or bats are found in the roost, or if the entirety of the features cannot be examined, a one-way bat exclusion device consisting of a plastic base with a plastic cone fitted over the feature. It will be fixed at the top and be open at the bottom. This will allow bats to leave the roost but not return. The base will be fixed to the arch barrel using screws.

The roost and bat exclusion device will be checked weekly to ensure that the material excluding the roost or the one-way bat exclusion device is still in place and secure.

The installation of the one-way bat exclusion device, if it is required, will be undertaken under the supervision of the licence holder. The installation of the one-way bat exclusion device and the repointing will be supervised by the licence holder. The role of the Ecological Clerk of Works will be to ensure that the bat exclusion device is secured and sealed properly.

Once the works are completed, the material blocking the roost, or the bat exclusion device (if required) will be removed. Two self-cleaning crevice type bat boxes made of woodcrete or similar will be fitted to the structure. Placement of the bat boxes will be confirmed by the Ecological Clerk of Works.

The mitigation measures prescribed above will ensure that bats are protected during the works. The actions permitted under the licence sought in this application will not be detrimental to the favourable conservation status of bats in their natural range as is required under Section 54 (2) of the European Communities (Birds and Natural Habitats) Regulations.

## 6. Monitoring Impacts

Bat emergence surveys were carried out at the abandoned masonry arch railway bridge over the River Derg between the N15 and Lough Mourne in July and August 2025. Two Daubenton's bat were recorded emerging from a crevice in the highest part of the arch barrel of the bridge in August 2025. Therefore, the Potential Roost Feature (PRF) at the bridge is characterised as a day roost.

Following the completion of works at the bridge, the bat exclusion device will be removed. Given the scale of the proposed development, the provision of additional bat roosting habitat (bat boxes) as part of the proposed development and as the roost will only be temporarily closed (for 2-3 months), no post construction monitoring is proposed.

