



BAT DEROGATION LICENCE APPLICATION

SARA FISSOLO

Table of Contents

1. Introduction
2. Background
3. Evidence to support the Derogation Tests

Introduction

I am applying for a personal roost disturbance licence to enable me to lawfully undertake precautionary inspection surveys of potential bat roost features as part of my professional duties. This licence is required as a precautionary measure to allow for the inspection of buildings, trees, and other features where bats may be present, ensuring that surveys can be undertaken in compliance with legislation and best practice.

Background

I am a project ecologist working for MKO. I hold a B.Sc. in Ecology and Environmental Biology from UCC and have six years experience in ecological consultancy. My first full survey derogation licence in Ireland was obtained in 2022. As a bat enthusiast, I have volunteered with Bat Conservation Ireland and held bat walks with Cork City Council, and have volunteered tracking, surveying, trapping and ringing bats for the Department of Conservation in New Zealand. As a consultant ecologist in Ireland, I regularly work with bats and have extensive experience in scoping, undertaking, and reporting on bat surveys, as well as preparing ecological impact assessments relating to bats, for small scale and complex projects.

Previous Personal Licences Held

- DER-BAT-2022-30 - returned
- DER-BAT-2023-54 - returned
- DER-BAT-2024-54 - returned
- DER-BAT-2025-118 - returned

External Training & Events

Training	Year
Advanced Kaleidoscope Pro Analysis (Bat Conservation Trust)	2025
Advanced Bat Survey Techniques (Bat ID, Handling, Trapping) - (Bat Conservation Ireland)	2023
Online Bat Care Training (Bat Conservation Trust)	2023
10 th Irish Bat Conference (Bat Conservation Ireland)	2023
Bats in Heritage Buildings (Bat Conservation Ireland)	2022
Bats: Assessing the Impact of Development on Bats, Mitigation & Enhancement, CIEEM	2022



Evidence to support the Derogation Tests

The NPWS document, *Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland - National Parks and Wildlife Service Guidance Series 1 (2021)*, was reviewed before undertaking this derogation application.

Article 16 of the Habitats Directive sets out three pre-conditions, all of which must be met before a derogation from the requirements of Article 12 or Article 13 of the Directive can be granted. These preconditions are also set out in Regulation 54 of the Regulations.

The preconditions are:

1. A reason(s) listed in Regulation 54 (a)-(e) applies
2. No satisfactory alternatives exist
3. Derogation would not be detrimental to the maintenance of a population(s) at a favourable conservation status.

It is believed that the pre-conditions for granting a derogation licence have been met, as follows:

Test 1 - Reasons for Seeking Derogation

Regulation 54(2) (a)-(e) states that a derogation licence may be granted for any of the reasons listed (a) to (e). We are of the opinion that the following reasons apply:

(c) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

I am applying for a precautionary disturbance licence to allow me to inspect potential bat roost features, including buildings and trees, in order to determine the presence or absence of bats, and to undertake surveys of confirmed roosts to gather additional information where required. This licence is sought to enable me to carry out inspection surveys lawfully in situations where bats may be present, but roost locations are not yet known.

These inspection surveys are necessary to inform ecological impact assessments for proposed developments and represent the initial step in determining whether further survey work or mitigation measures are required. All survey activities will be undertaken in accordance with best practice guidance, with due care taken to avoid unnecessary disturbance to bats or damage to roosts. Any works will be carried out sensitively and only to the minimum extent required to confirm roost presence and status.

The purpose of this licence is to provide legal cover for precautionary inspections carried out in the course of my professional duties, particularly where bats may be encountered unexpectedly during surveys. Bats may be present at potential roost sites at any time of year, and there are no satisfactory alternatives to undertaking such inspections under a precautionary disturbance licence.

I have been licenced since 2022 and have renewed my licence every year, continuing to accrue experience in the field by carrying out inspections and continuous training, on the job or external. I have also been responsible for training other ecologists within the MKO ecology team.



Test 2 - There is no Satisfactory Alternative

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	Choosing not to apply for a precautionary licence is not a viable option. Irish bat survey guidance (Marnell, Kelleher & Mullen, 2022, p. 27) notes that although a licence is not strictly required when searching for previously unknown roosts, surveyors are required to withdraw immediately if bats are discovered. This restriction would significantly limit the ability to complete essential roost assessments. As such, proceeding without a licence would prevent the collection of the information needed to inform ecological assessments and responsible project design.
Restricting inspections to certain times of year	Limiting inspections to specific seasons is not a workable alternative. Bats may be encountered at any time of the year, and the potential for disturbance cannot be completely avoided. While surveys are always carried out with care, particularly during sensitive periods such as maternity and hibernation, licensing remains essential to allow surveys to proceed lawfully should an unexpected roost be found. Seasonal restriction would also delay or prevent timely ecological assessment for active development proposals.
Not carrying out inspections at all	Forgoing inspections would result in incomplete bat survey data. Preliminary roost assessments are the first step in determining whether additional surveys (e.g., dusk/dawn activity surveys) are required and are fundamental to identifying species presence, roost type, and potential impacts. Without these inspections, there is a significant risk that important bat use of a site would go undetected, preventing appropriate mitigation measures from being designed and undermining the ecological impact assessment process. This approach is therefore incompatible with best practice and conservation objectives.
Applying for individual, project-specific precautionary licences	Submitting a separate licence application for each inspection is not practical or proportionate. As a practising ecologist, I regularly undertake roost assessments across a wide range of projects. Requiring project-specific licences would create unnecessary administrative burden for me and NPWS, slow down survey programmes, and potentially reduce the



	capacity to influence project design in ways that benefit bat conservation. A single precautionary licence is the most efficient, resource-effective, and conservation-supportive solution.
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Test 3 – Favourable Conservation Status

Annex IV species must be maintained at Favourable Conservation Status or restored to favourable status if this is not the case at present. The net result of granting a derogation licence must be neutral or positive for the species in question.

The purpose of this application is to ensure that any bat roost inspections undertaken are carried out lawfully and with full regard for the protection of bats and their conservation status. The derogation is being sought on a precautionary basis, and all work will be carried out in strict accordance with recognised best-practice guidelines to avoid unnecessary disturbance.

I am a trained ecologists, experienced in conducting bat inspections and handling, and our survey methodology strictly adheres to established standards designed to minimise disturbance. Inspections will be carried out carefully, and disturbance will be limited to what is unavoidable when identifying the presence of bats within potential roost features. On this basis, it is not anticipated that the proposed survey work will negatively affect the favourable conservation status of any bat species.

If bats are encountered during inspections, this will be appropriately recorded and reported to NPWS as part of the licence return process. Such reporting contributes to national datasets and ensures transparency and continued monitoring of bat populations.

My work follows up-to-date best-practice guidance, including but not limited to:

- › Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th Edition (Collins, 2023)
- › The Bat Worker’s Manual, 3rd Edition (Mitchell-Jones & McLeish, 2004)
- › Ecological and Behavioural Methods for the Study of Bats, 2nd Edition (Kunz & Parsons, 2009)
- › The Lesser Horseshoe Bat Conservation Handbook, Second Edition (Schofield, 2025)
- › Bats and Appropriate Assessment Guidelines (BCI, 2012b)
- › UK Bat Mitigation Guidelines V1.2 (Reason & Wray, 2025)
- › Bat Mitigation Guidelines for Ireland v2 (Marnell, Kelleher & Mullen, 2022)
- › Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes (TII, 2006a)
- › Guidelines for the Treatment of Bats During the Construction of National Road Schemes (TII, 2006b)
- › Bat Surveys – NIEA Specific Requirements (Northern Ireland Environment Agency, 2017)

These methodologies have been widely applied across Ireland and the UK and have been demonstrated to be effective in ensuring that survey work does not compromise bat conservation status when implemented correctly.

Taken together, the precautionary approach, informed survey practice, and commitment to minimising disturbance provide assurance that the derogation will not be detrimental to maintaining bat populations at favourable conservation status within their natural range.

