

RE: Application for Licence to

- (i) Disturb bats and their roosts as afforded by Article 16 of the EU Habitats Directive, in the course of undertaking bat surveys.**

To whom it may concern;

Cormac Loughran, the Director of Blackstaff Ecology Ltd, will be carrying out a series of bat surveys in 2025/2026 as part of a number of projects for which Blackstaff Ecology Ltd have been/will be commissioned to undertake.

Cormac Loughran has previously held the following derogation licences;

DER/BAT 2021-109 (survey licence)

DER/BAT 2021 – 130 (a) Roost disturbance, (b) Damage or destruction of breeding sites or resting places; (c) Actions authorised within licence: with returns made.

Blackstaff Ecology Ltd are seeking to undertake these surveys in compliance with;

- the Wildlife Acts 1976-2018; and the,
- EU Habitats Directive and following guidance outlined in,
- *Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland* (NPWS Guidance Series, 2021),
- *Bat Mitigation Guidelines for Ireland – V2* (Marnell et al. 2022) and,
- *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins, 2023, 4th Edition) where the surveys have been designed to minimize potential disturbance to bats and their roosts.

Our bat surveys typically involve the following:

Preliminary Roost Assessment. A detailed inspection to identify potential roosts and suitable roost locations. This includes checking buildings, trees, and other structures for signs of bat activity, such as droppings or feeding remains.

Automated Detector Deployment. The deployment of static passive bat detectors at various locations within and in proximity to structures in order to record bat activity which will be analysed using software such as Kaleidoscope.

NVA supported Emergence Surveys. These will involve bat surveyors recording bats as they emerge from a potential roost site, should a roost site be present.

These surveys are being carried out as part of the initial phase of a number of projects that, at a future date, will be developing the sites in which these structures are located. Therefore Item 10 (c) of the derogation licence application applies. Item 10 (c) is as follows:



*“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 following section addresses the Section 11 Report Checklist of the accompanying Reg 54 Derogation application form for Cormac Loughran for 2025/2026.

11.1 *Explanation as to why the derogation sought is the only available option for works and no suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations.*

These surveys will be carried out in the early stages of development projects, where information on the project nature and scale is still in the early design phase, and the extent of the demolition/alteration/felling of structures (if any) is not yet known. Licences are being sought so that bat surveys can be conducted where the presence of a roost, or the status of a roost (species, number of bats, roost type, etc) has not been determined. Sources of potential disturbance include roost inspections, particularly in attic spaces, crevices, etc., and the placement of passive detectors. Equipment used in the course of these surveys include automated static bat detectors, torches, endoscopes, and night vision aids (NVAs).

These surveys are required so that comprehensive information on the status (species/roost type/etc.) of any roost recorded in the course of a survey can be used to inform on suitable alterations to a project in the design phase and provide specific and appropriate mitigation measures for the protection of bats, if deemed necessary and in accordance with the guidelines outlined in NPWS Guidance Series (2021), Marnell *et al.* (2022) and Collins, (2023).

Alternative non-invasive survey methodologies that do not require a derogation licence have been considered. Non-invasive methodologies are not always suitable or sufficient on their own in providing adequate information on the characteristics of a roost in order to inform an impact assessment, and are primarily used in conjunction with preliminary roost assessment surveys. For example, standard observation surveys (e.g., emergence surveys) have a limited scope where bat activity is restricted by weather conditions, survey timing and where the location of the roost inside a structure cannot be confirmed by an external observation survey alone. In the case of trees, such surveys are only recommended in limited circumstances such as where the presence of bats is already known or where the tree cannot be safely accessed (Collins, 2023).

If a derogation licence is not granted, Blackstaff Ecology Ltd staff (Cormac Loughran) will not be able to carry out surveys that have been designed to adequately and comprehensively assess bat roosts, following the guidance outlined in NPWS Guidance Series (2021), Marnell *et al.* (2022) and Collins, (2023), ultimately impacting negatively on legally protected roost sites. This licence must be held in order to legally enter a known/unknown roost site, resulting in potential disturbance, in the course of a bat survey.

11.2 *Evidence that actions permitted by a 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 as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations*

A10 Network Enterprise Park
Kilcoole
Co. Wicklow
A63 RK23



No detrimental effects arising from the surveys are expected. The survey methodology will minimise the risk of any disturbance to bats and follow the guidelines previously outlined e.g., NPWS Guidance Series (2021), Marnell *et al.* (2022) and Collins, (2023).

11.3 *Details of any mitigation measures planned for the species affected by the derogation at the location, along with evidence that such mitigation has been successful elsewhere.*

No specific mitigation measures are required in the case of these surveys. The surveys have been designed in strict accordance with the necessary guidelines i.e., NPWS Guidance Series (2021), Marnell *et al.* (2022) and Collins, (2023).

We therefore seek licenses to:

- Disturb bats and their roosts as afforded by Article 16 of the EU Habitats Directive, in the course of undertaking bat surveys.

If you require any more information in relation to this application, please contact the undersigned.

Yours sincerely,

A handwritten signature in black ink that reads "Cormac Loughran". The signature is written in a cursive, flowing style.

Cormac Loughran
CEnv MIEEM MSc

Director
Blackstaff Ecology Ltd

Kilcoole, Co. Wicklow