



# DEROGATION LICENCE APPLICATION – BAT ROOST DISTURBANCE – SUPPORTING DOCUMENT

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## Introduction

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

## Background

I am a Senior Ecologist with 6 years' experience in professional ecological consultancy and I am a full member of CIEEM (MCIEEM) with a First-Class Honours BSc in Environmental Science. I have extensive experience in field surveying, including bat nighttime walkover surveys and roost inspection surveys (under past derogation licensing). Since working in consultancy, I have worked full bat survey seasons dedicated to bat surveying of wind farm sites and other project sites, which included nighttime activity surveys, bat roost inspections and emergence surveys. I have attended internal team bat survey training events including survey and count of lesser horseshoe bat roosts and have volunteered in lesser horseshoe bat roost count surveys for the NPWS. I have also carried out pre-commencement surveys and Ecological Clerk of Works/ construction site supervision of masonry bridge repairs works in the vicinity of potential roost sites.

I have worked on a number of projects of which bat surveying and roost inspections were a key component. For over 5 years I have acted as Lead Ecologist on a contract with Irish Rail, overseeing ecological assessments of asset maintenance works throughout the national railway network. These have included bat roost inspection surveys, oversight and guidance in relation to maintenance of masonry bridges with confirmed bat roosts present (under derogation licence) and of vegetation control (including trees with bat roost potential).

I also manage a team of ecologists within the company, coordinate fieldwork and ensure surveys are carried out in line with best practice guidelines and in accordance with licensing requirements.

Below listed are some examples of bat derogation licences that I have held (all with returns submitted):

### Previous Bat Licences Held

- DER-BAT-2022-15
- DER-BAT-2022-150
- DER-BAT-2022-79
- DER-BAT-2023-85
- DER-BAT-2024-54
- DER-BAT-2025-126



## 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 undertake inspection surveys of potential bat roost features, including buildings and trees, across Ireland to establish the presence or absence of bats, and to carry out further assessment of any confirmed roosts. This work is required to inform ecological impact assessments and to ensure that any potential effects on protected species are appropriately identified at an early stage. 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 inspections represent the first step in determining the need for further targeted survey effort and in developing appropriate mitigation measures where necessary.

I have shadowed multiple bat roost inspection surveys under licence with experienced colleagues and have previously held a number of NPWS bat licences. I am experienced in undertaking bat surveys and am trained in bat survey techniques, including manual activity surveys and inspection surveys. I will operate with the objective of protecting roosting bats and will avoid any unnecessary disturbance. The purpose of the licence is to ensure that, should a roost be encountered unexpectedly during inspection work, I can act lawfully while undertaking essential survey duties.

As bats may be encountered during inspections at any time of year, and there are no satisfactory alternatives to conducting these survey works, this licence will therefore allow me to complete the required assessments responsibly and in compliance with species protection legislation

I have undertaken relevant training and gained practical experience through shadowing licensed bat ecologists on multiple surveys, including roost inspections and activity surveys. This experience has provided me with the necessary skills to identify potential roost features, recognise signs of bat presence, and carry out surveys in a safe and sensitive manner.



## Test 2 – There is no Satisfactory Alternative

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



### Test 3 – Favourable Conservation Status

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

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

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

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

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

- › Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th Edition (Collins, 2023)
- › The Bat Worker's Manual, 3rd Edition (Mitchell-Jones & McLeish, 2004)
- › Ecological and Behavioural Methods for the Study of Bats, 2nd Edition (Kunz & Parsons, 2009)
- › Handbook of Biodiversity Methods (Hill, 2005)
- › Bats and Appropriate Assessment Guidelines (BCI, 2012b)
- › UK Bat Mitigation Guidelines V1.2 (Reason & Wray, 2025)
- › Bat Mitigation Guidelines for Ireland v2 (Marnell, Kelleher & Mullen, 2022)
- › Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes (NRA, 2006a)
- › Guidelines for the Treatment of Bats During the Construction of National Road Schemes (NRA, 2006b)

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.

