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Supporting Information for the Application for Derogation Under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 for Evelyn O'Toole, Bushypark, Galway.

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1. Introduction

In November 2025 Catherine Howarth, Ecological Consultant with Coyle Environmental is applying to NPWS on behalf of Evelyn O'Toole of Bushypark, Galway for a Derogation licence under Regulation 54.

1.1. Objective

The licence is being sought to destroy a bat roost as part of the demolition of an existing house and to facilitate the construction of new two storey house with garage plus new wastewater treatment system and associated site works at Bushypark, Galway, County Galway.

1.2. Statement of authority

Catherine Howarth is a Consultant Ecologist at Coyle Environmental. She has a BSc (Honours) in Conservation Biology and Ecology from the University of Exeter, a Certificate in Ecological Consultancy from ETUK and a PGCE in secondary science from the University of Chester. She has over 17 years' experience in habitat monitoring and surveying, report writing, science communication and education, project management and liaising with stakeholders and local authorities. Catherine is an Associate member of CIEEM and has been based in Ireland for the last 7 years. She is Bat Panel member and regular volunteer with Bat Conservation Ireland. Catherine is a licenced Bat Ecologist, NPWS licence DER-BAT-2025-187 (Survey licence, expires 31st December 2025).

2. Background and Proposed Development

The site is approximately 0.27 hectares and is located in Ballagh, Bushypark, Galway City (Grid Ref. M 2666827519). The site is located on the L5007. The surrounding land use is primarily a residential area and agricultural grassland. The property was purchased by Evelyn O'Toole in late 2022 with the aim of living on the property. The house was last occupied in May 2022, since then storm damage to the roof has resulted in several missing roof tiles and the resulting water ingress has made the house uninhabitable in its current state. Evelyn O'Toole wishes to demolish the existing house and build a new house to modern standards, which will be her primary residence.

Figure 1. Site Location Map (Des Ewing Architects)

Figure 2. Site Location pinned (NPWS Maps)

Figure 3. Aerial View of Site with Red Line Boundary shown.

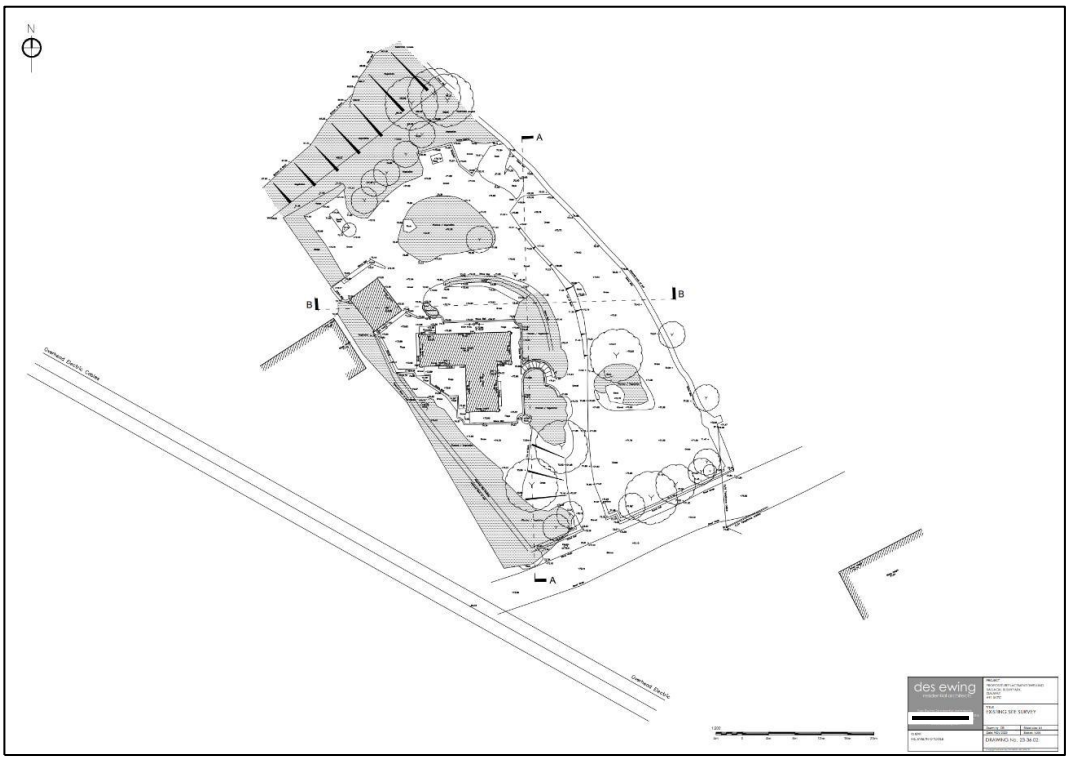

Figure 4. Existing Site Layout (Des Ewing Architects)

Figure 5. Example of roof damage, missing and loose tiles.

Figure 6. Example of visible water ingress inside existing house.

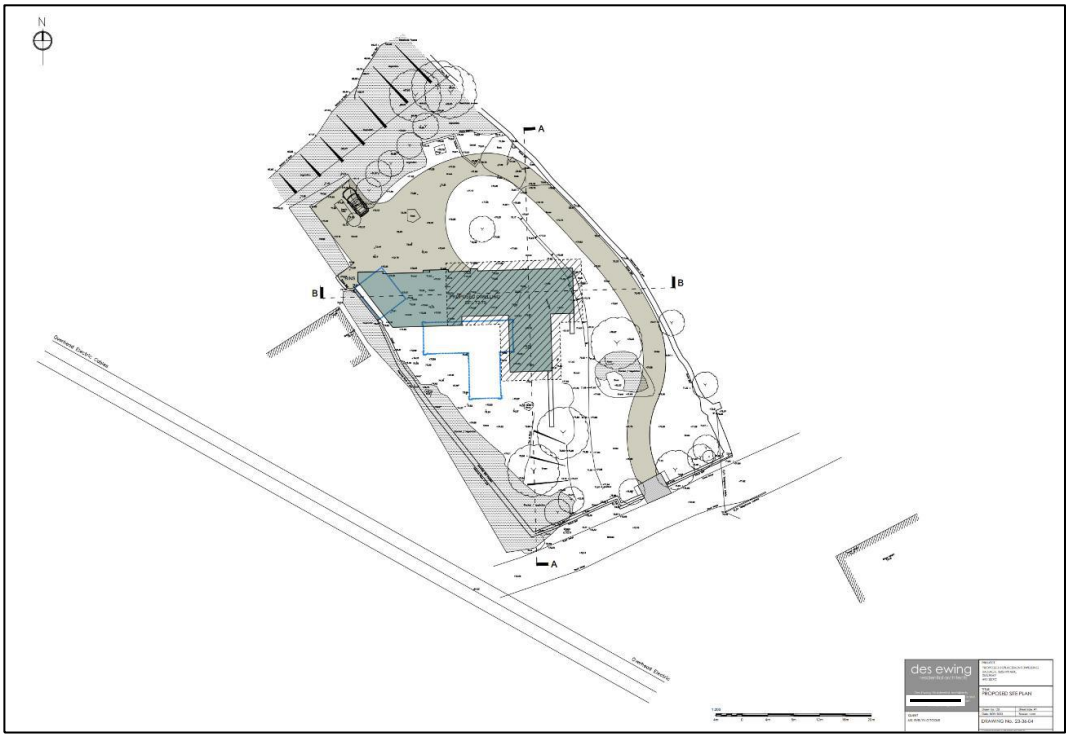

Figure 7. Proposed Site Layout (Des Ewing Architects)

Evelyn O'Toole is applying to Galway County Council for planning permission for development consisting of the demolition of existing house and construction of new two storey house with garage plus new wastewater treatment system and associated site works at Bushypark, Galway, County Galway.

3. Ecological Site Assessment

3.1. Desk Study

A desk study of the subject site was undertaken to collect any available information on bats and to identify any habitats and features likely to be used by bats. The following sources were consulted:

- Review of aerial photography of the study using EPA Maps
- Review of online web-mappers: EPA AA Maps and National Parks and Wildlife Service (NPWS)
- Review of NPWS Site Synopses and Conservation Objectives documents
- A search of the National Biodiversity Data Centre database was undertaken.

A search of the NBDC database was carried out to examine the suitability of the proposed site for bat species found in Ireland. The results of the search, previous bat record within 2km of the site and bat species associations with building roosts are shown in Table 2. The Bat Suitability Index for All Bats on site is 30.89.

There are no Lesser Horseshoe Bat (*Rhiniolophus hipposideros*) records within 2km of the application site or foraging range associated with any of the Natura 2000 sites within the 15km of the application site.

Table 1. NBDC bat suitability index data, previous records and bat roost associations.

Common Name	**Species**	**Bat suitability Index**	**Previously recorded within 2km² of survey site?**	**Bat association with building roost types.**	
				Maternity	**Hibernation**
Brown Long-Eared Bat	*Plecotus auritus*	39	No	High	High
Common Pipistrelle	*Pipistrellus pipistrellus*	39	No	High	High

Common Name	Species	Bat suitability Index	Previously recorded within 2km² of survey site?	Bat association with building roost types.	
				Maternity	Hibernation
Daubenton's Bat	*Myotis daubentonii*	38	No	Medium	Low
Leisler's Bat	*Nyctalus leisleri*	43	No	High	Low
Lesser Horseshoe Bat	*Rhinolophus hipposideros*	14	No	High	Medium
Nathusius's Pipistrelle	*Pipistrellus nathusii*	15	No	High	Data Deficient
Natterer's Bat	*Myotis nattereri*	33	No	High	Low
Soprano Pipistrelle	*Pipistrellus pygmaeus*	51	Yes	High	High
Whiskered Bat	*Myotis mystacinus*	6	No	High	Low

3.2. Surveys

Based on the desk study, a PRA was carried out on the 7th of July 2025, followed by a dusk bat emergence survey in good conditions. Full survey methodology and results are in the accompanying Bat Survey Report provided to the client, Evelyn O'Toole.

The house was deemed to have moderate roost potential and the emergence survey recorded No. 2 Pipistrelle Bats emerging from beneath a loose tile on the southeast corner of the house.

A second emergence survey was carried out on 11th August in good conditions, where No. 6 Soprano Pipistrelle bats were seen emerging from the roost identified on the previous survey. The roost appears to support a low number of Soprano Pipistrelle Bats and is not considered to be a maternity colony.

Figure 8. Location of roost

No other roosts were observed, and the garden, adjacent laneway, treeline and adjacent hedgerow habitats are active foraging and commuting routes for several bat species, including Soprano Pipistrelle, Common Pipistrelle and Leisler's bats.

4. Potential Impact of Proposed works

4.1. Potential Impacts

The proposed works include the demolition of the existing house and shed, construction of a new two storey house with garage plus new WWTS and associated works.

Demolition of the existing house is likely to have a significant negative effect on the existing bat roost. The demolition of the existing roof and building works would remove the bat roost, and any bats present may be injured, killed or be caused to take flight in daytime, exposing them to a risk of predation, in absence of appropriate mitigation.

The killing of bats or destruction / disturbance of a roost would constitute an offence under the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Wildlife Act 1976 (as amended).

4.2. Legislation

4.2.1. Irish Legislation

Under the Republic of Ireland's Wildlife Acts 1976 to 2021, it is an offence to intentionally harm a bat or disturb its resting place. All bat species are protected under the Wildlife Acts, which make it an offence to wilfully interfere with, or destroy, the breeding or resting place of these species without a licence. All species of bats in Ireland are listed on Schedule 5 of the 1976 Act, and are therefore subject to the provisions of Section 23, which make it an offence to:

• Intentionally kill, injure or take a bat.

• Possess or control any live or dead specimen or anything derived from a bat.

• Wilfully interfere with any structure or place used for breeding or resting by a bat.

• Wilfully interfere with a bat while it is occupying a structure or place that it uses for that purpose.

4.2.2. E.U. Legislation

The EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive 1992), seeks to protect rare and vulnerable species, including all species of Bats, and their habitats and requires that appropriate monitoring of populations be undertaken. All species of bat found in Ireland are listed in Annex IV of the Directive, while the Lesser Horseshoe bat is afforded further protection under Annex II, requiring the designation of Special Areas of Conservation specifically for their protection.

All species of bat in Ireland are strictly protected under the Habitats Directive to include deliberate disturbance of these species, particularly during the periods of breeding, rearing and hibernation. It also specifies deterioration or destruction of breeding or resting places. The Habitats Directive is transposed into Irish law by The European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011). These Regulations substantially strengthen the protection provided by the Wildlife Acts. All Bat species are listed on the First Schedule and Section 23 of the Regulations makes it an offence to:

• Deliberately capture or kill a bat.

• Deliberately disturb a bat.

• Damage or destroy a breeding site or resting place of a bat

4.2.3. International Legislation

Ireland has ratified two international wildlife laws pertaining to bats

The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention, 1982) – part of this convention stipulates that all bat species and their habitats are to be conserved.

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention 1979, Enacted 1983). This was instigated to protect migrant species across all European boundaries.

4.3. Disturbance of Bats and Degradation Licences

Section 27 of the 2011 regulations necessitates that all public authorities have a responsibility to avoid the deterioration of natural habitats and species protected under the Birds and Habitats Directives/Regulation, and to exercise their functions and statutory powers in compliance with the Directives' requirements. Planning authorities are required to consider the presence of protected species, including bats, when considering applications for planning permission and may refuse applications on the grounds of adverse effects on these species or if an assessment of the impact of the development on protected species is inadequate.

A grant of planning permission does not constitute a licence or permit to disturb bats or interfere with their breeding or resting places. Applications may be made to the National Parks and Wildlife Service for a derogation licence under Regulation 54 to permit actions affecting Bats or their roosts that would normally be prohibited by law. The applicant must demonstrate that there is no satisfactory alternative and that the action will not adversely affect the favourable conservation status of the Bats. Each case is considered on its circumstances.

A Derogation License under Regulation 54 is being sought on behalf of Evelyn O'Toole for the disturbance and destruction of a bat roost at Bushypark, Galway based on a housing need. Reason 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.

5. Evidence to Support the Derogation tests

5.1. Test 1 - Reason for Derogation

Reason 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.

Evelyn O'Toole purchased the property to be her main residence. The house in its existing state is currently uninhabitable due to water ingress from storm damage to the roof.

Failure to proceed would result in Evelyn O'Toole being unable to live on her property, which would constitute an unacceptable social and economic consequence to a citizen.

5.2. Test 2 – Absence of Alternative solutions

The existing house at Bushypark, Galway is currently uninhabitable due to roof damage and water ingress. Evelyn O'Toole would like to demolish the existing house and build a new house up to modern standards.

The 'do-nothing' alternative would leave Evelyn O'Toole with an uninhabitable house and without a permanent place to live. Which is not a satisfactory alternative to the issue.

The alternative option to make the house habitable again would include extensive work including roof replacement and repairs to the structure of the house which would significantly disturb and, depending on the extent of structural repair needed, potentially destroy the existing bat roost. This option also requires Derogation and therefore is not a satisfactory alternative.

5.3. Test 3 – Impact of a Derogation on Conservation Status

Soprano Pipistrelle are the most widespread species in Ireland and have been recorded regularly in Galway (NBDC), trends in the species are monitored annually using the Car-based Bat Monitoring Scheme. Results from this scheme indicate that since 2003 the soprano pipistrelle has increased significantly. (BCI 2025).

The proposed works have the potential to have a significant negative impact on a small number of individual Soprano Pipistrelle bats, if they are present within the roost, in the absence of appropriate mitigation. The impact on the local bat population in the absence of mitigation is considered to be slight and short-term.

There is no envisaged significant impact to the local bat population (or otherwise), following the strict implementation of the mitigation measures outlined below; there is also no envisaged significant impact to foraging and/or commuting bats.

Mitigation and compensation measures have been outlined to protect and enhance the local Bat population, and include the following:

- Externally mounted Bat boxes are to be provided prior to and during the construction phase.
- Construction Management Plan to include mitigation measures:
    - Correct timing of works to minimise impacts on local bat population.
    - An Ecological Clerk of Works (ECoW) to be present on-site during key demolition activities including the appropriate installation of alternative habitat
    - Soft stripping of the roof to be supervised be a suitably qualified Bat Ecologist and ECoW to oversee works and give expert advice and direction to staff.
- Use of bat safe materials
- A sensitive lighting plan to be implemented as part of the development plan. These measures are to reduce light pollution and for the benefit of all nocturnal species in the area.
- The treeline and mature vegetation should be retained wherever possible.
- Bat boxes to be incorporated into the development design post construction.

5.3.1. Mitigation Measures

5.3.1.1. Provision of alternative roosting spaces

Prior to demolition, tree and/or pole-mounted Bat boxes, such as Schwegler 1FD and Schwegler 1FF, will be installed near to the buildings prior to the supervised works.

5.3.1.2. Timing of works

The licence shall include detailed information on roost provision by way of mitigation and timings of the proposed works. The timing of the stripping of all areas considered to hold potential to support bats, such as the roof tiles/coverings, cladding, ridgeline and soffits, would be restricted to certain times of the year when bats are less vulnerable to disturbance.

Therefore, this work shall be undertaken in September/October or March/April to avoid disturbance to bats during the key breeding and hibernating periods, and in strict accordance with any licence permission(s).

5.3.1.3. Exclusion of bats

A bat survey will be carried out prior to demolition, comprising an endoscope and / or emergence / re-entry survey of the building. Where the roosting location has been identified, a one-way exclusion tube will be put in place at the roost exit point. Any crevices that do not contain bats (to be ascertained using an endoscope) will be blocked. The surveyor will then wait one night to allow bats to leave the roost and will re-survey the buildings.

5.3.1.4. Supervised works

When the exclusion process is complete, an experienced ecologist (ECoW) will supervise the roof works. Soft stripping of the building's key fabric components is required around the roosting site. If any bats are uncovered during this process, they will be transferred to a cotton holding bag and placed in one of the bat boxes. Following hand stripping of the roof structure and relevant features, the structure is to be left for at least 24 hours prior to further demolition works being carried out. Once all potential roost sites identified by the ecologist have been removed, the remainder of the structures can be demolished without further supervision

Prior to any works to the building, all personnel shall be given a toolbox talk by the ecologist named in the licence to ensure that the appropriate level of care is undertaken when carrying out the work. Prior to any work commencing, an internal survey of the buildings will be undertaken by the Ecologist, and should it be required, any bats found will be caught in a hand net and released later that evening.

5.3.1.5. Breathable Membranes

Modern roof linings and breathable membranes that are composed of fibres have been shown to trap and ensnare bats causing mortality. These are commonly called "Non-bitumen coated roofing membranes". The use of these materials should be carefully considered if bats are in the building. Older linings such as mineral felt or rough timber should instead be used where possible to facilitate bat roosting. In some cases, breathable membranes can be made safe for bats by adding a layer of Netlon and batons if it can be ensured that bats will only come into contact with the latter.

5.3.1.6. Lighting

Lighting at or near roost entrances has been shown to disturb bats and should be avoided. The lighting strategy will need to be described for approval within the Bat licence application. The lighting strategy shall be sensitive to bats, and all lighting should be kept to a minimum. Lighting should be selected based on suitable height, intensity and shielding. Modern LED lighting has also been shown to deter bats, but it is available in a range of colours other than white which may be used to avoid or lessen impacts. No lights should be directed towards any trees or bat boxes. External lighting on new residences

should be fitted with motion sensors and timers to provide light only when required. Constant, overnight lights shall not be permitted.

5.3.2. Compensation Measures

5.3.2.1. Maintaining habitat

Ensuring the long-term viability of the Bat population will also involve maintaining and enhancing the local environment for foraging Bats. This would take the form of maintaining trees and hedgerows to create habitat corridors that allow Bats to commute around the site.

Pipistrelle and Leisler's Bats are crevice dwelling Bats. Mitigation for the Bats recorded shall include providing similar and suitable crevice type features in the new building. The roosts (for both recorded species) could be recreated through the installation of raised roof/access tiles (i.e. Habitat Bat access tiles) and integrated maternity scaled Bat boxes (i.e. Habitat 001 Maternity Bat box). Roof tiles may also be raised using a timber wedge or folded lead flashing to a height of 25mm or by using a purpose-made tile set (Tudor Roof Tiles).

The extent to which bats use alternative roosts is not well studied and appears to be highly variable. Therefore, follow-on monitoring should be provided and for the requirement of the licence, once the works have been completed. It is recommended that two years after the work has been completed, additional site surveys (May-September) should be undertaken for monitoring purposes.

7. Monitoring the Impacts of Derogations

The mitigation works will be supervised by a Licensed Bat ECoW, and the process will be recorded and reported for later reference.

On completion of works a site visit by a bat ecologist will be carried out to check the correct placement of new bat boxes and adherence to the sensitive lighting plan.

It is recommended that two years after the work has been completed, additional site surveys (May-September) should be undertaken for monitoring purposes.

A report of the findings will be submitted to the NPWS which clearly states the mitigation measures that have been applied, results of monitoring surveys, using methods comparable to those undertaken when establishing the baseline population and any corrective measures taken to achieve the mitigation and compensation actions required.

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