



**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 (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Dr	Katherine	Kelleher
<b>(b)</b> Company Name, if applicable	Kelleher Ecology Services Ltd.	
<b>(c)</b> Address Line 1	Curraghdermot	
Address Line 2	Castlelyons	
Town	Fermoy	
County	Co. Cork	
Eircode	P61NH24	
<b>(d)</b> Contact number	[REDACTED]	
<b>(e)</b> Email address	[REDACTED]	
<b>(f)</b> Address where works are to be carried out if different from (b) above.		
Address Line 1	Locations nationwide – this is an application for a general annual roost disturbance licence	
Address Line 2		
Town		
County		
Eircode		

### 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 (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
<b>(b)</b> Company Name		
Address Line 1		
Address Line 2		
Town		
County		
Eircode		
<b>(c)</b> Contact number		
<b>(d)</b> Email address		

(e) Relationship to Applicant	
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**For Survey Derogations Only**

**1. (c) Please Indicate the Names to Appear on the Derogation Along with the Position Held e.g. Supervisor/Trainee**

Forename(s)	Surname	Supervisor or Trainee
Katherine	Kelleher	Supervisor

## 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): All bat species in Ireland – this is an application for a general annual roost disturbance licence

3. Please provide the maximum number of individuals affected\* Unknown – this is an application for a general annual roost disturbance licence

4. Please provide the maximum number of breeding or resting sites affected\* Unknown – this is an application for a general annual roost disturbance licence

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.

This is a general nationwide annual application to install passive detectors and/or undertake active detector surveys and/or undertake visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications).

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.

DER-BAT-2025-217; DER/BAT 2024-60; DER-BAT-2023-60; DER/BAT 2022-68;  
DER/BAT 2021-36; DER/BAT 2020-16  
RETURNS MADE

**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:	16.04.26
End Date:	31.12.26

## 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 1a)</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 1b)</b>	<input type="checkbox"/>

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 <b>(proceed to 1c)</b>	<input checked="" type="checkbox"/>
d.	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 1d)</b>	<input type="checkbox"/>
e.	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 1e)</b>	<input type="checkbox"/>

**1a.** 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.

**1b)** 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.

**1c)** 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 is a general nationwide annual application to install passive detectors and/or undertake active detector surveys and/or undertake visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications).

Such bat survey work can relate to renovation/construction projects where public health and safety is of concern. The outcome of the bat survey work would inform potential impacts on bats where relevant, inform appropriate mitigation measures in the interests of bat protection/conservation where relevant, as well as identify the need for a project specific bat derogation licence where relevant.

Bat surveys can be undertaken in a manner that results in minimal / imperceptible disturbance to bats where they are present, in line with guidelines (e.g. Marnell et al. 2022, Roche and Aughney 2022, Collins et al. 2023).

- 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.

This is a general nationwide annual application to install passive detectors and/or undertake active detector surveys and/or undertake visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications).

Such bat survey work can relate to renovation/construction projects where other imperative reasons of overriding public interest is of relevance, including those of a social or economic nature and beneficial consequences of primary importance for the environment. The outcome of the bat survey work would inform potential impacts on bats where relevant, inform appropriate mitigation measures in the interests of bat protection/conservation where relevant, as well as identify the need for a project specific bat derogation licence where relevant.

Bat surveys can be undertaken in a manner that results in minimal / imperceptible disturbance to bats where they are present, in line with guidelines (e.g. Marnell et al. 2022, Roche and Aughney 2022, Collins et al. 2023).

- 1d)** 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>

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- 1e)** 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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- 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.

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**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 is a general nationwide annual application to install passive detectors and/or undertake active detector surveys and/or undertake visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications).

<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.

	<p>The do-nothing scenario is not a suitable option as this would mean that Dr Katherine Kelleher would remain without a general bat roost disturbance derogation licence and would therefore be unable to adequately survey and assess legally protected bat roosts that may be encountered in line with guidelines on same (e.g. Marnell <i>et al.</i> 2022, Roche and Aughney 2022, Collins <i>et al.</i> 2023). Such a situation could inadvertently result in a potentially detrimental outcome regarding the maintenance of legally protected bat populations.  </p>

\* 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.

Actions permitted by a general bat roost disturbance derogation licence would allow Dr Katherine Kelleher to adequately survey and assess legally protected bat roosts that may be encountered in line with current guidelines on same. This in turn would allow the determination of appropriate mitigation where relevant and thereby potentially avoid detrimental outcome regarding the maintenance of legally protected bat populations.

Bat surveys can be undertaken in a manner that results in minimal / imperceptible disturbance to bats where they are present, in line with guidelines (*e.g.* Marnell *et al.* 2022, Roche and Aughney 2022, Collins *et al.* 2023) along with the following bat roost survey protocol outlined in general bat roost disturbance derogation licences previously obtained from NPWS:

For unknown roosts

- a. Check with owner/client re presence of bats.
- b. Check with Bat Conservation Ireland to determine roost records.
- c. Survey for external signs of bats and roost entry points. If positive signs then treat as known /suspected roost.
- d. Entry to possible roost should be made cautiously especially if survey is carried out in the winter period when signs of bats may be difficult to find. Should signs of bats be noted then treat as a known/suspected roost.

For known/suspected roosts

- a. Generic measures to include:
  - Avoid using roost illumination apart from torches.
  - Talking in low tone is preferred to whispering.
  - Bats seen in situ should be counted where possible and then left alone.
  - Handling of bats to confirm identification is only used as a last resort and is subject to separate licencing under the Wildlife Acts (S.23).
  - Samples of droppings, dead bats etc may be removed to facilitate species identification.
  - Care to be taken to avoid cooling or warming effects as described below.
- b. During potential hibernation season (November-March), only one person should enter roost area. If any hibernating bats are seen to be showing signs of waking then the roost survey will be abandoned immediately.
- c. During the breeding season, known breeding roosts should be avoided unless emergency work is required. This will usually be the subject of a separate derogation licence. |

## 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**

| 15.04.26

**Name in BLOCK LETTERS**

| DR KATHERINE KELLEHER

**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



## SUPPORTING INFORMATION RE REG 54 DEROGATION APPLICATION

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The following outlines supporting information to address Part E of the associated Reg 54 Derogation application form regarding Dr Katherine Kelleher of Kelleher Ecology Services Ltd. for 2026.

### 1. INTRODUCTION

#### **Information Required**

- 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.*

#### **Response**

- a. This application is intended for a general bat roost disturbance derogation licence to allow Dr Katherine Kelleher to adequately survey and assess legally protected bat roosts that may be encountered as part of her Ecological consultancy and assessment work.
- b. Dr Katherine Kelleher, BSc & PhD – refer to attached CV for details on qualifications along with projects involving bat surveys and assessments undertaken by Dr Kelleher in recent years.
- c. As above – this relates to Dr Katherine Kelleher of Kelleher Ecology Services Ltd.

### 2. BACKGROUND

#### **Information Required**

*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.*

#### **Response**

This is a general nationwide annual application to install passive detectors and/or undertake active detector surveys and/or undertake visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications). Therefore, locations and projects are currently unknown.

### **3. FULL DETAILS OF PROPOSED ACTIVITY**

#### ***Information Required***

*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.*

#### **Response**

This is a general nationwide annual application to install passive detectors and/or undertake active detector surveys and/or undertake visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications). Therefore, full details are currently unknown.

### **4. ECOLOGICAL SURVEY AND SITE ASSESSMENT (NOT REQUIRED FOR APPLICATIONS TO CARRY OUT SURVEYS)**

#### ***Information Required***

- 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.*

#### **Response**

N/A - this is a general nationwide annual application to carry out surveys by installing passive detectors and/or undertaking active detector surveys and/or undertaking visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications).

### **5. EVIDENCE TO SUPPORT THE DEROGATION TESTS**

#### ***Information Required***

- 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.*

**Response****a. Test 1 - Reason for Derogation:**

This relates to 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.

This is a general nationwide annual application to install passive detectors and/or undertake active detector surveys and/or undertake visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications).

Such bat survey work can relate to renovation/construction projects where public health and safety is of concern. Such bat survey work can also relate to renovation/construction projects where other imperative reasons of overriding public interest is of relevance, including those of a social or economic nature and beneficial consequences of primary importance for the environment

The outcome of the bat survey work would inform potential impacts on bats where relevant, inform appropriate mitigation measures in the interests of bat protection/conservation where relevant, as well as identify the need for a project specific bat derogation licence where relevant.

Bat surveys can be undertaken in a manner that results in minimal / imperceptible disturbance to bats where they are present, in line with guidelines (e.g. Marnell et al. 2022, Roche and Aughney 2022, Collins et al. 2023).

**b. Test 2 - Absence of Alternative Solutions:**

This is a general nationwide annual application to install passive detectors and/or undertake active detector surveys and/or undertake visual assessment at potential bat roosting locations as part of assessment to inform ecological surveys, normally undertaken for consultancy related work (e.g. planning applications).

The do-nothing scenario is not a suitable option as this would mean that Dr Katherine Kelleher would remain without a general bat roost disturbance derogation licence and would therefore be unable to adequately

survey and assess legally protected bat roosts that may be encountered in line with guidelines on same (*e.g.* Marnell *et al.* 2022, Roche and Aughney 2022, Collins *et al.* 2023). Such a situation could inadvertently result in a potentially detrimental outcome regarding the maintenance of legally protected bat populations.

c. Test 3 - Impact of a derogation on Conservation Status:

Actions permitted by a general bat roost disturbance derogation licence would allow Dr Katherine Kelleher to adequately survey and assess legally protected bat roosts that may be encountered in line with current guidelines on same. This in turn would allow the determination of appropriate mitigation where relevant and thereby potentially avoid detrimental outcome regarding the maintenance of legally protected bat populations.

Bat surveys can be undertaken in a manner that results in minimal / imperceptible disturbance to bats where they are present, in line with guidelines (*e.g.* Marnell *et al.* 2022, Roche and Aughney 2022, Collins *et al.* 2023) along with the following bat roost survey protocol outlined in general bat roost disturbance derogation licences previously obtained from NPWS:

For unknown roosts

- a. Check with owner/client re presence of bats.
- b. Check with Bat Conservation Ireland to determine roost records.
- c. Survey for external signs of bats and roost entry points. If positive signs then treat as known /suspected roost.
- d. Entry to possible roost should be made cautiously especially if survey is carried out in the winter period when signs of bats may be difficult to find. Should signs of bats be noted then treat as a known/suspected roost.

For known/suspected roosts

- a. Generic measures to include:
  - Avoid using roost illumination apart from torches.
  - Talking in low tone is preferred to whispering.
  - Bats seen in situ should be counted where possible and then left alone.
  - Handling of bats to confirm identification is only used as a last resort and is subject to separate licencing under the Wildlife Acts (S.23).
  - Samples of droppings, dead bats etc may be removed to facilitate species identification.
  - Care to be taken to avoid cooling or warming effects as described below.
- b. During potential hibernation season (November-March), only one person should enter roost area. If any hibernating bats are seen to be showing signs of waking then the roost survey will be abandoned immediately.
- c. During the breeding season, known breeding roosts should be avoided unless emergency work is required. This will usually be the subject of a separate derogation licence.

## **6. MONITORING THE IMPACTS OF THE DEROGATIONS**

### ***Information Required***

- 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.*

### **Response**

This application is intended for a general bat roost disturbance derogation licence to allow Dr Katherine Kelleher to adequately survey and assess legally protected bat roosts that may be encountered as part of her Ecological consultancy and assessment work.

On completion of the actions that the general bat roost disturbance derogation authorises, a summary of bat species affected will be submitted to the NPWS using their standardised data form in line with Terms & Conditions of the general bat roost disturbance derogation licence.

Yours sincerely,





**Dr Katherine Kelleher, Director & Principal Ecologist of Kelleher Ecology Services**

### **REFERENCES**

- Collins J. (Ed.). 2023. Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> edition). The Bat Conservation Trust, London.
- Marnell, F., Kelleher, C. & Mullen, E. 2022. Bat Mitigation Guidelines for Ireland v2. Irish Wildlife Manuals, No. 134. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.
- Roche N. and Aughney T. 2022. Bats and Heritage Structures. Bat Conservation Ireland, Dublin Ireland.



**Principal Ecologist & Director**  
Kelleher Ecology Services Ltd.

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## Qualifications

BSc Zoology, National University of Ireland, Cork (UCC), 2000.

PhD Zoology: 'The Ecology of the Song Thrush, *Turdus philomelos* Br. in Ireland'. National University of Ireland, Cork (UCC), 2005.

## Other Information

### Professional Memberships

Chartered Institute of Ecology and Environmental Management (MCIEEM), 2006.

Environmental Science Association of Ireland (MESAI), 2006.

Institute of Biology of Ireland (M.I.Biol.I), 2006.

### Publications & Presentations

Several including:

2010 Irish Birds, Volume 9, Pages 35-40.

2009 All Ireland Mammal Symposium oral presentation & abstract.

2007 Bird Study, Volume 54, Pages 221-229.

2006 Bird Study, Volume 53, Pages 142-155.

2006 Irish Birds, Volume 8, Pages 85-90.

## Employment History

2011—present: Director, Kelleher Ecology Services.

2005 – 2011: Fehily Timoney & Company, Cork.

2000 – 2005: Dept. of Zoology, Ecology & Plant Science, UCC .

## Biography

Katherine has over 20 years experience in ecological consultancy, acting as Project Manager on a range of ecological assessments & projects including solar/wind farm, road, gas pipeline, landfill, grid connection, industrial development, retail and housing. Katherine has significant experience of research, evaluative and analytical work in relation to planning applications, planning compliance, commitments, licensing, baseline studies etc. Ecology services that Katherine has particular experience with include:

- General & species specific field surveys, monitoring & assessment, e.g. bats, hen harrier, whooper swan, brent goose, red grouse, Greenland white-fronted goose, peregrine falcon, white-tailed eagle, badger, otter, Kerry slug, butterflies, dragonflies, damselflies
- Ecological impact assessment for general reports, environmental impact assessments (EIAR / EIS), appropriate assessment (AA) screening & Natura impact statements (NIS), constraints studies, route selection studies
- Mitigation measures, advice, recommendations, consultation & expert witness
- Supervision (under NPWS licence as relevant), e.g. bat mitigation measures, badger sett removal, installation of bird & bat boxes

## Selected Projects

### Permitted Redevelopment Works at Sprayfield, Sandycove, Co. Cork: Bat Assessment & Monitoring Study

**Completion Date: 2023-Ongoing**

Acted as Principal Ecologist for field assessment studies & reporting in relation to re-development works at Sprayfield. Duties included visual assessment, active & passive detector surveys as well as supervision of roof removal works, safe handling & removal of roosting bats from harm; development/supervision of bat mitigation measures; liaison with design team, application to NPWS for bat roost derogation licences; reporting.

### House Redevelopment at Ballyglavin, Youghal, Co. Cork: Bat Assessment to inform RFI

**Completion Date: 2025**

Acted as Principal Ecologist for bat field assessment studies & reporting in relation to informing the planning application as part of a RFI. Duties included a visual assessment of the potential suitability of site features for bats (including trees identified for removal), passive detector surveys as well as active detector emergence surveys to assess the presence of roosting bats and general bat activity; review of outdoor lighting design; liaison with design team; technical note reporting as part of RFI response.

### Permitted Residential Scheme at Ballyhooly Road, Lahardane, White's Cross, Cork: Bat Assessment to inform Ecological Impact Assessment

**Completion Date: 2024-2025**

Acted as Principal Ecologist for bat field assessment studies & reporting in relation to informing the planning application Ecological Impact Assessment (EclA). Duties included a visual assessment of the potential suitability of site features for bats (including trees identified for removal), passive detector surveys as well as active detector emergence surveys to assess the presence of roosting bats and general bat activity; review of outdoor lighting design; liaison with design team; reporting for EclA.

### Re-roofing/Repair Works at Midleton Library, Midleton, Co. Cork: Bat Assessment Study

**Completion Date: 2024-2025**

Acted as Principal Ecologist for pre-development field assessment studies/reporting and construction phase Ecological Clerk of Works in relation to re-roofing/repair works at Midleton Library. Duties included visual assessment as well as active & passive detector surveys to assess for the presence of roosting bats / potential suitability of the building for roosting bats; development of bat mitigation measures; liaison with Ecology field team & Client; reporting.

### Permitted Re-roofing/Repair Works at Saint George's (former church), Mitchelstown, Co. Cork: Bat Assessment Study

**Completion Date: 2020-2022**

Acted as joint Principal Ecologist for field assessment studies & reporting in relation to planning re-roofing/repair works at Saint George's (former church). Duties included visual assessment as well as active & passive detector surveys at the former church proposed for re-roofing/repair works to assess the presence of roosting bats; development/supervision of bat mitigation measures; liaison with design team, application to NPWS for bat roost derogation licences; reporting to NPWS.

### Proposed SHD Residential Development at Ardarostig, Bishopstown, Cork: Bat Assessment Study

**Completion Date: 2021**

Acted as Principal Ecologist for bat field assessment & reporting in relation to planning application for residential development at greenfield site. Duties included visual assessment on the potential of linear vegetated features and trees proposed for removal to support roosting, foraging and commuting bats; development of bat mitigation measures, liaison with design team; reporting to inform the planning application.