

Bat Derogation Licence Supporting Document

Residential Development,
Main Road, Prospect
Athenry, Co. Galway





DOCUMENT DETAILS

Client: **Focus Capital Partners**

Project Title: **Residential Development, Main Road, Prospect Athenry, Co. Galway**

Project Number: **240819**

Document Title: **Bat Derogation Licence Supporting Document**

Document File Name: **240819 –Derogation Licence Supporting Information - 2026.06.12**

Prepared By: **MKO
Tuam Road
Galway
Ireland
H91 VW84**



Rev	Status	Date	Author(s)	Approved By
01	Draft	12/06/2026	KL	AJ

TABLE OF CONTENTS

1.

1.	TABLE OF CONTENTS	1
----	--------------------------------	----------

2.	INTRODUCTION	3
----	---------------------------	----------

2.1	Objective of the Proposed Works	3
2.2	Statement of Authority	4

3.	BACKGROUND	5
----	-------------------------	----------

3.1	Proposed Activity	5
3.2	Location	5
3.3	Ownership	5
3.4	Reason for Activity	5
3.5	Planning History	6

4.	PROPOSED WORKS	7
----	-----------------------------	----------

5.	ECOLOGICAL SURVEYS AND SITE ASSESSMENT	8
----	---	----------

5.1	Pre-existing Information	8
5.2	Status of species in local/regional area	8
5.3	Survey Objective	9
5.4	Description of Survey Area	10
5.5	Survey Methodology	10
5.5.1	Roost Inspection Survey	10
5.5.2	Manual Activity Surveys	10
5.5.2.1	Dusk Emergence Surveys	10
5.5.2.2	Transect Surveys	11
5.5.3	Static Detector Surveys	13
5.6	Survey Results	13
5.6.1	Roost Survey	13
5.6.2	Manual Activity Surveys	14
5.6.2.1	Dusk Emergence Surveys	15
5.6.2.2	Transect Surveys	15
5.6.3	Static Detector Surveys	16
5.6.4	Summary of Survey Results and Overall Findings	17
5.7	Population size and class assessment	17

6.	EVIDENCE TO SUPPORT THE DEROGATION TESTS	18
----	---	-----------

6.1	Test 1 – Reasons for Seeking Derogation	18
6.2	Test 2 – There is no Satisfactory Alternative	19
6.3	Test 3 – Favourable Conservation Status	20
6.3.1	Conservation Status Assessment	20
6.3.2	Mitigation Measures	21

TABLE OF TABLES

Table 5-1	NBDC records for bats	8
-----------	-----------------------------	---

Table 5-2	Irish Bat Species Conservation Status and Threats (NPWS, 2025). ‘Influence’ of pressures and threats are ranked from Low to High in the 2025 Article 17 report	8
-----------	--	---

Table 5-3	Dusk emergence survey effort	11
-----------	------------------------------------	----

Table 5-5	Static detector locations	13
-----------	---------------------------------	----

TABLE OF PLATES

<i>Plate 5-1 Exterior view of the two-storey dwelling.....</i>	<i>14</i>
<i>Plate 5-2 Attic with underfelt lining and loft insulation.....</i>	<i>14</i>
<i>Plate 5-3 Bat dropping found in the attic during the 2023 surveys.....</i>	<i>14</i>
<i>Plate 5-4 Decomposed bat found within the water tank during the 2023 surveys.....</i>	<i>14</i>
<i>Plate 5-5 Possible bat access point at the soffit, next to a pipe.....</i>	<i>14</i>
<i>Plate 5-6. Species composition recorded during manual activity surveys.....</i>	<i>15</i>
<i>Plate 5-7 Total species composition recorded by static detectors during June 2023.....</i>	<i>16</i>
<i>Plate 5-8 Total bat passes per static detector recorded during June 2023.....</i>	<i>16</i>

TABLE OF FIGURES

<i>Figure 5-1 Survey effort 2023.....</i>	<i>12</i>
---	-----------

2. INTRODUCTION

This report provides information in support of an application for a derogation under Regulation 54 & 4A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended. This application is specifically for:

- › The removal of a roost resource within the site boundary, i.e., one unoccupied residential dwelling.

This document provides the necessary information to assess the application, in line with guidance provided by the NPWS and the European Commission.

A derogation licence (DER-BAT-2025-260) was previously obtained in 2025. No works were undertaken in 2025 under the previous derogation licence and therefore an extension of the derogation licence is being requested.

2.1 Objective of the Proposed Works

The site currently comprises an agricultural field located south of Athenry town, Co. Galway.

The proposed development includes the construction of 61 no. two storey dwellings consisting of; 22 no. 4 bed dwellings; 31 no. 3 bed dwellings; 8 no. 2 bed dwellings, demolition of a two-storey residential dwelling (221 sqm) and provision of information board and buffer area around Recorded Monument (GA084-111). Works will include provision of all associated surface water, foul drainage services and connections with associated site works and ancillary services to include the provision of Sustainable Drainage Systems (SuDS) features and provision of communal open space areas, private open spaces, landscaping works to include boundary treatments, ancillary surface, car and bicycle parking, bin stores and all associated site development works. Additional elements include the creation of a new vehicular and pedestrian access from/to the existing Prospect Road, as well as the provision of a new footpath on the existing Prospect Road.

The proposed development will support the achievement of housing and population targets established at national, regional, and local levels. The proposed development aligns the National Strategic Outcomes (NSOs) of the National Planning Framework (NPF), particularly those relating to compact growth, sustainable population expansion, and the delivery of housing within existing settlements. The NPF emphasises the importance of directing growth towards existing towns and villages through the efficient use of serviced and accessible lands. The proposed development is also consistent with the objectives of the Regional Spatial and Economic Strategy (RSES), which identifies Athenry as one of four towns for strategic development potential on a regional scale and seeks to ensure that at least 30% of all new housing is delivered within existing built-up areas. By providing a mix of residential unit types, the development will contribute to this objective while addressing a range of housing needs within the community.

In addition, the proposed development is consistent with a number of policies set out in the Galway County Development Plan and the Athenry Local Area Plan. It supports growth within a designated settlement (CS1), promotes compact and sustainable development patterns (CS2), and facilitates the planned population growth of Athenry in a sustainable manner (CS3). Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy of the Galway County Development Plan provides for an increase in the population of 1,350 over the plan period of 2022 – 2028. This additional population will need to be accommodated with an additional 544 dwelling units. The subject site is zoned 'Residential (Phase 1)' under the Athenry Local Area Plan 2024-2030, meaning the land is to be promoted for immediate residential development.

A key factor in achieving strategic objectives in relation to population growth is the availability of high-quality housing within Athenry. The provision of well-designed homes and sustainable neighbourhoods is essential to attracting and accommodating future population growth. Furthermore, as the town seeks to achieve resilient economic growth, the availability of adequate housing will be critical in supporting both existing and prospective employers and employees, thereby strengthening the economic and social vitality of the town and the wider county. High quality housing and neighbourhoods need to be readily available in order to encourage and support an influx of population growth to the town. Particularly with a number of strategic aims angled towards resilient economic growth, adequate housing provision and availability of housing are key requirements to support prospective employers and employees in the town and the county as a whole.

In the context of the proposed development, evidence of roosting bats has been identified within the two-storey dwelling scheduled for demolition. As the development necessitates the removal of this structure, it will result in the loss of the bat roost resource. Accordingly, the specific objective of the proposed works, in relation to the bat derogation licence, is to facilitate the lawful demolition of the structure and removal of the roost resource, while ensuring that the favourable conservation status of bat species is maintained.

Mitigation and compensation measures have been incorporated into the design of the development, including the provision of suitable alternative roosting features for bats within the site. These measures ensure that roosting opportunities are retained and that the local bat population continues to be supported following completion of the works.

2.2

Statement of Authority

MKO's Ecology team includes a dedicated bat unit with expertise in scoping, conducting, and reporting bat surveys, as well as preparing impact assessments. All ecologists hold relevant academic qualifications, licences, and training to meet required survey standards.

Surveys were carried out by Neil Campbell (B.Sc., M.Sc.), Laura Gránicz (B.Sc., M.Sc.), Kate Greaney (B.Sc., M.Sc.), Nathan Finn (B.Sc., M.Sc.) and Saoirse Fitzsimons (B.A., M.Sc.). Bat sonogram analysis was carried out by Nora Szijarto (B.Sc., M.Sc.), Nathan Finn and Kate Greaney. This document has been prepared by Kate Leahy (B.Sc.). Kate is a Bat Ecologist with over 2 years' professional consultancy experience. This application has been reviewed by Aoife Joyce (BSc., MSc., MCIEEM) of MKO. Aoife has over 7 years' consultancy experience, specialising in bat surveys and assessments.

3. BACKGROUND

3.1 Proposed Activity

The proposed development will include the demolition of a two-storey unoccupied residential dwelling (221 sqm), within which evidence of previous bat use was identified, as well as demolition of a ruin shed and removal of trees. The shed ruin and trees did not reveal any roosting bats or evidence of roosting during the 2023 or 2026 surveys, and therefore are not included within the derogation licence application. Accordingly, and for the purposes of this derogation licence application, these are not considered further within this report.

A residential development is proposed in its place including 61 no. two-storey dwellings. The proposed development will also include the creation of a new vehicular and pedestrian access from/to the existing Prospect Road, as well as the provision of a new footpath on the existing Prospect Road.

3.2 Location

The proposed development consists of an agricultural field located south of Athenry town, Co. Galway. The site is bordered by the regional road R347 to the north, an unnamed local road to the west and a trainline to the east.

3.3 Ownership

The development is being applied for by Bellerin 3A Ltd.

3.4 Reason for Activity

Evidence of roosting bats was found in a two-storey dwelling located within the proposed development site during the 2023 surveys. The proposed development requires the removal of this roosting resource. Therefore, a derogation licence is being sought to permit this activity.

Appropriate mitigation and compensation measures have been incorporated into the design, including the provision of suitable alternative roosting features within the site to maintain roosting opportunities for bats in the area.

The need to remove the roost resource arises directly from the proposed development, which aims to provide housing within the Athenry area. The proposed development includes the construction of a significant number of residential units (61 no.), as well as pedestrian, cycle and vehicular links throughout the development and from/to Prospect Road.

This project aligns with the objectives of the Athenry Local Area Plan 2024-2030 and Galway County Development Plan 2022-2028, which includes provision of housing as a core strategy, as well as the National Planning Framework and the Regional Spatial and Economic Strategy, as outlined above in Section 2.1.

The proposed development will contribute to achieving housing and population growth targets at national, regional, and local levels. It accords with the National Planning Framework (NPF) objectives for compact growth, sustainable population expansion, and the delivery of housing within existing settlements, while also supporting the Regional Spatial and Economic Strategy (RSES), which identifies Athenry as a town with strategic development potential and promotes housing delivery within existing built-up areas. At the local level, the proposal is consistent with the Galway County Development Plan and Athenry Local Area Plan objectives for sustainable settlement growth and compact development.

Chapter 2 of the County Development Plan provides for a population increase of 1,350 persons between 2022 and 2028, requiring approximately 544 additional dwellings, while the site is zoned “Residential (Phase 1)” under the Local Area Plan 2024–2030, supporting its immediate development for residential purposes. By delivering high-quality housing within a sustainable neighbourhood, the development will help accommodate planned population growth and support the continued economic and social vitality of Athenry and the wider county.

3.5 Planning History

The site comprises an agricultural field, treelines and 2 structures within the boundary. 56 residential units were previously granted on the site under Pl. Ref. No: 06/2069 of which the duration was extended under Pl. Ref. No: 12/24 in 2012. A planning application was submitted in 2020 under Pl. Ref. No: 20/1352 for the development of 60 no. residential units, which was subsequently refused, and another planning application was submitted in 2023 under Pl. Ref. No: 23/60759 for the development of 61 no. residential units was also refused.

The proposed development has been appealed and is awaiting determination of appeal by An Coimisiún Pleanála (ACP Ref no. 2560669).

No other relevant planning history is associated with the site.

4.

PROPOSED WORKS

Planning permission is being sought for the construction of 61 no. two-storey dwellings. The site is located south-west of Athenry, Co. Galway and to the east of the M6. The development is consistent with the objectives of the Galway County Development Plan, the Athenry Local Area Plan, the National Planning Framework and the Regional Spatial and Economic Strategy. The site is currently zoned as 'R-Residential (Phase 1)' lands.

The proposed development includes:

- › the construction of 61 no. residential units, consisting of; 22 no. 4 bed dwellings; 31 no. 3 bed dwellings; 8 no. 2 bed dwellings ,
- › demolition of a two-storey residential dwelling and ruin shed on site;
- › removal of 33 individual trees, 1 treeline (Leyland cypress) and 1 tree group (immature willow trees);
- › provision of information board and buffer area around Recorded Monument (GA084-111);
- › provision of all associated surface water, foul drainage services and connections with associated site works and ancillary services to include the provision of Sustainable Drainage Systems (SuDS) features.
- › provision of communal open space, private open space, site landscaping and boundary treatment, car parking, bicycle parking, bin stores, pedestrian, cycle and vehicular links throughout the development including from/to Prospect Road;
- › and all associated development works.

The site includes two structures, a two-storey dwelling and a ruin shed, that are proposed for demolition as part of the development as well as the removal of a number of trees. Surveys conducted in 2023 identified evidence of roosting bats in the two-storey dwelling. No evidence of roosts were identified within the shed or trees proposed for removal. A follow up inspection, undertaken in June 2026, did not reveal any new evidence of roosting bats in either of the structures or trees. As the proposed works require the removal of the dwelling structure, a derogation licence is being sought to permit the demolition associated with the loss of the roost resource.

Demolition works will be undertaken at an appropriate time of year, agreed with a suitably qualified ecologist, to minimise potential disturbance. Prior to the commencement of works, a suitably qualified ecologist will deliver a toolbox talk to all site personnel to raise awareness of ecological sensitivities and ensure compliance with bat protection measures. A pre-commencement survey will also be carried out by a licensed ecologist to confirm whether there have been any changes in baseline conditions since the surveys undertaken in 2023 and 2026. This will include a detailed inspection of the two-storey dwelling proposed for demolition.

To compensate for the loss of the roost resource, alternative bat roosting opportunities will be provided within the site in accordance with best practice guidance (Marnell *et al.*, 2022; TII, 2006). This will include the installation of a minimum of three woodcrete bat boxes (e.g., two Schwegler 1FF and one 2FN or similar). Bat boxes will be installed at a height of at least 3m, with a southerly orientation where possible, and located away from artificial lighting. They will be positioned adjacent to linear vegetation features such as treelines or hedgerows to ensure connectivity to established bat flight paths and to avoid exposure to open areas (Collins, 2023). Final locations will be determined in consultation with a qualified ecologist.

At least one bat box will be installed in advance of demolition works to provide an immediate alternative roosting option in the event that bats are encountered during works. A Schwegler 1FF or 2FN Woodcrete bat box, or similar, is recommended for this purpose.

5.

ECOLOGICAL SURVEYS AND SITE ASSESSMENT

5.1

Pre-existing Information

The National Biodiversity Data Centre (NBDC) was searched for records of bats for hectads M41, M42, M51, M52 and M53 on 10/06/2026. These results are summarised in Table 5-1 below.

Table 5-1 NBDC records for bats

Common Name	Scientific Name	Protection*	Hectad:
Brown long-eared bat	<i>Plecotus auritus</i>	Annex IV	M41, M42, M51, M52, M53
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	Annex IV	M41, M42, M51, M52, M53
Daubenton's bat	<i>Myotis daubentonii</i>	Annex IV	M41, M42, M51, M52, M53
Natterer's bat	<i>Myotis nattereri</i>	Annex IV	M41, M42, M51, M52, M53
Leisler's bat	<i>Nyctalus leisleri</i>	Annex IV	M41, M42, M51, M52
Lesser horseshoe bat	<i>Rhinolophus hipposideros</i>	Annex II, Annex IV	M41, M42
Pipistrelle spp.	<i>Pipistrellus pipistrellus sensu lato</i>	Annex IV	M41, M42, M51, M52
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	Annex IV	M41, M42, M51, M52, M53
Whiskered bat	<i>Myotis mystacinus</i>	Annex IV	M51, M52

5.2

Status of species in local/regional area

Table 5-2 lists the status and threats of the species known to occur in the local area. The activity associated with this application (i.e. demolition of a structure) is considered a threat of medium importance. (Table 5-2).

Table 5-2 Irish Bat Species Conservation Status and Threats (NPWS, 2025). 'Influence' of pressures and threats are ranked from Low to High in the 2025 Article 17 report.

Bat Species	Conservation Status	Principal Pressures and Threats
Common pipistrelle <i>Pipistrellus pipistrellus</i>	Favourable	PX04 No pressures or threats
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	Favourable	PX04 No pressures or threats
Nathusius' pipistrelle <i>Pipistrellus nathusii</i>	Unknown	PD01 Wind, wave and tidal power (including infrastructure)
Leisler's bat <i>Nyctalus leisleri</i>	Favourable	PD01 Wind, wave and tidal power (including infrastructure) <i>Low</i> PF02 Construction or modification (e.g. of housing and settlements) in existing built-up areas <i>Low</i>
Daubenton's bat <i>Myotis daubentonii</i>	Favourable	PA22 Drainage for use as agricultural land <i>Medium</i>

Bat Species	Conservation Status	Principal Pressures and Threats
		PF12 Residential, commercial and industrial activities and structures generating noise, light, heat or other forms of pollution <i>Medium</i>
Natterer's bat <i>Myotis nattereri</i>	Favourable	PA04 Removal of small landscape features for agricultural land parcel consolidation (hedges, stone walls, rushes, open ditches, springs, solitary trees, etc.) <i>Low</i> PB09 Clear-cutting, removal of all trees <i>Low</i> PE01 Roads, paths, railroads and related infrastructure <i>Low</i> PF01 Conversion from other land uses to built-up areas <i>Low</i> PF02 Construction or modification (e.g. of housing and settlements) in existing built-up areas <i>Low</i>
Whiskered bat <i>Myotis mystacinus</i>	Favourable	PA04 Removal of small landscape features for agricultural land parcel consolidation (hedges, stone walls, rushes, open ditches, springs, solitary trees, etc.) <i>Low</i> PB09 Clear-cutting, removal of all trees <i>Low</i> PE01 Roads, paths, railroads and related infrastructure <i>Low</i> PF01 Conversion from other land uses to built-up areas <i>Low</i> PF02 Construction or modification (e.g. of housing and settlements) in existing built-up areas <i>Low</i>
Brown long-eared bat <i>Plecotus auritus</i>	Favourable	PX04 No pressures or threats
Lesser horseshoe bat <i>Rhinolophus hipposideros</i>	Inadequate	PA04 Removal of small landscape features for agricultural land parcel consolidation (hedges, stone walls, rushes, open ditches, springs, solitary trees, etc.) <i>Medium</i> PA15 Use of other pest control methods in agriculture (excluding tillage) <i>Medium</i> PB09 Clear-cutting, removal of all trees <i>Medium</i> PE01 Roads, paths, railroads and related infrastructure <i>Medium</i> PF01 Conversion from other land uses to built-up areas <i>Medium</i> PF02 Construction or modification (e.g. of housing and settlements) in existing built-up areas <i>Medium</i> PF13 Drainage, land reclamation and conversion of wetlands, marshes, bogs, etc. for built-up areas <i>Low</i> PH04 Vandalism or arson (incl. human introduced wild fire) <i>Low</i> PJ01 Temperature changes and extremes due to climate change <i>Low</i> PM07 Natural processes without direct or indirect influence from human activities or climate change <i>Low</i>

5.3 Survey Objective

A suite of bat surveys (i.e. habitat appraisal survey, roost inspection survey, manual activity survey, dusk emergence survey and static detector survey) were undertaken within the proposed development site to

inform the ecological impact assessment prepared as part of the planning application for the site. The aim of the surveys was to determine the presence of roosting bats, and to characterise the use of the site by bats and inform whether there was a need for further survey work or mitigation.

5.4 Description of Survey Area

The survey area for the roost inspection encompassed the two-storey building (IG Ref: M 49601 27461), that is to be demolished as part of the proposed development, the shed ruin (IG Ref.: M 49566 27275) located in the south-western section of the site and a number of trees within the site which are proposed for removal. The dusk surveys covered the two-storey building, the ruin shed and trees identified as having roosting potential. Bat static detectors were deployed within the proposed development site in two areas to sample a range of habitats present within the site, including favourable bat habitats.

5.5 Survey Methodology

Roost inspection surveys, dusk emergence surveys followed by walked transects, and static detector surveys were carried out at the proposed development site. The survey effort is illustrated in Figure 5-1.

5.5.1 Roost Inspection Survey

A search for roosts was undertaken within the proposed development site. The aim was to determine the presence of roosting bats and the need for further survey work or mitigation.

A Preliminary Roost Assessment (PRA) was undertaken on the 4th of April, 6th of June and 22nd of June 2023. An additional survey was carried out on the 10th of June 2026 to reassess the baseline and to confirm any potential environmental changes within the site.

A walkover was carried out and the structures were assessed for potential to support roosting bats. This comprised a detailed inspection of the exterior and interior to look for evidence of bat use, including live and dead specimens, droppings, feeding remains, urine splashes, fur oil staining and noises. The exteriors of the structure were inspected first from ground level, with the aid of binoculars. A systematic search of all accessible internal and external areas was undertaken by a licensed bat ecologist.

Trees within the site were also assessed from ground level, with the aid of binoculars. Any potential tree roosts were examined for the presence of rot holes, hazard beams, cracks and splits, partially detached bark, knot holes, gaps between overlapping branches and any other potential roost features (i.e., PRFs) identified by Andrews (2018).

5.5.2 Manual Activity Surveys

5.5.2.1 Dusk Emergence Surveys

Dusk emergence surveys were undertaken during the 2023 survey period, focusing on the two-storey building, which is proposed to be demolished as part of the proposed development, and the trees located in the northern section identified as having PRFs. Two surveyors were present during each emergence survey.

The aim of this survey was to identify bat species using the site and to gather any information on bat behaviour and important features used by bats. Bat activity was also monitored in the surrounding area. Surveyors were equipped with active full spectrum bat detectors, Batlogger M (Elekon AG, Lucerne, Switzerland). Surveyors were positioned surrounding the building with a clear view of the entire structure and associated linear features and habitats (Figure 5-1). Where possible, species identification

was made in the field and any other relevant information was also noted, e.g. numbers, behaviour, features used, etc.

The dusk survey commenced 15 minutes before sunset and was completed within 2 hours after sunset. Conditions were suitable for bat survey with no to light wind, dry and mild weather. Table 5-3 summarises the details of the dusk emergence surveys carried out at the proposed development site during the 2023 survey period.

Table 5-3 Dusk emergence survey effort

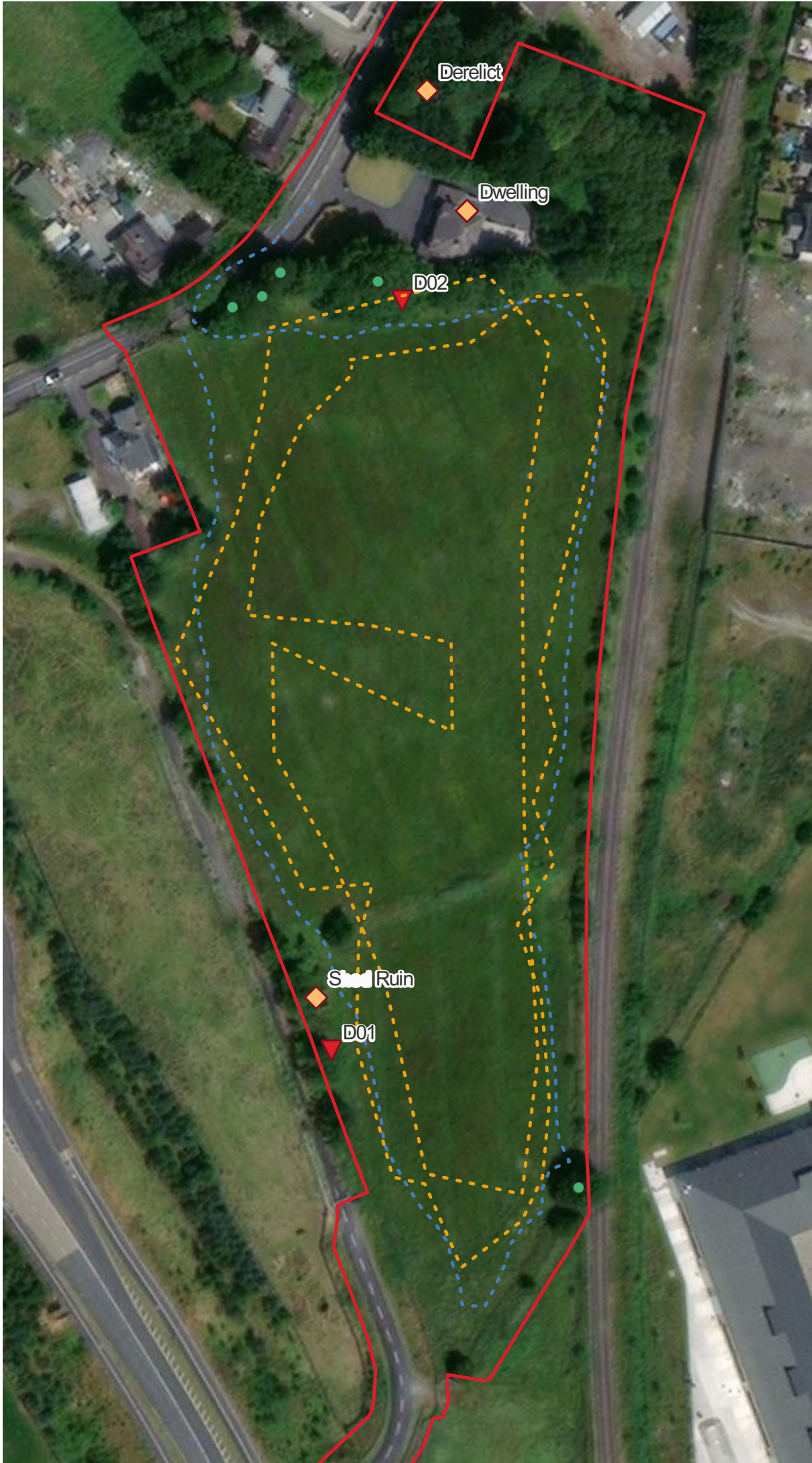
Date	Surveyors	Sunset	Weather Conditions
6 th June 2023	Neil Campbell, Laura Gránicz	21:58	17 – 19 °C, dry, calm
22 nd June 2023	Kate Greaney, Nathan Finn	22:08	16 – 20 °C, dry, calm

Survey design and effort was created in accordance with the most current best practice guidelines for surveying bats (Collins, 2023). June is within the optimum survey period for bat activity surveys (Collins, 2023). No limitations associated with access or weather conditions were recorded during the surveys.

5.5.2.2 Transect Surveys

Night-time bat walkovers (NBW) followed the dusk emergence surveys conducted on the 6th and 22nd of June 2023. For each of the surveys, two surveyors were equipped with active full spectrum bat detectors, Batlogger M (Elekon AG, Lucerne, Switzerland), recording bats in real time. Where possible, species identification was made in the field and any other relevant information was also noted, e.g., numbers, behaviour, features used, etc. All bat echolocation was recorded for subsequent analysis to confirm species identification.

The aim of this survey was to observe bat species using the site and visually assess bat behaviour and important features used by bats within the site. The transect route was prepared with reference to the proposed layout, desktop and walkover survey results, as well as any health and safety considerations and access limitations. The transect routes are presented in Figure 5-1.



Map Legend

- Site Boundary
- Detector Locations
- Inspected Buildings

Inspected Trees

- Low PRF I

Manual Surveys

- Transect Route 06.06.2023
- Transect Route 22.06.2023

Microsoft product screen shots reprinted with permission from Microsoft Corporation

Survey Effort

Project Title
Residential Development Athenry

Drawn By NS	Checked By SF
Project No. 221028	Drawing No. Figure 5 1
Scale 1:1,200	Date 11/03/2025

MKO
Planning and
Environmental
Consultants
Website: www.mkoireland.ie

5.5.3 Static Detector Surveys

Two full spectrum SM4 bat detectors (Wildlife Acoustics, Maynard, MA, USA), were deployed during static surveys to record bat activity in June 2023. Locations of static detectors were selected to represent the range of habitats present within the site, including favourable bat habitats. Static detectors were deployed on the 6th of June 2023 and were collected on the 22nd of June 2023. Deployment details are presented in Table 5-5.

Table 5-4 Static detector locations

Detector ID	Location (Irish Grid Reference)	Detector Habitat Context	Linear Feature within 50m
D01	M 49567 27283	Improved agricultural grassland (GA1)/Treeline (WL2)	Within treeline
D02	M 49591 27446	Improved agricultural grassland (GA1)/Treeline (WL2)	Within treeline

Settings used were those recommended by the manufacturer for bats, with minor adjustments in gain settings and band pass filters to reduce background noise when recording. Detectors were set to record from 30 minutes before sunset until 30 minutes after sunrise. The Song Meter automatically adjusts sunset and sunrise times using the Solar Calculation Method when provided with GPS coordinates.

All recordings were later analysed using bat call analysis software Kaleidoscope Pro v.5.6.8 (Wildlife Acoustics, MA, USA). The aim of this was to identify, to a species or genus level, what bats were present at the proposed development site. Bat species were identified using established call parameters, to create site-specific custom classifiers. All identified calls were also manually verified.

Individual bats of the same species cannot be distinguished by their echolocation alone. Thus, ‘bat passes’ was used as a measure of activity (Collins, 2023). A bat pass was defined as a recording of an individual species/species group’s echolocation containing at least two echolocation pulses and of maximum 15s duration. All bat passes recorded in the course of this study follow these criteria, allowing comparison.

5.6 Survey Results

5.6.1 Roost Survey

The initial daytime inspection survey was carried out on 4th April 2023, with subsequent surveys on the 6th of June 2023, 22nd of June 2023 and the 10th of June 2026. The two-storey dwelling (IG Ref.: M 49601 27461; Plate 5-1), the ruin shed (IG Ref.: M 49566 27275) and the trees which are proposed to be demolished/removed as part of the proposed development were included in the inspection. The shed ruin and trees did not reveal any roosting bats or evidence of roosting during the 2023 or 2026 surveys, and therefore are not included within the derogation licence application. Accordingly, and for the purposes of this derogation licence application, these are not considered further within this report.

The two-storey dwelling is currently unoccupied and is constructed of brick walls with a tile roof. A separate attic space is present with underfelt and loft insulation (Plate 5-2). The interior and exterior of the building were thoroughly inspected. A small number of bat droppings and a highly decomposed bat were found in the attic in 2023 (Plate 5-3 & 5-4). No evidence of new bat use was found during the 2026 survey. No other evidence of roosting (e.g. staining, feeding remains, urine staining, or audible activity) was identified. A number of potential bat access points were identified along the eave soffit (Plate 5-5) and under the gutters on the east side of the building.



Plate 5-1 Exterior view of the two-storey dwelling



Plate 5-2 Attic with underfelt lining and loft insulation



Plate 5-3 Bat dropping found in the attic during the 2023 surveys



Plate 5-4 Decomposed bat found within the water tank during the 2023 surveys

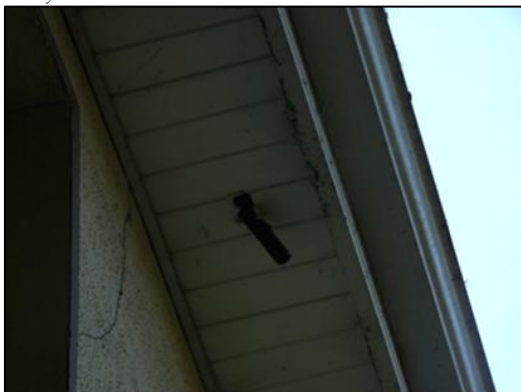


Plate 5-5 Possible bat access point at the soffit, next to a pipe

5.6.2 Manual Activity Surveys

Manual bat activity surveys including dusk emergence surveys and manual transect surveys took place during June 2023. Bat activity was recorded on both surveys, with a total of 609 bat passes (Plate 5-6). Activity was dominated by soprano pipistrelle (*Pipistrellus pygmaeus*, $n = 302$). This was closely followed by common pipistrelle (*Pipistrellus pipistrellus*, $n = 285$). In addition, very small numbers of Leisler's bat (*Nyctalus leisleri*, $n = 15$), *Myotis* spp. ($n = 4$) and Brown long-eared bats (*Plecotus auritus*, $n = 3$) were also recorded during the manual surveys. The following sections detail the results of emergence surveys and transect surveys carried out during June 2023.

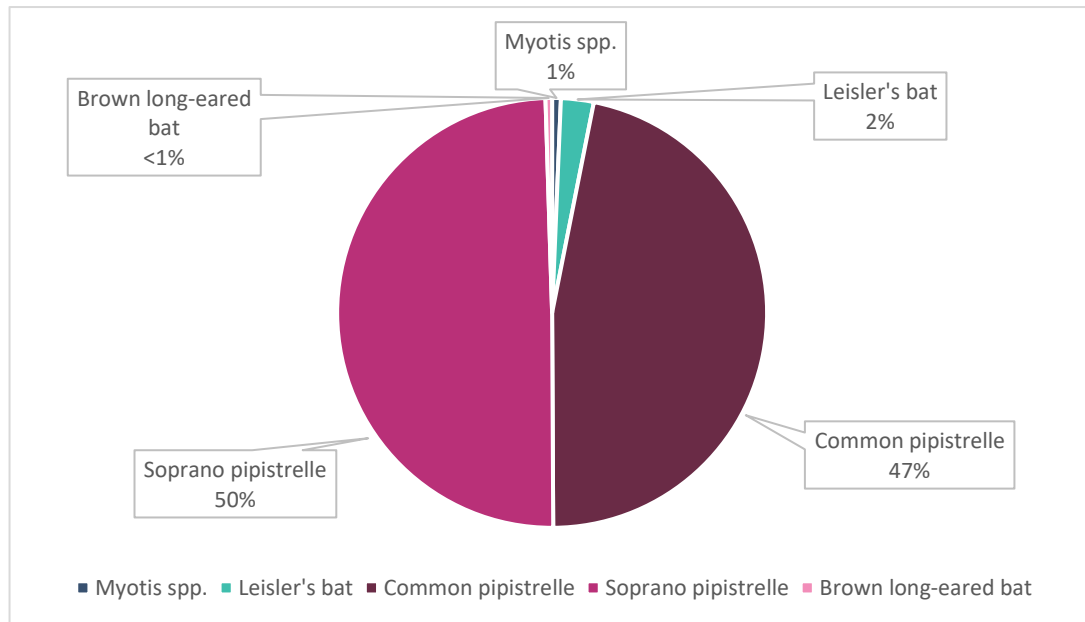


Plate 5-6. Species composition recorded during manual activity surveys.

5.6.2.1 Dusk Emergence Surveys

Dusk emergence surveys were undertaken on the evenings of the 6th and 22nd of June. Surveyors were positioned to achieve the best coverage of the PRFs on the site to monitor potential access points. Results of the emergences surveys are detailed below.

Dusk Emergence Survey 6th June 2023

The first activity survey focused on the two-storey dwelling. No bats were observed emerging from the structure. Most activity was noted coming from the woodland area located north of the dwelling, with bats foraging around the dwelling's yard before commuting away from the site. More species diversity was recorded during this survey, as *Myotis* species were recorded commuting within the north-western section of the yard.

Dusk Emergence Survey 22nd June 2023

Higher activity levels were recorded during the second bat activity survey. The emergence survey focused on the trees located south of the house, which are proposed to be felled as part of the proposed development. Bats were again observed coming into the site from the north, however none were confirmed emerging from any of the PRFs identified.

5.6.2.2 Transect Surveys

Nighttime bat walkover surveys were conducted on the 6th and the 22nd of June 2023, following the emergence surveys. The transect route covered all habitats within the site.

During the transect carried out on the 6th of June, bat activity was dominated by soprano pipistrelle and common pipistrelle, with most of this activity observed along existing linear features throughout the site and the wooded area to the north. Leisler's bat was also recorded to a lesser extent throughout the site. A small number of *Myotis* spp. and brown long-eared bat passes were recorded nearby the two-storey dwelling.

The second transect, which was undertaken on the 22nd of June, followed a similar route previous transect and recorded similar species composition. Soprano and common pipistrelles dominated the

recordings and were observed along linear features throughout the site. Leisler's bats were also recorded displaying similar activity. Brown long-eared bat was recorded again to a lesser extent to the north of the site nearby the wooded area. *Myotis* spp. bat passes were not recorded during this second survey.

5.6.3 Static Detector Surveys

In total 11,365 bat passes were recorded during the static surveys. Analysis of the detector recordings positively identified six bat species/species groups. The vast majority of bat passes recorded included pipistrelle species which are widespread in Ireland: soprano pipistrelle (*Pipistrellus pygmaeus*; $n = 4,400$) and common pipistrelle (*Pipistrellus pipistrellus*; $n = 4,097$). Leisler's bat (*Nyctalus leisleri*; $n = 2,831$) were also recorded in high numbers. Finally, brown long-eared bats (*Plecotus auritus*; $n = 27$), *Myotis* spp. ($n = 8$) and Nathusius' pipistrelles (*Pipistrellus nathusii*; $n = 2$), were recorded less frequently. Plate 5-7 shows total bat species composition recorded at the site. Species composition was similar at both detectors, with *Pipistrellus* spp. activity dominating each location (Plate 5-8).

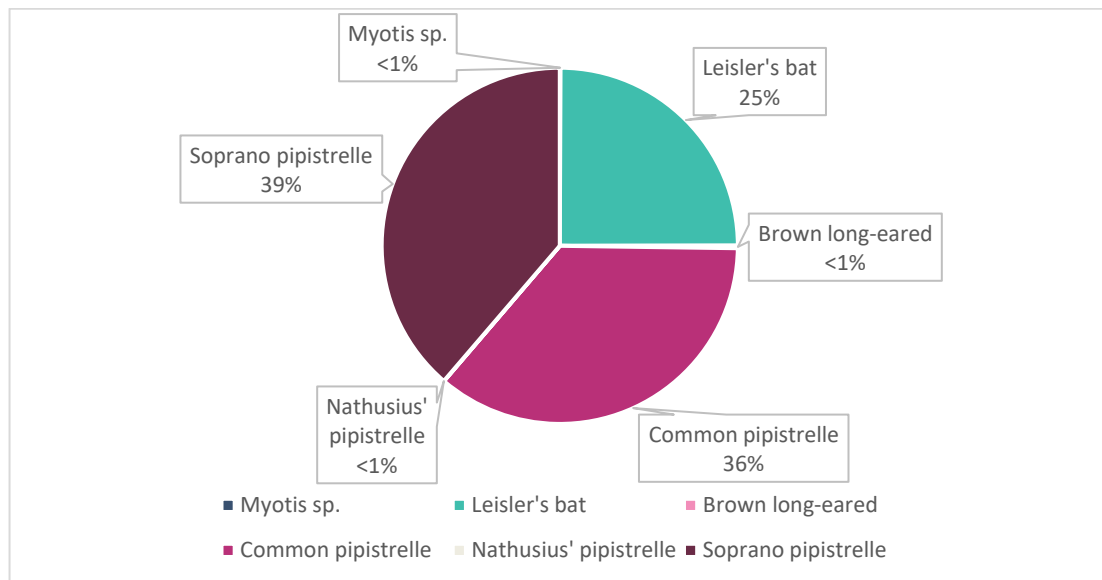


Plate 5-7 Total species composition recorded by static detectors during June 2023

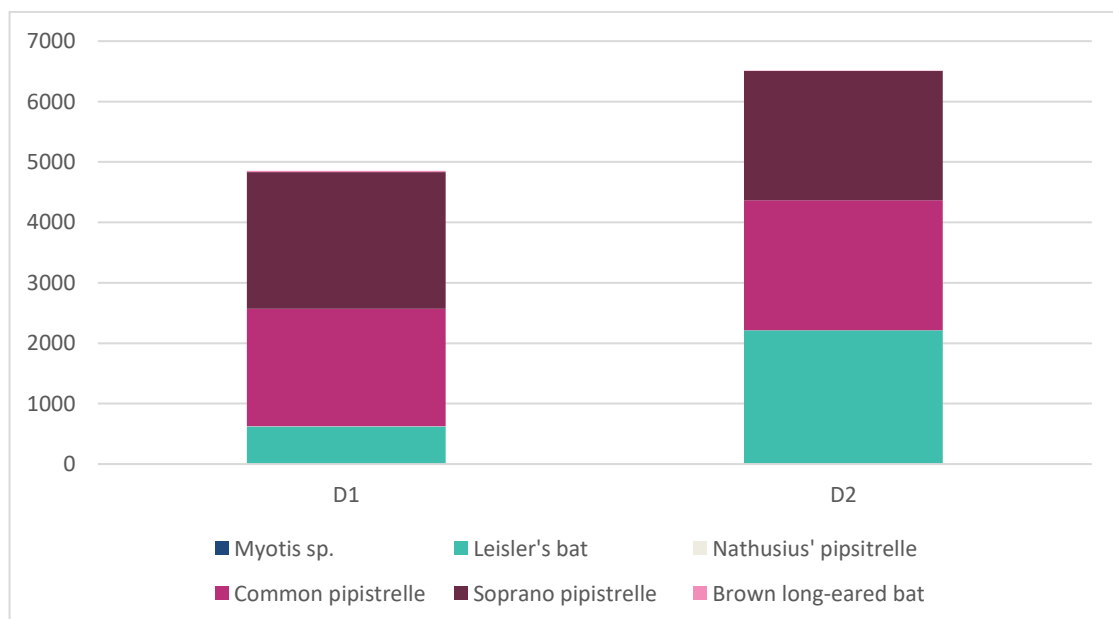


Plate 5-8 Total bat passes per static detector recorded during June 2023

5.6.4 Summary of Survey Results and Overall Findings

- › A small number of scattered droppings were found within the two-storey dwelling and one decomposed bat was found within the water tank. No large dropping accumulations indicative of large active roosts were found.
- › No bats were observed emerging from any structure or trees within the site during the emergence surveys.
- › Six bat species/species groups were recorded commuting and foraging across the wider site during the bat surveys carried out, including soprano pipistrelle, common pipistrelle, Leisler's bat, brown long-eared bat, Nathusius' pipistrelle and *Myotis* spp.

5.7 Population size and class assessment

The subject site contains a roost resource for a small number of opportunistic bats and supports other commuting and foraging bat populations of local importance. Based on the information identified within the desk study, and during dedicated surveys undertaken, the site is used by local bat populations for foraging and commuting and opportunistic roosting within the two-storey dwelling. As such, bat species have been identified as of Local Importance (Higher Value).

6.

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:

6.1

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 interest 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 development site comprises a two-storey dwelling structure with historic evidence of roosting bats. This structure is required to be demolished to facilitate the proposed development.

The proposed development represents a significant investment in housing and is consistent with the objectives of the Galway County Development Plan 2022–2028. The works include:

- › Demolition of an existing residential dwelling (221 sq. m).
- › Construction of 61 no. two storey dwellings consisting of; 22 no. 4 bed dwellings; 31 no. 3 bed dwellings; 8 no. 2 bed dwellings ;
- › Provision of new vehicular and pedestrian access from/to the existing Prospect Road and new active travel access from/to the existing R348
- › Provision of information board and buffer area around Recorded Monument (GA084-111).
- › Provision of all associated surface water, foul drainage services and connections with associated site works and ancillary services to include the provision of Sustainable Drainage Systems (SuDS) features.
- › Provision of communal open space areas, private open spaces, landscaping works to include boundary treatments, ancillary surface, car and bicycle parking, bin stores.

Athenry is identified within the Galway County Development Plan as an area of strategic potential. The proposed development will provide a substantial number of residential units, helping to meet the demand for housing in the area in line with population targets outlined in the relevant planning policies, i.e., the National Planning Framework, the Regional Spatial and Economic Strategy and the Athenry Local Area Plan.

The removal of the bat roost resource arises directly and unavoidably from the demolition of the existing structure required for the proposed development. Evidence of use by roosting bats was found within the attic of the two-storey dwelling. The proposed works therefore necessitate a derogation licence to permit the removal of this roosting site.

The scale and nature of the roost, together with the mitigation and compensation measures proposed (as outlined under Test 3), ensure that the conservation status of bat species will not be adversely affected.

On this basis, it is considered that the proposed development satisfies the requirements of Regulation 54(2)(c), as the works are justified by imperative reasons of overriding public interest, and the removal of the bat roost is an unavoidable consequence of delivering these benefits.

6.2

Test 2 – There is no Satisfactory Alternative

Regulation 54 requires that a derogation may only be granted where there is no satisfactory alternative to the proposed action. In this context, a range of reasonable alternatives has been considered, including:

- › The ‘Do-Nothing’ scenario;
- › Retention of the existing building;
- › Design modifications to avoid roost resource removal.

Do-Nothing

Under a ‘Do-Nothing’ scenario, the existing building and associated opportunistic roost resource would be retained. This would result in the lack of provision of housing. It is likely that the site will eventually be developed in line with the Athenry Local Area Plan 2024-2030. This would result in 61 no. residential housing units not being built. As outlined under Test 1, the proposed development will support the delivery of much-needed housing and contribute positively to the growth and sustainability of the community.

Failure to proceed with the development would therefore undermine the policy objectives of the Galway County Development Plan 2022–2028 and the Athenry Local Area Plan and well as the National Planning Framework and the Regional Spatial and Economic Strategy. The ‘Do-Nothing’ option does not represent a satisfactory alternative, as it fails to deliver the imperative reasons of overriding public interest established under Test 1.

Structure retention

The option of retaining the existing structure while progressing the remainder of the development has been fully considered. However, this approach is not feasible as access to the site is restricted. This project was previously refused due to insufficient access. The site is accessible through the north-west road and an additional pedestrian/cycle road is proposed in the south of the site boundary for the new planning application. The retention of the two-storey dwelling would obstruct the only driveable proposed access and internal road network. Therefore, the proposed development would not be able to proceed without the demolition of the dwelling.

As such, the retention of the existing dwelling on site and the development of the remainder of the site is not viable as the site would not be in compliance with the Galway County Development Plan, the Athenry Local Area Plan, the National Planning Framework Objectives and Regional Spatial and Economic Strategy.

Design Modification/Avoidance Measures

Options to modify the design to avoid impacts on the roost resources (e.g. partial retention, exclusion zones, or incorporation of the existing structure into the final layout) were also considered. However, these options are not viable due to:

- › The need to demolish the two-storey dwelling for access purposes;
- › Health, safety, and design constraints associated with retaining an unsuitable and ageing structure.

The development was designed by Griffin Landscape Architects to include areas of open amenity grassland and mixed native woodland. The existing linear features along field boundaries will be bolstered and a large area of the site will be retained and landscaped as amenity grassland surrounded by scattered trees. An area of natural woodland will be re-planted in the southernmost section of the site. As such, high suitability areas to bats will be designed. The option to include a larger alternative roost (i.e. bat house) was considered but was determined impractical due to the relative small size of the site and the potential for the structure to be tampered with. The inclusion of integrated bat boxes within the new buildings was also excluded to limit human interaction as much as possible. Due to the limited use of the existing structures by bats, the provision of bat boxes positioned in inaccessible locations was selected instead. Options to limit impacts on biodiversity beyond the “do nothing” scenario have been explored and applied where feasible, in line with safety standards, lighting standards and residential development requirements.

Given the nature of the proposed development and the condition and location of the existing two-storey dwelling, avoidance of roost resource removal cannot reasonably be achieved.

Conclusion

Having considered the above alternatives, it is concluded that there are no satisfactory alternative solutions that would both:

- › Avoid the removal of the bat roost resource; and
- › Deliver the planning policy objectives and public benefits of the proposed development.

The removal of the roost is therefore considered necessary and unavoidable to enable the proposed development to proceed.

6.3 Test 3 – Favourable Conservation Status

6.3.1 Conservation Status Assessment

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.

A roost resource with the potential to host small numbers of bats was identified on site. Evidence comprised a small number of scattered droppings and a highly decomposed bat within the attic water tank of the two-storey dwelling. The characteristics of the roost resource indicate that it is of low conservation importance, likely functioning as an opportunistic roost, with no evidence of use as a maternity roost, hibernation site, or other significant roost type.

To ensure no significant effects on bats occurs, a number of additional precautionary mitigation measures will be in place, as outlined below.

6.3.2 Mitigation Measures

A range of mitigation measures will be implemented to protect bats and allow demolition works to proceed in compliance with legislative requirements.

Pre-Commencement Surveys and Supervision

- A pre-commencement survey will be undertaken by a suitably licenced ecologist to identify any changes in baseline conditions since the previous surveys (June 2023 & June 2026).
- This will include a detailed inspection of the two-storey dwelling proposed for demolition to confirm the presence/absence of bats immediately prior to works. If required, an emergence survey will also be carried out.
- A toolbox talk will be delivered to all site personnel to ensure awareness of legal protections, identification of bats, and procedures to follow should bats be encountered.

Timing and Ecological Oversight of Works

- Demolition works will be scheduled at an appropriate time of year agreed with the licensed ecologist.
- In the event that bats are encountered during works, activities will cease and the licensed ecologist will advise on appropriate actions.

Provision of Alternative Roosting Habitat

- Pre-demolition requirement - At least one bat box will be installed in advance of demolition works to provide an immediate alternative roosting option if required.
- Compensatory roosting features will be provided within the site in accordance with best practice (Marnell *et al.*, 2022; NRA, 2006; Collins, 2023). These will include: A minimum of three woodcrete bat boxes (Two Schwegler 1FF and one Schwegler 2FN or similar) will be installed, with additional boxes incorporated where feasible to enhance roosting opportunities for local bat populations.
- Bat boxes will be:
 - Installed at a height of $\geq 3\text{m}$ above ground level;
 - Oriented south to southeast where possible;
 - Located away from artificial lighting;
 - Positioned adjacent to linear features such as treelines and hedgerows to maintain connectivity with existing commuting routes.
- Final locations will be agreed in consultation with a licenced ecologist.

Habitat Retention and Lighting Design

- There will be a requirement to remove trees to facilitate the proposed development, however, the surrounding area consists of treelines and other linear habitat features, ensuring connectivity will remain around the site. Existing treelines and linear vegetation will be retained within the site, where possible, to maintain bat commuting corridors.
- A landscape plan has been prepared for the development by Griffin Landscape Architects. The plan includes areas of open amenity grassland and mixed native woodland planting surrounding residential areas, which will provide commuting and foraging areas for bats.
- It is proposed to plant 210 no. predominantly native trees within the site. The existing linear features along field boundaries will be bolstered and a large area of the site will be retained and landscaped as amenity grassland surrounded by scattered trees. An area of natural woodland will be re-planted in the southern-most section of the site.
- Native and semi-mature trees will be planted in the southern woodland to provide suitable foraging habitat immediately after construction.

- Overall, there will be no net loss in suitable commuting and foraging habitat features for bats.
- A lighting plan for the operational phase of the proposed development has been designed by McElligott Consulting Engineers with consideration of the following guidelines: Bat Conservation Trust (Guidance Note 08/18 Bats and Artificial Lighting in the UK (BCT, 2018), Bat Conservation Ireland (Bats and Lighting: Guidance Notes for Planners, Engineers, Architects and Developers, BCI, 2010). The lighting plan will include the following to minimise impacts on bats:
 - Lighting has been directed away from important habitats, particularly treelines and hedgerow that may be used by bats and other species.
 - Horizontal illuminance will be maintained below 1LUX along linear features across the site. No lighting will be installed within the amenity area to the east of the site. No lighting will be present in the newly planted woodland to the south of the site.
 - Lamps will have limited backward light properties to reduce backward light spill. Lamps will also be specified with 0 Degree tilt (where possible) to ensure limited unwanted light spill.
 - Column height of luminaires will be equal or below 6m in height in the residential area to minimise light spill.
 - Lamps will have a lamp flux/colour of White LED (2700K) light source – less attractive to insects, and a good light source to enable directional luminaires.
 - A controlled lighting regime will be implemented, where lights are dimmed during hours of lower human activity.

Monitoring the Impacts of the Derogations

The installed bat boxes will be subject to post-installation inspection by the appointed Ecological Clerk of Works (ECoW) (or Project Ecologist) to confirm correct placement and suitability.

Outcome

The implementation of these measures will ensure that:

- Potential impacts on bats are avoided or minimised during works;
- The loss of the existing low-status roost resource is appropriately compensated; and
- The local bat population is maintained, with no significant adverse effects anticipated.

Accordingly, the proposed mitigation ensures that demolition works can proceed without resulting in any negative impact on the conservation status of bat species.

