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

- 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
Ms	Sinéad	Clifford
(b) Company Name, if applicable	SLR Environmental Consulting Ireland	
(c) Address Line 1	Suite 212, Acorn Business Centre	
Address Line 2		
Town	Blackrock	
County	Cork	
Eircode	T12 K7CV	
(d) Contact number	[redacted]	
(e) Email address		
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Baile Bhuirne to Macroom Bypass	
Address Line 2		
Town		
County	Cork	
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
Ms	Sinéad	Clifford
(b) Company Name	SLR Environmental Consulting Ireland	
Address Line 1	Suite 212, Acorn Business Centre	
Address Line 2		
Town	Blackrock	
County	Cork	
Eircode	T12 K7CV	
(c) Contact number	[redacted]	
(d) Email address		
(e) Relationship to Applicant	Applicant	

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
Sinéad	Clifford	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): Common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, brown long-eared bat, Daubenton's bat, Leisler's bat, lesser horseshoe bat (very unlikely but small potential), Natterer's bat, whiskered bat.
3. Please provide the maximum number of individuals affected* Unknown
4. Please provide the maximum number of breeding or resting sites affected* 29
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.

N/A

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-KERRY-SLUG-2022-82 (Amended 16/03/2023)
DER-BAT-2025-274 (amended)

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:	22nd June 2026
End Date:	10th September 2026

Part C: Nature of the Derogation.

1. Please tick which prohibition(s) the application for a derogation relates to:

Regulation 51	
Deliberately capture or kill any specimen of the relevant species in the wild	☐
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☒
Deliberately take or destroy eggs of the relevant species in the wild	☐
Damage or destroy a breeding or resting place of such an animal, or	☐
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.	☐
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
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.	☐

Further information should be provided in the format set out in Part E: Template for Supporting Information

Part D: Derogation Tests

Note: The following <u>summary</u> 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).

a.	In the interests of protecting wild flora and fauna and conserving natural habitats **(proceed to 1a)**	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property **(proceed to 1b)**	☐
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 **(proceed to 1c)**	☒
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 **(proceed to 1d)**	☐
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 **(proceed to 1e)**	☐

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.

Common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, brown long-eared bat, Daubenton's bat, Leisler's bat, lesser horseshoe bat (very unlikely but small potential), Natterer's bat, whiskered bat.

ii) Please summarise how the interests of protection and conservation of the species/habitat concerned justify affecting another species under strict protection.

No other species or group will be affected.

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.

N/A

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.)

N/A

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.

The application qualifies under option ii, in the interest of public health and safety. If the condition of the bat boxes is not checked, there is a risk of them falling and injuring members of the public (e.g. road maintenance personnel, fishermen).

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. [1]

N/A

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.

N/A

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.

N/A

[1] 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.

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	The bat boxes were installed as compensation/enhancement at watercourse crossings following the installation of the road scheme. • The condition of the bat boxes must be checked to ensure they are fit for purpose and not damaged. Not carrying out these checks could result in a loss of roosting habitat for bats. • There will be no other infrastructure or trees at these water crossings to host these bat boxes and, thus, no other roosting habitat available if the installed boxes are not checked and maintained. • If the condition of the bat boxes is not checked, there is a risk of them falling and injuring members of the public (e.g. road maintenance personnel, fishermen). • One of the primary aims of the checks is to ensure the position of the bat boxes is functioning and to determine if they need to be moved or mended; without these checks this information cannot be collated. As such, there is a risk of the boxes remaining in an unsuitable location and not fulfilling the intended purpose (i.e. to provide roosting habitat for bats).
Passive acoustic monitoring	The use of static bat detectors for a passive survey would also be redundant as it would only detect calls but not confirm if they were of bats emerging from the bat boxes.
Emergence survey	Given the location (under water crossings) and quantity (25 boxes total), an emergence survey wouldn't be feasible for health and safety reasons (i.e. working by water at night). There is also a risk of bats, particularly individuals, being missed. There may be some bats that don't emerge during an

	emergence survey also, resulting in a false negative result.
Visual inspection only	Considering the height of the boxes above ground-level, the uneven terrain, the busy nature of the road network, and presence of watercourses under many of the crossings, the use of at-height machinery (e.g. ladders, MEWPs, platforms) is not appropriate due to the significant health and safety risk. There is one crossing (Bohill) where the surface and risks are low enough to allow the use of MEWP to lift the ecologist to the height of the boxes and undertake a visual inspection.

* 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.

Without undertaking the survey, it cannot be confirmed if the boxes are in suitable condition and/or supporting bats. This is important to confirm in order to determine if boxes need to be relocated and/or repaired. Without undertaking the survey, no information will be available to confirm whether the bat population has been negatively impacted by the constructed road scheme.

Surveys will follow CIEEM approved guidance and will be restricted to May to early September to avoid the hibernation/torpor period where the risk of disturbance (and fatality) is greater. Surveys will only be undertaken

The proposed activity will be temporary, restricted to the locations listed above, and a short duration (as outlined above). If there is evidence externally suggesting the box has been used, no internal inspection will be undertaken. The endoscope will be limited to the entrance of the box to avoid disturbance within the box; if a bat is observed the survey will cease and the surveyor will withdraw from the bat box.

As such, the survey will not result in injury, mortality, exclusion of bats, or damage to breeding or resting sites. Given the low-intensity nature of the activity and the safeguards applied, the proposed derogation will not adversely affect bat populations at the local, regional or national level and will not be detrimental to the maintenance of favourable conservation status.

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	Sinéad Clifford	**Date**	08.06.2026
Name in BLOCK LETTERS	SINÉAD CLIFFORD		

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

8 June 2026

Attention: To whom it may concern
Wildlife Licencing Unit,
National Parks and Wildlife Service
Department of Housing, Local Government and Heritage.

SLR Project No.: 501.065392.00001

RE: "Application for Derogation Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended Revision 2.0 – July 2025"

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2.0 Introduction

(a) Objective of the proposed works (for example, as part of construction of a national road, repair of roofing, undertaking surveys etc.)

- The proposed surveys are required to fulfil planning conditions for the constructed N22 Baile Bhuirne to Macroom road development.

(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.

- Name: Sinéad Clifford MCIEEM
- Qualifications: BSc. (Hons) Wildlife Biology. Certificate (Distinction) in Ecological Consultancy from Ecology Training UK (formerly Acorn Ecology).
  Full member of CIEEM.
- Relevant Experience: I have worked in ecological consultancy since 2016, with a primary focus on bats. I have carried out a variety of bat surveys since this time to support projects such as impact assessment and biodiversity management plans. I

have experience surveying bats (including use of endoscope) both in Devon and Somerset in the UK (shadowing licence holders), and in Ireland.

Experience relevant to this proposal: As part of pre-construction surveys for a proposed wind farm in 2019 in Co. Laois, I have undertaken inspections of installed bat boxes ground level using an endoscope with an extension to verify if they were occupied. This was done under the supervision of my manager in a previous company. The survey was undertaken within the optimal survey period and in dry, calm, and sunny conditions. External inspections of the boxes were prioritised, surveying for evidence of use such as droppings. If evidence was observed, it was assumed to be occupied and no internal inspection was undertaken with the endoscope. Where there was no external evidence, the endoscope was inserted slowly and without force from the entrance of each box where external evidence was absent. The brightness of the light on the endoscope was also kept to a minimum to avoid disturbance. During the use of the endoscope, signs of occupancy, including droppings, staining, live bats, squeaking etc. were looked for. As soon as occupancy was noted, the endoscope was withdrawn slowly and the brightness further reduced. The endoscope was also disinfected between boxes to avoid potential spread of disease. The result was that bats were undisturbed, and where occupancy was noted, none of the bats flew out from the box, indicating disturbance had been minimised.

(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.

- I will be the only surveyor involved in the survey.

3.0 Background

SLR were commissioned to carry out post-construction monitoring of bat mitigation measures along the N22 Baile Bhuirne to Macroom road development, namely underpasses and bat boxes. Under section 24.11.15 of Schedule 4 of the Works Requirements for the scheme, Cork County Council are required to ensure monitoring of the bat boxes is carried out for two years following construction; that period commenced last summer, 2025. However, due to health and safety concerns they were delayed to commence summer 2026.

The bat boxes have been installed at four water crossings along the scheme:

Location	No. Boxes	Location	Types
Bohill	11	51.95242, -9.16591	Bricks: 5 Standard: 4 Cavity: 2
Laney river	4	51.90339, -8.94089	Bricks: 4
Sullane river	4	51.89675, -8.93597	Bricks: 4
Foherish river	6	51.91366, -9.01847	Bricks: 4 Standard: 2

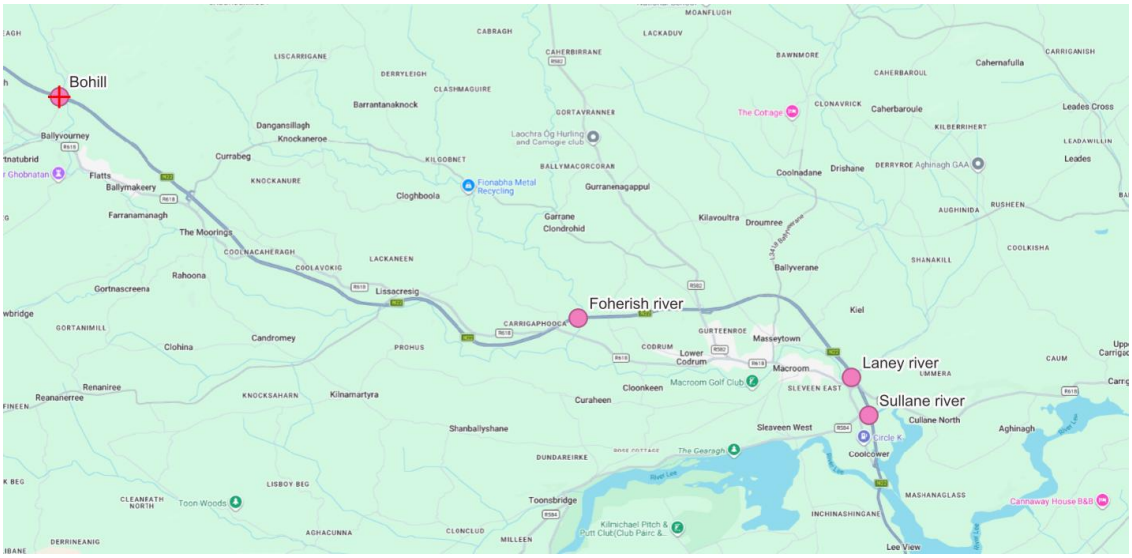

Figure 1 Location of bat boxes along N22 route

4.0 Proposed Activity

Surveys will follow CIEEM approved guidance, including:

- Mitchell-Jones, A.J, & McLeish, A.P. (eds). 2004., 3rd Edition Bat Workers' Manual, JNCC, Peterborough, ISBN 1 86107 558 8;
- Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6;
- Bat Conservation Ireland (2012) Wind Turbine/Wind Farm Development Bat Survey Guidelines, Version 2.8, December 2012. Bat Conservation Ireland, www.batconservationireland.org.;
- Bat Conservation Trust (2015). Method Statement for the Appropriate Use of Endoscopes by Arborists;
- Nature Scot (2021). Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation.

Inspections will be restricted to the periods of May-early September to avoid the hibernation/torpor period where the risk of disturbance (and fatality) is greater.

- The exterior and surrounds of the bat box will be first inspected for evidence of bat use, such as guano (bat droppings), fur, grease marks, or other signs inside the box (e.g., claw marks on the box walls).
- A non-intrusive visual inspection (by eye and with the aid of a torch) of the bat box cavities will be carried out to check for the presence of bats.
- Only where there is difficulty in confirming presence/absence visually, an endoscope will be used.

- The endoscope will be inserted slowly and without force into the cavity entrance, no more than one third of the way into the cavity, to aid the survey but to avoid contact with any bats that may be present.
- The brightness of the endoscope will be kept to a minimum to avoid potential disturbance
- If any signs of bat activity or bats are observed, the endoscope will be withdrawn immediately.

- The following data will be recorded:
  - **Box ID/Number:** Unique identifier for each bat box.
  - **Date and Time:** The date and time of inspection.
  - **Location (GPS Coordinates):** Document the precise location of the box.
  - **Box Condition:** Notes on structural integrity, entrance hole, and other relevant features.
  - **Bat Activity:** Record any presence of bats or evidence of past activity (guano, fur, etc.).
  - **Species Identification (if applicable):** List species identified, if possible.
  - **Environmental Notes:** Any environmental factors observed, such as habitat conditions or disturbances.

5.0 Ecological Survey and site assessment (Not required for applications to carry out surveys)

Not relevant as application is for a survey.

6.0 Evidence to Support the Derogation Tests

a) Test 1 – Reason for Derogation

All bat species are listed under Annex IV of the EC (Birds and Natural Habitats) Regulations 2011 – 2021, with lesser horseshoe bat receiving additional protection under Annex II. As such, works which could capture or kill them, damage or destroy their roosts or disturb them at important parts of their life cycle cannot take place without first obtaining a Derogation[1].

The bat boxes were installed week commencing 23rd September 2024[2]. While its possible they are not yet occupied, we will need to treat them with the same sensitivity as a confirmed roost due to the *potential* of occupancy.

The survey serves the following key purposes:

- Determine if the compensation/enhancement measures (i.e. installation of bat boxes) along the route have been successful;
- If there is no signs of use, to consider moving them to an alternative location on these flyovers/bridges to increase the chance of occupancy;

[1] https://www.npws.ie/licensesandconsents/disturbance/application-for-derogation
[2] Liaised with Louis O'Sullivan and Jay Cornish by email.

- Determine if any repairs are required to the boxes; should the boxes be damaged and/or at risk of falling from where they were installed, they pose a public health and safety risk.

b) Test 2 – Absence of Alternative Solutions

1. Emergence survey - given the location (under water crossings) and quantity (25 boxes total), an emergence survey wouldn't be feasible for health and safety reasons (i.e. working by water at night). There is also a risk of bats, particularly individuals, being missed. There may be some bats that don't emerge during an emergence survey also, resulting in a false negative result.
2. Passive acoustic monitoring - The use of static bat detectors for a passive survey would also be redundant as it would only detect calls but not confirm if they were of bats emerging from the bat boxes.
3. Do nothing - The bat boxes were installed as compensation/enhancement at watercourse crossings following the installation of the road scheme.
    - The condition of the bat boxes must be checked to ensure they are fit for purpose and not damaged. Not carrying out these checks could result in a loss of roosting habitat for bats.
    - There will be no other infrastructure or trees at these water crossings to host these bat boxes and, thus, no other roosting habitat available if the installed boxes are not checked and maintained.
    - If the condition of the bat boxes is not checked, there is a risk of them falling and injuring members of the public (e.g. road maintenance personnel, fishermen).
    - One of the primary aims of the checks is to ensure the position of the bat boxes is functioning and to determine if they need to be moved or mended; without these checks this information cannot be collated. As such, there is a risk of the boxes remaining in an unsuitable location and not fulfilling the intended purpose (i.e. to provide roosting habitat for bats).

Therefore, as there is no suitable alternative and a risk of disturbing bats during the checks, I wish to request a Regulation 54 Derogation to allow for inspection of these bat boxes.

c) Test 3 – Impact of a derogation on Conservation Status

The population of the bat genus along the route is unknown. Without undertaking the survey to determine if the bat boxes are suitable and occupied, it is not possible to determine if changes are required. Thus, without the survey, the compensation/enhancement measures may not be working and, therefore, the local population could be negatively impacted.

Mitigation to be used will include limiting the survey to a visual inspection where possible, and where there is difficulty in confirming presence/absence visually, an endoscope will be used.

- The endoscope will be inserted slowly and without force into the cavity entrance, no more than one third of the way into the cavity, to aid the survey but to avoid contact with any bats that may be present.
- The brightness of the endoscope will be kept to a minimum to avoid potential disturbance
- If any signs of bat activity or bats are observed, the endoscope will be withdrawn immediately.

7.0 Monitoring the Impacts of the Derogations

An EU Returns form and Derogation report will be submitted to NPWS outlining the results of the survey including the following data:

- Details of activities undertaken under the licences.
- Results of the surveys, including:
  - **Box ID/Number:** Unique identifier for each bat box.
  - **Date and Time:** The date and time of inspection.
  - **Location (GPS Coordinates):** Document the precise location of the box.
  - **Box Condition:** Notes on structural integrity, entrance hole, and other relevant features.
  - **Bat Activity:** Record any presence of bats or evidence of past activity (guano, fur, etc.).
  - **Species Identification (if applicable):** List species identified, if possible.
  - **Environmental Notes:** Any environmental factors observed, such as habitat conditions or disturbances.
- Where relevant, details of any corrective measures that have been undertaken to address unforeseen failure to maintain the species populations at the relevant (e.g. local, national) scale.