



Faith Wilson
ECOLOGICAL CONSULTANT

*Faith Wilson Ecological Consultant BSc (Hons) CEnv MCIEEM
Kestrel Ridge, Tigroney West, Avoca, Co. Wicklow*

Whitestown Unauthorised Landfill, Co. Wicklow – Protection of Bats – DER/BAT 2025 – 08 (amended)

Faith Wilson (Faith Wilson Ecological Consultant and licensed bat specialist) and John Curtin (Eire Ecology and licensed bat specialist) were commissioned by Fehily Timoney (on behalf of Wicklow County Council) to undertake a bat survey of Whitestown Unauthorised Landfill, Co. Wicklow during 2025.

Bat surveys were completed during 2025 for the final draft remediation plan for Whitestown unauthorised landfill to comply with a High Court order made on 17 July 2017 for the remediation of the site.

The Whitestown unauthorised landfill is 14.5 ha and surrounded by agricultural land. This site originally operated as a quarry prior to the deposition of waste. The site is located approximately 2.6 km southwest of Donard Village along the N81 as shown on **Figure 1** and **2** below.

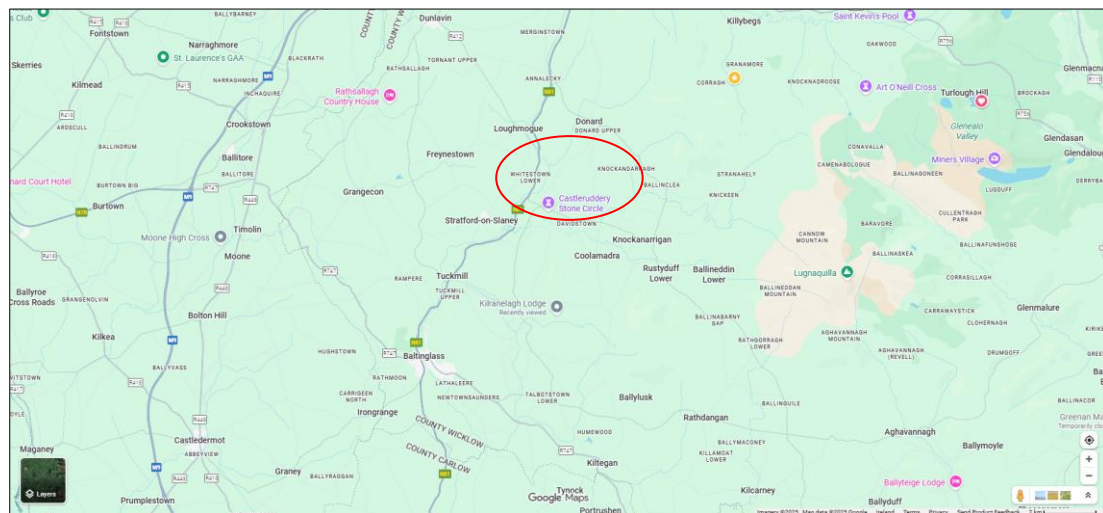


Figure 1: Whitestown is located north of Baltinglass adjoining the N81 (Google maps).



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Figure 2. Whitestown Unauthorised Landfill, Co. Wicklow (Google maps imagery).

The bat surveys, which have taken place over several years (2021, 2023 and 2025) consist of several elements – a desktop review and consultation with Bat Conservation Ireland, an inspection of the buildings on the site (a derelict dwelling house, a garage, a disused agricultural building, and a new purpose designed compensatory bat roost building, which was constructed in the spring of 2025), an examination of trees in the vicinity of the structures, bat detector activity and emergence surveys of the property which included the use of Night Vision Aids (NVAs).

In total, seven species of bat have been positively identified during the various bat surveys:

- Common Pipistrelle (*Pipistrellus pipistrellus*),
- Soprano Pipistrelle (*Pipistrellus pygmaeus*),
- Leisler's bat (*Nyctalus leisleri*),
- Brown Long-eared Bat (*Plecotus auritus*),
- Natterer's bat (*Myotis nattereri*),
- Daubenton's Bat (*Myotis daubentonii*) and
- Whiskered Bat (*Myotis mystacinus*).

The results of the bat surveys were reported in the report 'Appendix 42 Assessment of the proposed works for Annex IV species' which was submitted as part of the application for DER – BAT – 2024 - 158.

This licence was granted by NPWS on 10th October 2024 for works taking place between 10th October 2024 – 31st December 2024 inclusive.



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A further bat derogation licence was granted by NPWS on 10th October 2024 (and amended on 23 July 2025) for works which were proposed to be completed between 1st January 2025 – 31st December 2025 inclusive:

- Licence No.: DER-BAT-2025-08
- Licence No.: DER-BAT-2025-08 (amended)

A summary of the results of the surveys completed to date are summarised and presented below.

This report details results from the 2025 Surveys which included winter hibernation, spring and maternity period surveys conducted throughout the year. The 2025 surveys updated and were informed by the previous bat surveys which were conducted in 2021 and 2023.

The 2021 surveys found a maternity roost for Common and Soprano Pipistrelle bats roosting in a derelict dwelling house with a garage used as a satellite roost.

The 2023 surveys showed a change in species and roost locations. During the 2023 surveys, 3 buildings containing bat roosts were confirmed on the site. These are the derelict dwelling house, the adjoining garage and the disused agricultural building.

The disused agricultural building, was now used as a maternity roost for Brown Long-eared bats alongside Natterer's and Whiskered bats, while the garage was used as a roost for Brown Long-eared bats.

Since 2021 the condition of the roof of the derelict dwelling house has degraded with loss of tiles and increased air movement and as a result the Pipistrelle maternity roost was reduced to a satellite roost used by low numbers of bats. The derelict dwelling house was still used by smaller numbers of Pipistrelle bats.

Due to the potential requirement for the demolition of existing buildings as part of remediation works a new purpose designed compensatory bat roost building was constructed in the spring of 2025 in the north-west of the site.

Bat occupancy was confirmed in July 2025 with both Soprano Pipistrelle and Leisler's confirmed roosting.

It was great to see the new compensatory bat roost has started to be used by bats with two Soprano Pipistrelle bats and a Leisler's bat emerging from the structure in the July survey.

As shown in **Table 1** below the disused agricultural building still has a Brown Long-eared maternity roost with 21 bats confirmed occupying the roost. **Table 1** provides details on each roost.



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Table 1: Roost results

Structure	Species (2023 to 2025)	Max No observed?	Roost type	Details of roost
New Compensatory Bat roost	Soprano Pipistrelle	2	Satellite	July 2025 footage shows two Soprano Pipistrelle emerging from the main roof area.
	Leisler's bat	1		July 2025 footage shows a single bat emerging from the gable
Derelict dwelling house (1)	Soprano Pipistrelle	1	Satellite	Roost is losing value over time. In 2021 this building was a Common Pipistrelle maternity roost. In 2025, the dwelling had further degraded, and no bats were seen emerging from the building. Despite this, bats were seen entering the building at night before leaving again.
	Common Pipistrelle	1		
	Leisler's bat	1		
	Whiskered bat	1		
	Unidentified bat	2		
Garage (2)	Brown Long-eared bat	2	Satellite	Building is in good condition although attic space is somewhat low thus reducing potential for large roost. Scattered droppings within and bats observed exiting. 2023 surveys showed regular usage by low numbers.
	Soprano Pipistrelle	1		August 2023 survey revealed Soprano Pip emerging from NW corner.
	Common Pipistrelle	1		Surveys in 2025 did not confirm roosting bats on thermal equipment, but a Common Pipistrelle was noted emerging from here by surveyor.
Disused Agricultural Building (3)	Brown Long-eared	21	Maternity roost & Hibernation site	Building is in good condition with an internal 'office' type structure within providing a sheltered location for bats.
	Pipistrelle (Soprano and Common)	40	Satellite	Surveys consistently show multiple Brown Long-eared bats using the disused agricultural building. On the 03 rd June 2023 c. 40 Pipistrelle bats were noted using the disused agricultural building. Numbers dropped through the season with lower numbers of Soprano and Common Pipistrelle recorded on the 30 th of June and recordings noted on static from the 16 th of August. By 2025 numbers of Pipistrelle using the disused agricultural building maxed at 13.
	Natterer's bat	Droppings and recorded on static		A plastic sheet lain in February 2025 was inspected in March and revealed fresh droppings demonstrating the disused agricultural building is used as a hibernaculum. Fresh droppings noted in breeze block cavity within the 'office' section within the disused agricultural building. Identification confirmed via DNA testing.



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Structure	Species (2023 to 2025)	Max No observed?	Roost type	Details of roost
	Whiskered bat	Droppings		Static placed within disused agricultural building on the 16 th of August 2023 recorded Natterer's bats. No <i>Myotis</i> were observed emerging in 2025.

In summary during the 2025 surveys, bats were found to roost in 3 buildings, the new compensatory bat roost, the disused agricultural building and the garage adjoining the derelict dwelling house.

- The garage remains in good condition and is used by low numbers of bats. A single observation of Common Pipistrelle emerging from the rear of the Garage was made in July 2025.
- The disused agricultural building is still used as a maternity roost for Brown Long-eared and a satellite roost for Common and Soprano Pipistrelle. No *Myotis* were recorded within the disused agricultural building in the 2025 surveys.
- *Myotis* species were only recorded on audio equipment placed within the derelict dwelling house, though none were seen emerging from this building.
- Thermal footage has revealed the new compensatory bat roost is being used as a satellite roost for Soprano Pipistrelle and Leisler's bats.



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Plate 1. The disused agricultural building, which contains the Brown Long-eared maternity roost had 39 bats emerging from 4 locations.

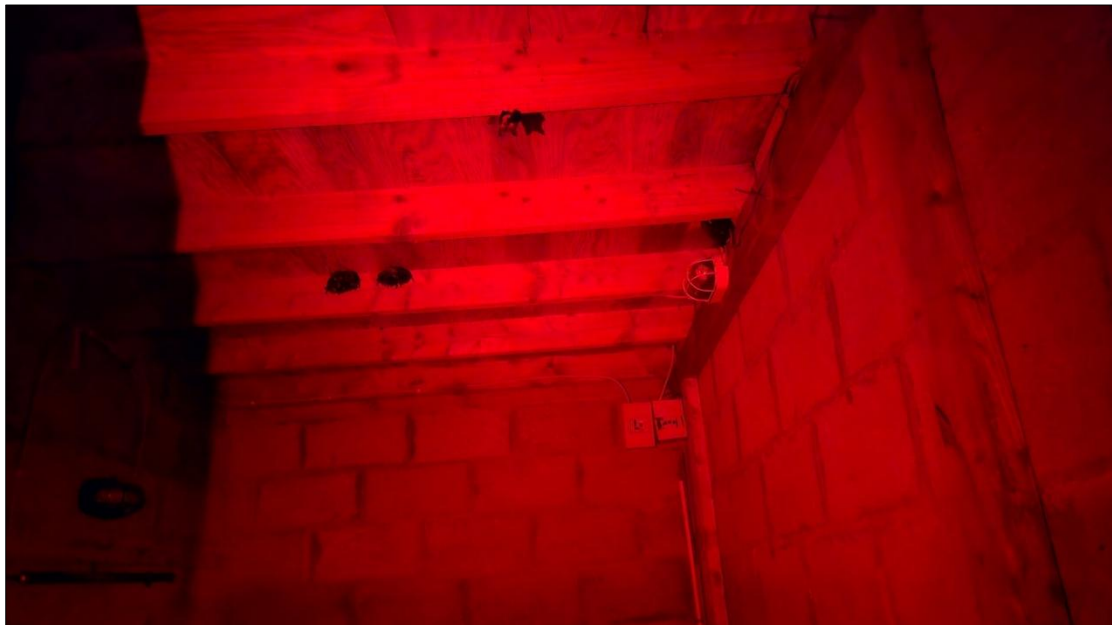


Plate 2. Roosting Brown Long-eared bats in the 'office' within the lean-to portion of the disused agricultural building.



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Plate 3. Compensatory bat roost under construction.



Plate 4. The compensatory bat roost near the new newt pond.



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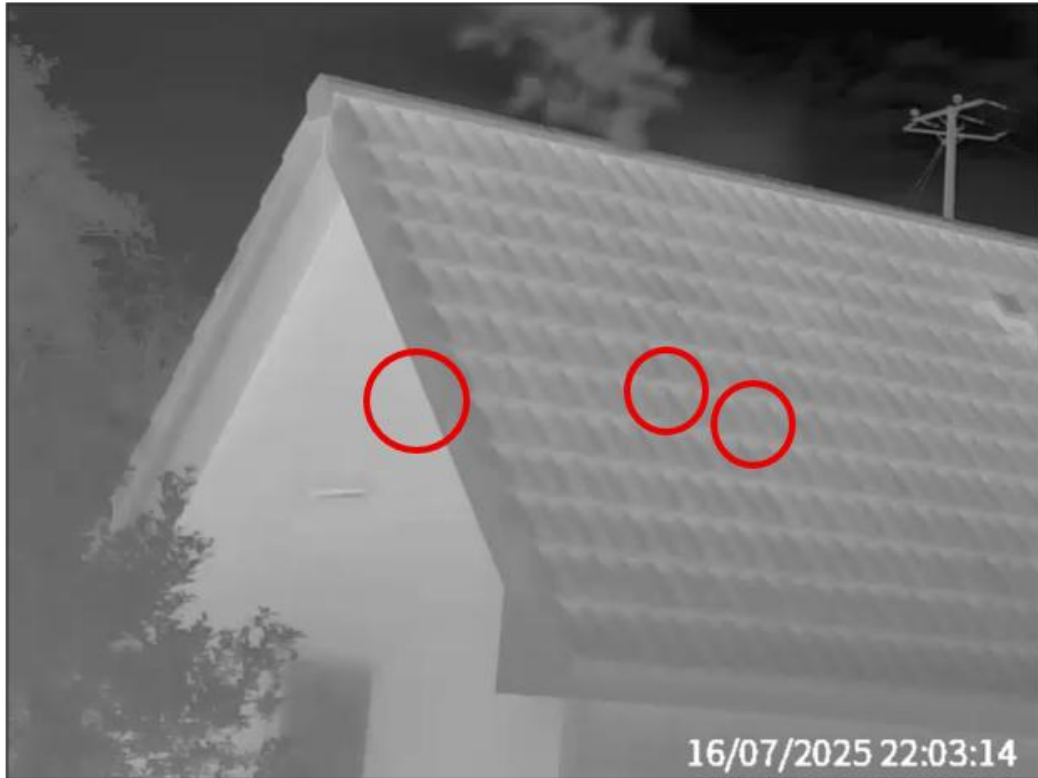


Plate 5. Three bats were seen emerging from the new compensatory roost building, Two Soprano Pipistrelle from the roof and a Leisler's Bat from the gable end fascia.

Bat Derogation License Application

A new bat derogation licence from NPWS is required for the project for the duration of the works (2026 – 20230/2031) as it will entail works that could disturb the bats in the vicinity of the roosts (the construction and operation of a quarantine area near the buildings) and potentially the ultimate destruction/loss of the roosts should contaminated soil/waste be found below the buildings. It is a requirement that this waste is removed in compliance with the High Court Order.

A Bat Derogation Licence must be applied for and granted in advance of any works taking place that could disturb the bats. A bat derogation licence normally has a period of validity for the works – this depends on what type of roost is encountered and what the proposed works are. The aim of this is to avoid impacting the bats during the most vulnerable periods in their life cycle – breeding or hibernation.

In order for a bat derogation licence to be granted the application must undergo three tests. They are:

- Test 1: Reason for the Derogation
- Test 2: Absence of Alternative solutions
- Test 3: Impact of a Derogation on Conservation Status

These are detailed below.



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Test 1: Reason for the Derogation

A bat derogation licence application for this project qualifies under Section 2c (ii) as set out below.

Response:

2c) 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:

- 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.

Response:

Over the past decade or so, there were various High Court actions taken by the owners of the site (Brownfield Restoration Ltd) and Wicklow County Council culminating in five High Court Judgements issued in July 2017.

The court dealt with the various actions in a modular fashion (Modules 1 through IV). At the culmination of Module II (Judgement 3), the High Court made an order for remediation (subject to refinement in Module III) in essence as follows:

“...the council will be required to remove to a licensed waste disposal facility all waste (and all soil or other materials contaminated or potentially contaminated by such waste) from all areas of the site including areas that are already the subject of attempted remediation and to appropriately fill and landscape the site with inert matter sourced elsewhere and to return to the possession of the site to Brownfield within a period of 78 months from the date of the order”.

The final draft remediation plan includes the removal of all waste from the site and re-profiling all areas in keeping with the proposed landscaping.

These works will result in the loss of the bat roosts on site should waste or contaminated ground be found in the soil below the buildings used by bats on the site (the derelict house, the garage and the disused agricultural building) and the High Court Order must be implemented

In recognition of this a dedicated compensatory bat roost has been erected on site and has begun to be used by two species of roosting bats in 2025 as detailed above.

The mitigation measures and the provision of a purpose built compensatory bat house have been adopted into the final draft remediation plan to ensure that Soprano pipistrelle, Common pipistrelle, Brown long-eared bat, Whiskered bat, Natterer's bat and Leisler's bat or any other bat species are not killed, they are not disturbed in breeding, or hibernation and there is no deterioration to their breeding or resting places.



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Test 2: Absence of Alternative solutions

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.

Response:

A number of alternative solutions were proposed and a response to same was prepared as detailed below. They are:

Alternative Solution	Reasons for “Unsatisfactory”
Do-Nothing	No alternatives are available in terms of the extent of excavation works that may be required onsite due to the High Court Order to remove all waste from within the site. These works will result in disturbance to the roost.
Retain the buildings in situ	This may not be an option if waste or contaminated ground is found below the buildings as this would have to be removed to comply with the High Court Order. If possible and no waste is found this option will be considered in due course.
Provision of bat boxes	This would not suffice as a Brown long-eared maternity bat roost and potential hibernation roosts within the disused agricultural building will be lost. Bat boxes are not suitable alternatives for a roost of this nature.



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Test 3: Impact of a Derogation on Conservation Status

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.

Response

The mitigation measures set out in this, and the previous reports, ensure the protection of the bats during the works.

All six species of bats utilising the structures on the site for roosting purposes are widespread species in Ireland and are listed as 'Least Concern' on the Ireland Red List No. 12: Terrestrial Mammals (Marnell et al., 2019), meaning they are not in any threatened category.

The proposed works at the Whitestown Unauthorised Landfill will not be detrimental to the maintenance of populations of these species at a favourable conservation status in their natural range as required under Section 54 (2) of the European Communities (Birds and Natural Habitats) Regulations.

A purpose-built compensatory bat house has been provided to allow long term and permanent roosting sites for bats.

The 2025 surveys have shown that this structure is already being used in a minor way by roosting bats.

If no contaminated soil or waste is found below any affected roost structure their long term retention can then be considered however it remains unclear if this is a possibility until the works commence.

Yours sincerely

Faith Wilson