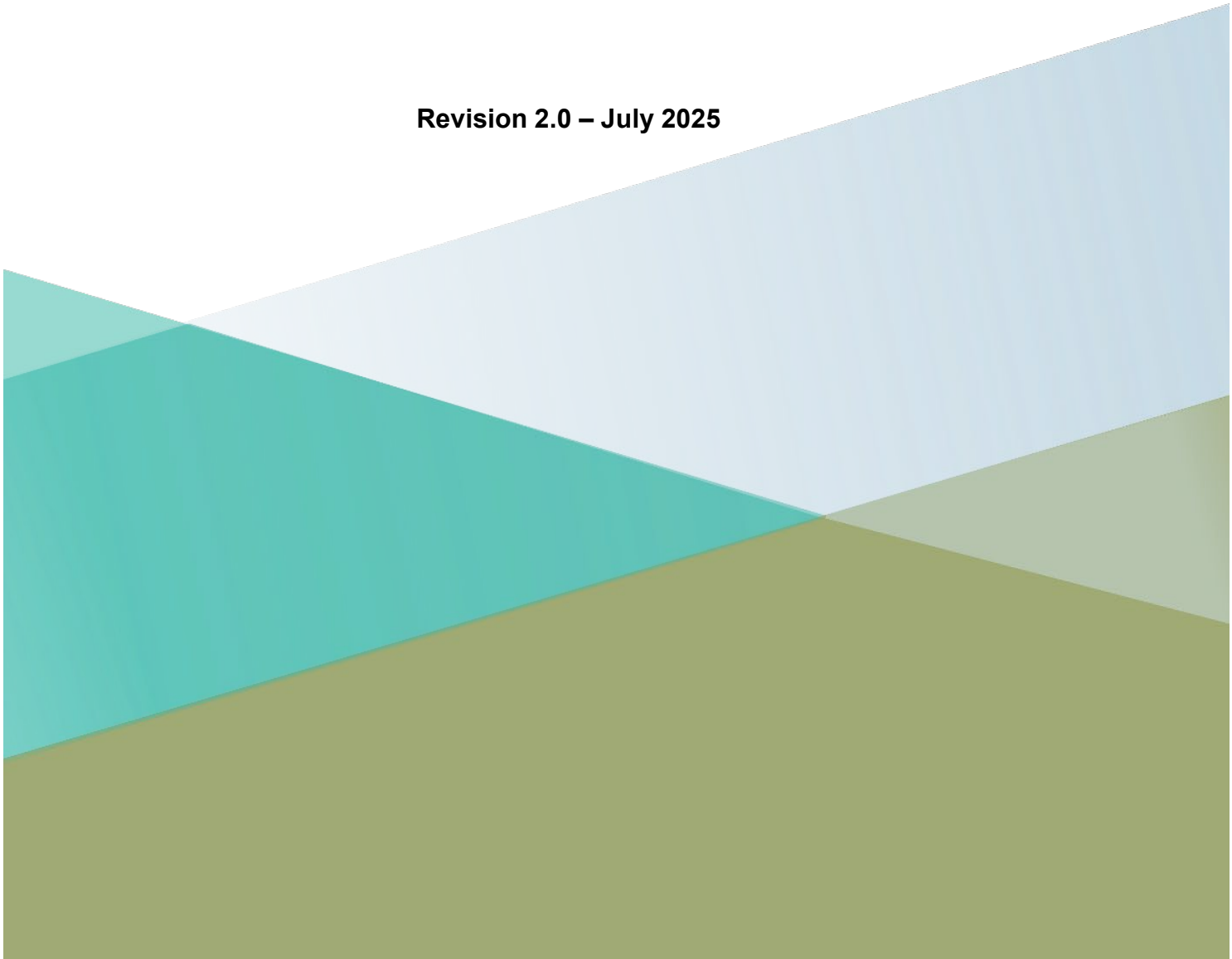
NPWS
An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

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
Mr	Eamonn	Power
(b) Company Name, if applicable	Kilbarry Developments Limited	
(c) Address Line 1	Studio 14, The Atrium	
Address Line 2	Maritana Gate Canada Street	
Town	Waterford	
County	Waterford	
Eircode	X91 A250	
(d) Contact number	[redacted]	
(e) Email address	[redacted]	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Bloodmill Road	
Address Line 2	Towlerton	
Town	Limerick	
County	Limerick	
Eircode	Grid Reference: Longitude: -8.582345 Latitude: 52.655070	

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
Dr	Jane	Russerll-O'Connor
(b) Company Name	Russell Environmental & Sustainability Services Limited	
Address Line 1	16 Newtown Park	
Address Line 2		
Town	Tramore	
County	Waterford	
Eircode	X91X4C8	
(c) Contact number	[redacted]	
(d) Email address	[redacted]	

(e) Relationship to Applicant	None – Employed consultant

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

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 ☐

Please detail the exact species (scientific name): Common pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus,* Leisler's Bat *Nyctalus leisleri*. Please note that in the bat report other species were using the overall site, but it is only the 3 species above that are using the trees to be felled.

Please provide the maximum number of individuals affected* 25 within the 4 x trees to be removed, based on the sonar readings. However these numbers represent sonar readings from both dawn and dusk and a more realistic number may be 12-13. See Appendix iii in report Please provide the maximum number of breeding or resting sites affected* Removal of 4 x Ash trees with Ash die-back disease (see attached arboricultural report) T457, T459, T458, T460

1. Please provide the maximum number of eggs to be taken* N/A

2. 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.

3. **Species of Plant:** Please indicate which species is/are the subject of the application:

- Killarney Fern ☐
- Slender Naiad ☐
- Marsh Saxifrage ☐

4. 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.

Derogation licence issued, but was only for a short time frame and it was not possible to complete the works during the period granted.

5. **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:	As soon as possible
End Date:	31st March 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 2a)**	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property **(proceed to 2b)**	☐

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 2c)**	☒
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 2d)**	☐
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 2e)**	☐

2a. In the interests of protecting wild flora and fauna and conserving natural habitats:

i) Please state the wild flora, fauna or habitats that require protection and /or conservation.

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

2b) 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.

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:

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.)

The hedgerow/treeline is only partial as work was carried out earlier by the previous owners to allow cabling for the newly constructed Lidl supermarket. The land is in a zoned area for development. The 4 x trees for removal are all Ash and have extensive dieback. These trees are being used by the aforementioned bat species for roosting. Should the trees not be removed then the ash dieback will develop and the trees will be become further diseased and eventually will die. Hence there is an issue of health and safety for the residents of the proposed housing development whereby the boughs could break off and the trees could fall causing injury in the event of storms/high winds. The remainder of the mature trees in the locality, along the stream edge will be retained, thus providing suitable roosts for relocation.

It is also recommended that any tree works are undertaken sensitively and under the supervision of an ecologist.

ii) Where the reason is for "other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment", summarise the nature of the public interest and how this outweighs the conservation interest of the species under strict protection.

This housing is a development that is within the zoned residential area for Limerick City as part of the Limerick City Council Development Plan (2022-2028) to provide housing for the City. See the red line in Figure 1 which shows where the tree removal is required.. The development supports the economic and social development of Limerick City that includes a green belt area that will be planted and seeded to enhance biodiversity. Therefore, providing additional habitats for bats and other wildlife that would have previously been arable farmland, subject to the use of pesticides, herbicides and fertilisers.

Figure 1 Tree location in yellow

2d) 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]

2e) 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

[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.

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.

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.

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 If the proposed trees were not removed then the ash dieback disease would develop further which would lead to their death and loss of roosts.	Unsatisfactory as this would ultimately result in further disease and death of the trees and thus the roost sites would be lost
Furthermore, if the trees are not removed then there is a risk of boughs and the trees themselves falling on residents of the proposed housing development.	Unsatisfactory as there may be danger to human health

* 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.

A derogation licence for the tree removal was granted from the 19th of November 2025 until the 31st of December 20225, but as this was only issued on the 19th of November, it was not possible to arrange the tree work to be completed in the given time frame. The derogation licence references is: DER-BAT-2025-354. Although these 4 trees will be lost as bat roosts, as mentioned above, there are sufficient mature trees along the nearby stream for the bats to relocate. Guidance has been adhered to regarding the external lighting for the development in accordance with the Bat Conservation Ireland specifications.

Part E: Template for Supporting Information

This application form should provide a summary of the evidence that the applicant has provided. In all cases, it is necessary to provide separate supporting information so that the assessment of the application can be undertaken in a robust and comprehensive manner. Applicants should refer to guidance provided by the NPWS and the European Commission whilst preparing this application form and the supporting information.

It is essential that supporting information is prepared in a consistent manner using the template below so that NPWS officials assessing the application can locate the relevant evidence to determine if the three Tests can be met. Failure to provide sufficient evidence will result in the application being refused.

The structure of the Supporting Information should be as follows:

1) Table of Contents

2) Introduction
    a. Objective of the proposed works (for example, as part of construction of a national road, repair of roofing, undertaking surveys etc.)
    b. Name, qualifications and relevant experience of scientific staff, including trainees, (e.g. ecologist) involved in the preparation of the application and those responsible for carrying out the proposed activity.
    c. If this application is for the carrying out of surveys that may cause disturbance, qualifications of all involved must be provided and trainees must be clearly identified.

3) Background to proposed activity including location, ownership, type of and need for the proposed activity, planning history, policy context, zoning in relevant Development plan (or equivalent), etc.

4) Full details of proposed activity to be covered by the derogation (including a site plan). The site may be inspected by an NPWS representative, so the details given should clearly reflect the extent of the project. This information will be used to compare site conditions with the Method Statement.

5) Ecological Survey and site assessment (Not required for applications to carry out surveys)
    a. Pre-existing information on species at location and environs.
    b. Status of the species in the local/regional area (relevant to the consideration of the impact on the population at the relevant geographic scale (Test 3))
    c. Objective(s) of survey
    d. Description of Surveys Area
    e. Survey methodology (including evidence as to how the methodology represents best practice and is appropriate to the Objective). Methodology should include survey maps, details of timing, climate, equipment used and identify any uncertainties or difficulties encountered.
    f. Survey results including raw data, any processed or aggregated data, and negative results as appropriate. Photographs and maps must be provided where site-specific features are referred.
    g. Population size class assessment.

6) Evidence to support the Derogation Tests

    a. Test 1 - Reason for Derogation:
        i. There should be a clear explanation as to why a specific reason(s) has been selected in the application form.

ii. Applicants are advised to read the guidance published by the NPWS 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.1.

b. Test 2 - Absence of Alternative Solutions
   i. Applicants must list the alternatives to the proposed activity that have been considered, including the do-nothing alternatives in a clear and objective manner. A basic requirement is that these alternatives should be compared in terms of their impact on the species subject to strict protection. It should be clear to NPWS officials as to why the chosen approach has been selected.
   ii. Applicants are advised to read the guidance published by 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.2.

c. Test 3 - Impact of a derogation on Conservation Status
   i. Applicants should include details of the population at the appropriate geographic scale and an evaluation of how the proposed activity will affect the conservation status both before and after mitigation measures have been applied.
   ii. Full and detailed descriptions of proposed mitigation measures that are relevant to the potential impact on the target species. Evidence that such mitigation has been successful elsewhere should be provided, where available.
   iii. Applicants are advised to read the guidance published 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.3.

7) Monitoring the impacts of the derogations
   a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
   b. Applicants should provide details of proposed reports to be submitted to the NPWS including the results of monitoring.
   c. Applicants are advised to read the guidance published by the European Commission "Guidance document on the strict protection of animal species of Community interest under the Habitats Directive" with specific reference to Section 3.4.

Part F. Declaration

I declare that all of the foregoing particulars are, to the best of my knowledge and belief, true and correct. I understand that the deliberate killing, injuring, capturing or disturbing of protected species, or damage or destruction of their breeding sites or resting places or the deliberate taking or destroying of eggs is an offence without a derogation and that it is a legal requirement to comply with the conditions of any derogation I may be granted following this application. I understand that NPWS may visit to check compliance with a derogation.

Please note that under Regulation 5 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 an authorised officer may enter and inspect any land or premises for the purposes of performing any of their functions under these Regulations or for obtaining any information which they may require for such purposes.

Signature of the Applicant  **Date** 12/01/2026

Name in BLOCK LETTERS Eamonn Power

PRIVACY STATEMENT

See Privacy Statement at www.npws.ie/licences

npws.ie

Department of Housing, Local Government and Heritage

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Russell Environmental and Sustainability Services Limited

DUSK AND DAWN BAT SURVEY

CLONSHIRE DEVELOPMENTS LIMITED, BLOODMILL ROAD, TOWLERTON, LIMERICK

Dr Jane Russell-O'Connor 9th of January 2026

Russell Environmental & Sustainability Services Limited

Email [redacted]

Website: www.russellenvironmentalsustainability.com

1.0 Table of Contents

1. 1 SUMMARY

Site:	Greenfield site, hedgerows/treelines and scattered trees at Towlerton, Limerick.
Structure:	Hedgerows/Treeline, scattered trees and stream discharging into River Groody
Co-ordinates:	Longitude: -8.582345 Latitude: 52.655070
Bat Species Present:	Common pipistrelle *Pipistrellus pipistrellus* Soprano Pipistrelle *Pipistrellus pygmaeus* Leisler's Bat *Nyctalus leisleri* Daubenton's bat *Myotis daubentonii* Natterers bat *Myotis nattereri*
Roost Location:	Mature trees
Date:	Dawn and dusk on the 2nd and 3rd of May 2025
Issued Derogation Licence:	DER-BAT-2025-354

2.0 Introduction

2.1 Objective of the Proposed Works

A proposal to undertake planning for a Large-scale Residential Development at a greenfield site at Bloodmill Road, Towlerton, Limerick has resulted in a derogation licence application following a bat survey of the site, where there are 4 x diseased trees that require removal. This is a revised derogation licence as the original licence was granted from 19th of November 2025 until 31st of December 2025 (Licence No. DER-BAT-2025-354). Unfortunately, there was insufficient time to schedule the tree works, hence this report and derogation application have been written for an extension of the original application, which was applied for in June 2025, before the new form and specification.

As the trees are diseased they may be an issue for public safety if they were to remain as part of the proposed housing development. Further details of the trees and their current health are provided in Appendix v, the Arborist's Tree Report, where the four trees required to be removed have Ash die-back disease (See Figure 3).

2.2 Statement of Authority

Russell Environmental and Sustainability Services Limited (RESS Ltd.) was contracted by Clonshire Developments Limited, a subsidiary of Whitebox Limited to complete a bat survey.

Dr Jane Russell-O'Connor holds a PhD in Ecology and a Degree in Ecology and Environmental Science from the University of Wolverhampton as well as a HDip in Science. She has been working in private industry in Ireland for over 12 years providing ecological and environmental services to private developers, architects and engineers as well as local authorities, government agencies, the HSE and the Heritage Council. This has involved vegetation surveys, freshwater surveys, large mammal surveys (including otter) bat surveys, Stage 1 Screening for Appropriate Assessments, NIS, Ecological Impact Assessments, Biodiversity Plans and Environmental Impact Assessments (Biodiversity Chapter). She previously managed a nature reserve and country parks in the UK, where she was trained in bat surveying through the Bat Conservation Trust and conducted surveys as part of her roles as nature reserve manager/country park manager for Wolverhampton City Council and ranger for Northampton County Council. She has more recently completed and passed both the Bat Conservation Ireland online courses. She also lectures part-time in Ecology and Environmental Science at South East Technological University, has published in peer reviewed journals and presented research at international conferences. She has conducted bat surveys in a wide range of buildings and vegetation types.

Helena Slattery is a final year student at the University of Cork, on the Ecology and Environmental Biology degree course. She commenced working for RESS Ltd. In May 2025 and has been trained by Dr. Jane Russell-O'Connor. She conducted the June 2025 surveys under the supervision of Dr. Jane Russell-O'Connor and has completed and passed both the Bat Conservation Ireland online courses.

3.0 Background

3.1 Site Location

The site is located at Blood mill Road, Towlerton, Limerick. The Longitude is -8.582345 and the Latitude: 52.655070 (Google Earth, 2025).

The site has a stream to the west of the site that is bordered by a hedgerow/treeline with a number of mature trees of varying species. There is also a hedgerow/treeline on the southern boundary of the overall site with mature trees.

3.2 Site Description

Within the northern section of the site there is a partial bisecting hedgerow/treeline that contains a number of mature Ash *Fraxinus excelsior* trees (a number of the trees have been previously felled and left on the ground to facilitate services for adjacent developments). There are also two drainage ditches with scattered trees on the banks, mostly immature. The greenfield site is comprised of spoil from the adjacent sites and has at one time been cleared where vegetation has now begun to colonise. There are also numerous juvenile willow trees, predominantly Grey willow *Salix cinerea,* that have also colonised the site. The stream discharges into the River Groody, that in turn discharges into the River Shannon (Figure 1), which is designated as the Lower River Shannon SAC and down river, the River Shannon and River Fergus Estuaries SPA.

As part of the development there will be a 20m buffer zone between the stream and the development to facilitate any wildlife in this area and to maintain the riparian zone.

Figure 1. Site location and relationship with European Sites and the Flow network

3.3 Brief Description of the Site from the Perspective of Bats

The site is located in a new development zoned urban area of Limerick City adjacent to a new Lidl supermarket, private hospital with laboratory facility and secondary school. The area adjacent to the stream will remain as a buffer zone for the newly proposed housing development (Figure 2), that will be left for wildlife to maintain a wildlife corridor to nearby green areas. The site is adjacent to the newly finished Bloodmill Road (on either side) and although surrounded by an open field and two drainage ditches, is also surrounded by residential housing and the aforementioned developments.

There are *WL1/WL2 hedgerows/treelines* at the southern and western boundary of the site (Fossitt, 2000) which contain mature trees such as White willow *Salix alba*, Hawthorn *Crataegus monogyna,* Black poplar *Populus nigra* and Ash *Fraxinus excelsior,* Wych elm *Ulmus glabra* all providing suitable habitats for roosting and foraging bats. The predominant habitat type on this site is *ED3/GS4 Recolonising Bare Ground/Wet grassland Mosai.* There were *WD5 scattered trees* toward the western boundary of the site, which are juvenile Grey willow *Salix cinerea.* The trees in the southern and western boundary will remain untouched as part of the proposed development.

Running through the site is a *WL1/WL2 hedgerow/treeline* bisecting boundary that runs west to east through the site, containing mature Ash trees *Fraxinus excelsior.*.

The site as a whole and the associated watercourses provide suitable habitats for foraging. Figures 3 and 4 show the location of the trees to be removed and the already partially removed hedgerow/treeline. Figure 5 shows the habitats within the site.

Figure 2 Proposed development layout (Whitebox, 2025)

Figure 3 Partial Hedgerow/treeline where the trees are located as 1, 2 3 and 4 (3 has 2 main trunks)

Figure 4 shows the section that was removed by previous owners

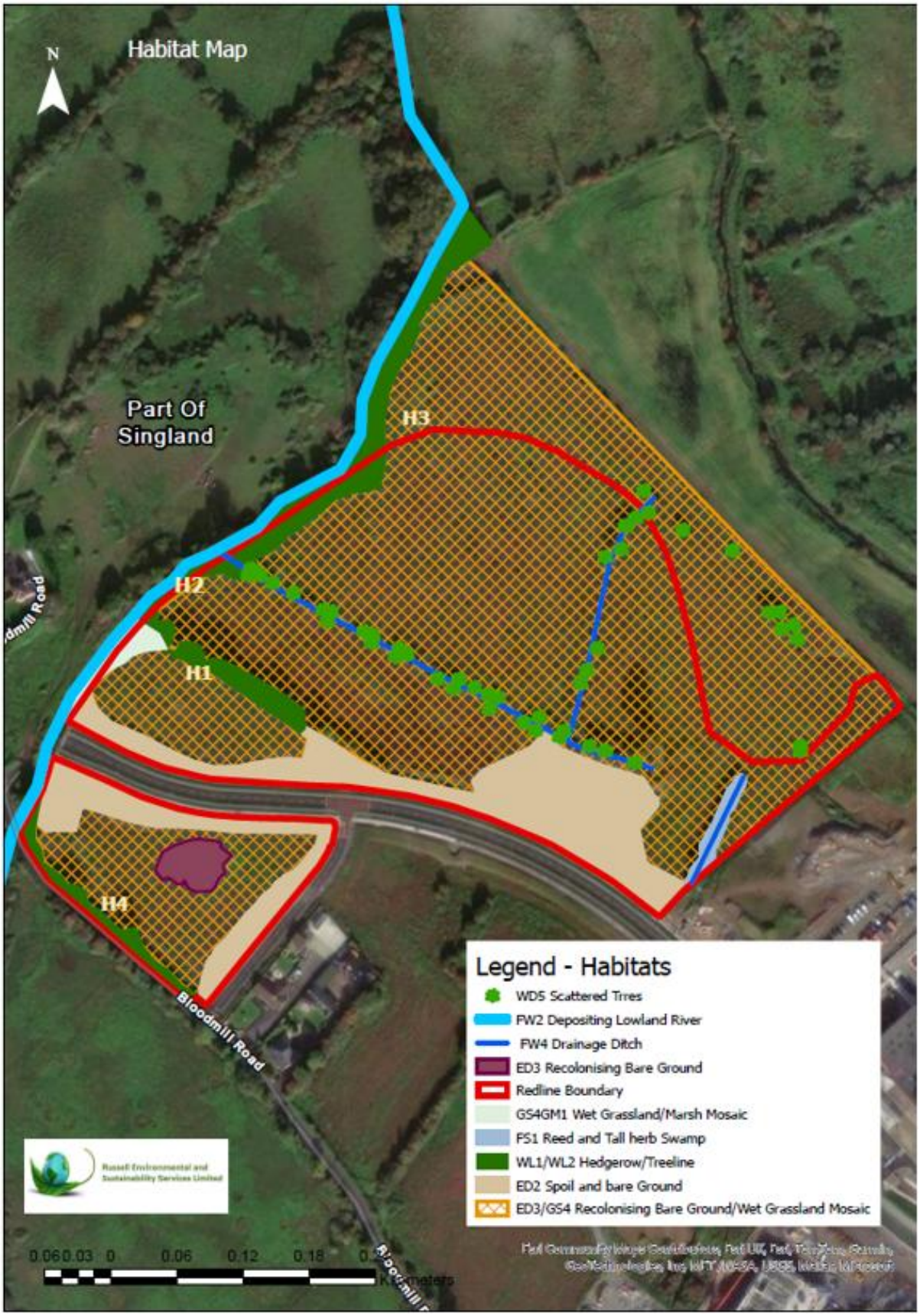


Figure 5 Habitat map showing H1 where the 4 trees are located

4.0 Bat Survey

4.1 Pre-existing Information on Species Location and Environs

The location of the subject site is within the 2km grid square 65D. Figures 6, 7 and 8 show the distribution of the three species found in the subject hedgerow/treeline within the vicinity of the site (Biodiversity Ireland, 2026).

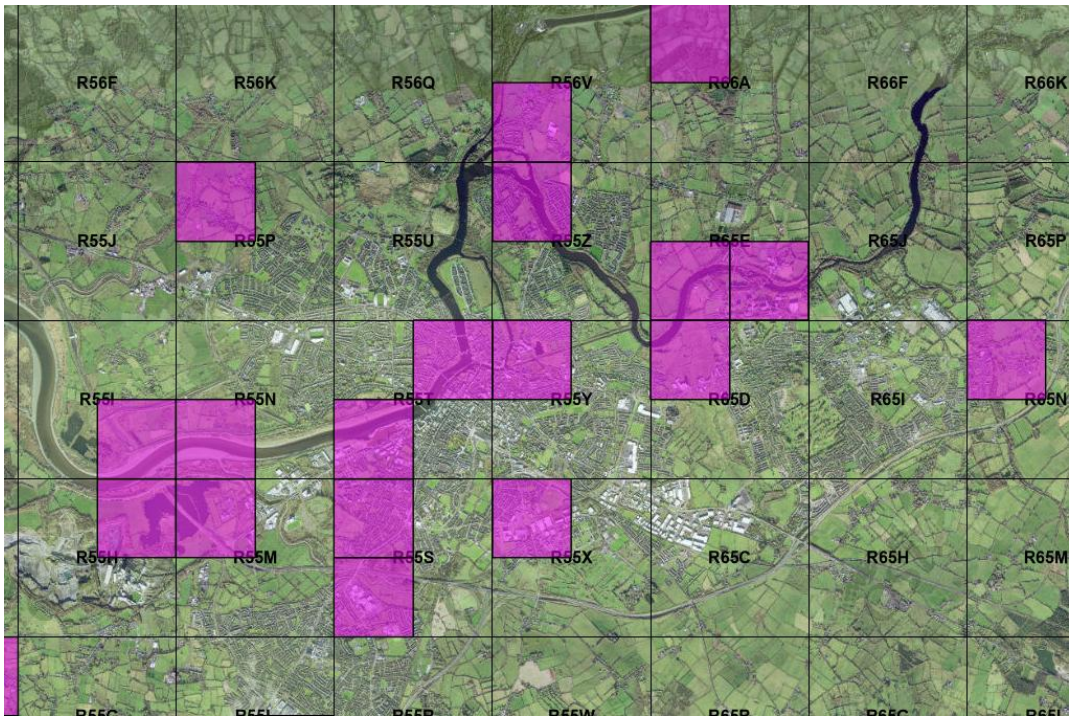


Figure 6 Distribution of Common pipistrelle (Pipistrellus pipistrellus) in the vicinity (Biodiversity Ireland, 2026)

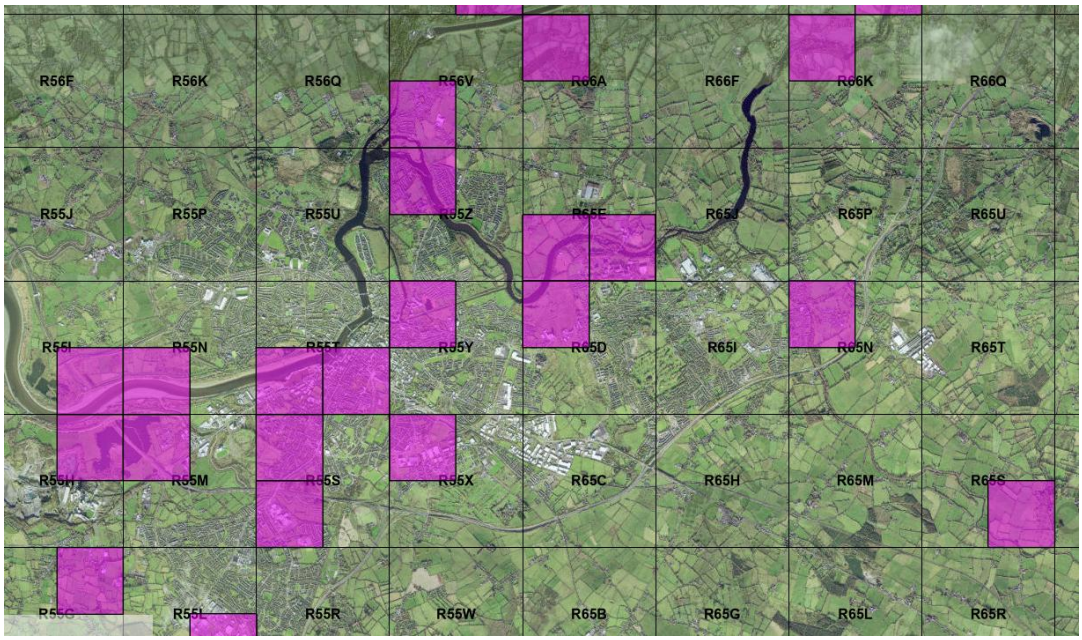


Figure 7 Distribution of Soprano pipistrelle (Pipistrellus pygmaeus) in the vicinity (Biodiversity Ireland, 2026)

The most recent records for Common pipistrelle and Soprano pipistrelle was in 2019 recorded in Grid R6058 at Plassey, County Limerick (Biodiversity Ireland, 2026).

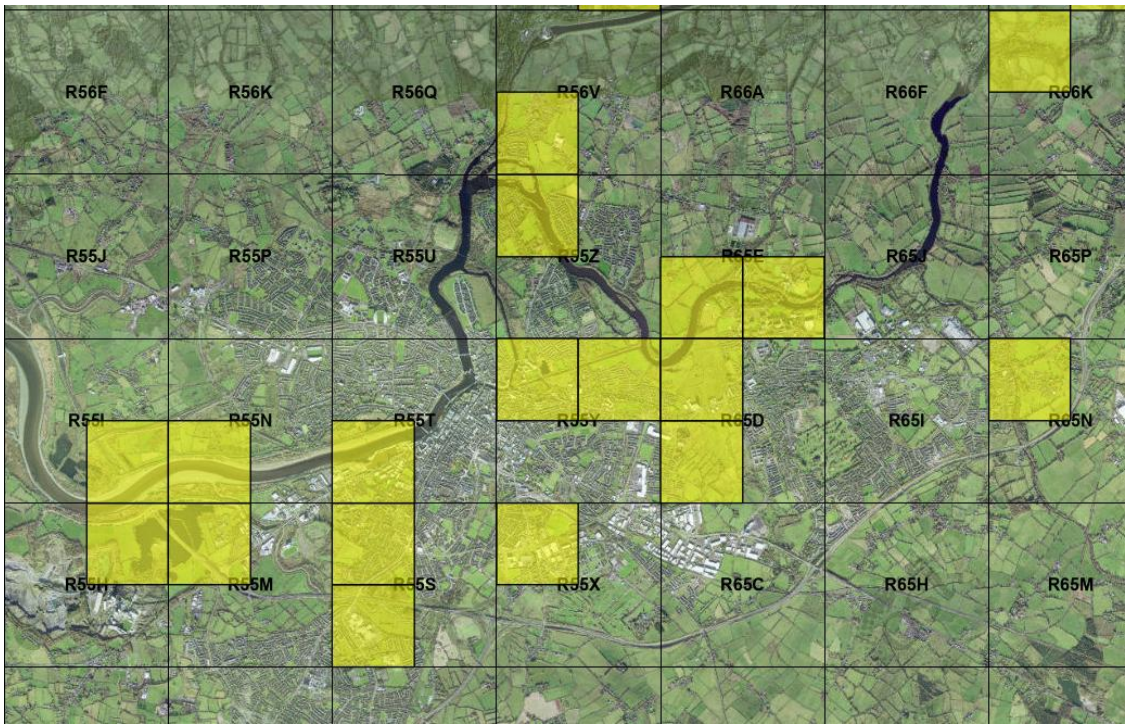


Figure 8 Distribution of Leisler's bat (Nyctalus leisleri) in the vicinity (Biodiversity Ireland, 2026)

The most recent records for Leisler's bat was in 2019 recorded in Grids R6058 and R6056 at Plassey, County Limerick (Biodiversity Ireland, 2026).

4.2 Objective of the Survey

The surveys that were carried out were conducted to inform the design of the development and as part of the Biodiversity Chapter for the EIAR that was part of the planning application for the LRD.

4.3 Survey Methodology

Survey of fauna was carried out by means of a thorough search within the hedgerow/treelines on site as well as the more open areas and the stream. The survey methodology was undertaken in accordance with those set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2023).

During the dusk and dawn surveys a SSF Bat 2 heterodyne, ultrasonic detector and an Echo Meter Touch 2 Pro (for Android) Bat detector with software app on Samsung Galaxy were used. An Echo Meter Touch 2 Pro (for iPhone) with associated software app, was also used.

A SSF Bat 2 Fledermaus Detector was also used at a range of different frequencies.

A DS300 Depstech Digital Borescope, fibre optic, inspection camera was also used to look into small cavities, where necessary.

Vantage points where adjacent to the hedgerow/treeline along the Lacken Road.

The nature and type of habitats present are also indicative of the species likely to be present.

A digital camera was used to document items of interest.

4.3.1 Survey Constraints

The survey was carried out by means of a thorough examination of the site. There were no climatic and seasonal constraints regarding survey as it was undertaken within the active season. The temperature during the dusk survey was 15° Celsius and during the dawn survey 8° Celsius. The dusk survey commenced at 9.20pm and was completed at 10.30pm. The dawn survey commenced at 5.00am and was completed at 6.00am. There was no rain during the survey.

5.0 Ecological Survey and Site Assessment

In the survey conducted during the dusk of 2nd of May and the dawn of the 3rd of May 2025 (Appendix iii), there was evidence of roosting sites on the North West boundary containing Ash *Fraxinus excelsior*, Black poplar *Populus nigra*, Hawthorn *Crataegus monogyna*, and White willow *Salix alba*, in the South East boundary containing Sycamore *Acer pseudoplatanus*, Ash *Fraxinus excelsior* and Wych elm *Ulmus glabra*, the bisecting hedgerow that runs from South East to North West containing Ash *Fraxinus excelsior* and the adjacent treeline to the bisecting hedgerow containing White willow *Salix cinerea*.

5.1 Indication of Significance of the Site for Bats

The sonar results identified that five species of bat were using the hedgerow/treeline, stream and bisecting hedgerow for foraging at the time of the survey. Although some species were recorded on the wider site, the greatest concentration of activity was along the hedgerow/treeline adjacent to the stream and the hedgerow that runs from west to east through the northern section of the site. The species recorded on site were Common Pipistrelle *Pipistrellus pipistrellus,* Soprano Pipistrelle *Pipistrellus pygmaeus*, Leisler's Bat *Nyctalus leisleri,* Daubenton's bat *Myotis daubentonii* and Natterers bat *Myotis nattereri*. The activity from the sonar recordings is shown Appendix iii. However Common Pipistrelle *Pipistrellus pipistrellus,* Soprano Pipistrelle *Pipistrellus pygmaeus*, and Leisler's Bat *Nyctalus leisleri* were the only species using the four trees in the hedgerow/treeline to be removed, for both foraging and roosting.

Throughout dusk and dawn, the hedgerow/treelines were observed for emergence and re-re-entry of bat species. Soprano pipistrelle *Pipistrellus pygmaeus*, Common

Pipistrelle *Pipistrellus pipistrellus* and Leisler's Bats *Nyctalus leisleri* were seen to emerge from and re-enter the mature trees in the hedgerows/treelines thus indicating that trees within these habitats are used for daytime roosting (Figure 9).

Daubenton's bat *Myotis daubentonii* was recorded flying over the stream and Natterers bat *Myotis nattereri* were recorded on the wider site as well as in the southern boundary hedgerow/treeline.

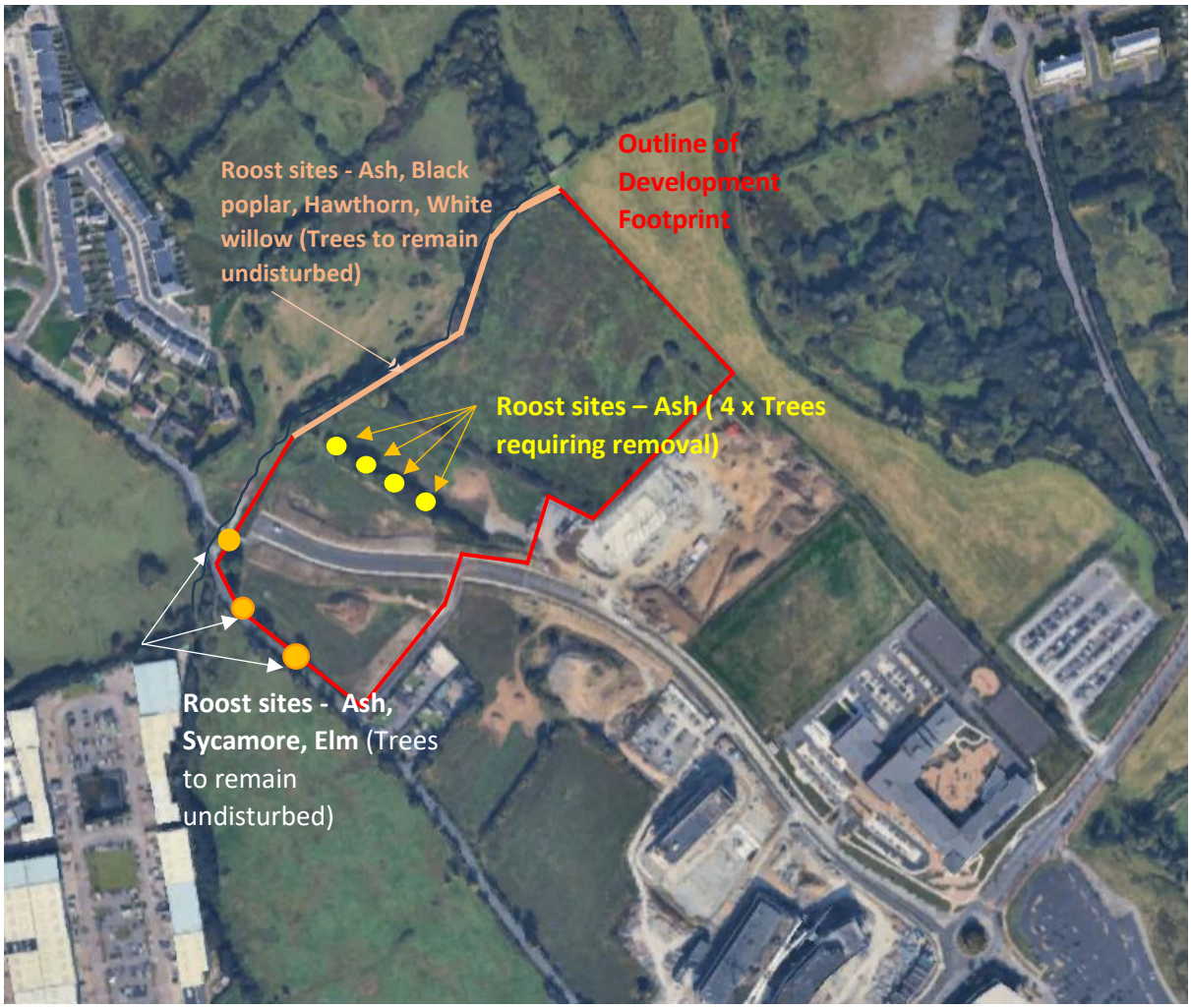


Figure 9 Roost locations

Within the greenfield site, several species were recorded via the bat detectors; these are detailed in Table 1.

Bat Species	Approximate Number *	Status on Site
Common Pipistrelle *Pipistrellus pipistrellus*	**38 (19)**	Present in hedgerows/treelines and open areas. Roosting in mature trees in the hedgerows/treelines
Soprano Pipistrelle *Pipistrellus pygmaeus*	**12 (6)**	Present in hedgerows/treelines and open areas. Roosting in mature trees in the hedgerows/treelines

Leisler's Bat *Nyctalus leisleri*	**49 (25)**	Present in hedgerows/treelines and open areas. Roosting in mature trees in the hedgerows/treelines
Daubenton's bat *Myotis daubentonii*	**1**	Present in the environs over the stream
Natterer's bat *Myotis nattereri*	**17 (9)**	Present in the hedgerows/treelines and roosting in the Wych elm in the southern boundary treeline/hedgerow

Table 1 Species and numbers recorded on site.

** Please note that the numbers represent all the recordings from both dusk and dawn and due to the crossing back and forth of individuals the numbers may be much lower, as many individuals may have been recorded more than once. In addition the same individuals roosting on the site are likely to have been recorded once at dawn and then again at dusk. Hence more realistic figures are shown in brackets.*

5.2 Legal Status and Conservation Issues – Bats

All Irish bat species are protected under the Wildlife Act (1976) and Wildlife Amendment Act (2000). Also, the EC Directive on The Conservation of Natural habitats and of Wild Fauna and Flora (Habitats Directive 1992), seeks to protect rare species, including bats, and their habitats and requires that appropriate monitoring of populations be undertaken. Across Europe, they are further protected under the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1982), which, in relation to bats, exists to conserve all species and their habitats. The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention 1979, enacted 1983) was instigated to protect migrant species across all European boundaries. The Irish government has ratified both these conventions.

All bats are listed in Annex IV of the Habitats Directive and the lesser horseshoe bat is further listed under Annex II.

6.0 Evidence to Support the Derogation Tests

As three species of bat were roosting in the trees (Common Pippistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus* and Leisler's Bat *Nyctalus leisleri*) the work required to remove the bisecting hedge and the four mature trees within it **requires a derogation licence** and any works to the bisecting hedge containing mature trees will only be permitted once a license is secured.

Test 1: The reason for the derogation is (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

i) In the interests of public health and public safety:

The bisecting hedgerow is in the footprint of the development and will therefore require removal because the trees have Ash die-back and if left, there is a potential risk of boughs or trees falling on users and occupiers of the development.

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:

This housing is a development that is within the zoned residential area for Limerick City as part of the Limerick City Council Development Plan (2022-2028) to provide housing for the City. The planning application for the proposed development includes an EIAR, Stage 1 Screening for Appropriate Assessment and Natura Impact Assessment, which has considered the impacts on bats and their habitats..

Test 2 Absence of a Satisfactory Alternative Solution

Table 2 details the alternative solutions and illustrates that these are unsatisfactory

Alternative Solution	Reasons for "Unsatisfactory"
Do-Nothing If the proposed trees were not removed then the ash dieback disease would develop further which would lead to their death and loss of roosts.	Unsatisfactory as this would ultimately result in further disease and death of the trees and thus the roost sites would be lost
Furthermore, if the trees are not removed then there is a risk of boughs and the trees themselves falling on residents of the proposed housing development.	Unsatisfactory as there may be danger to human health

Table 2 Alternative Solutions

Test 3 Impact of a Derogation on Conservation Status

Given that the tree works required to remove four mature trees, it is unlikely that the population of either species will be affected permanently as there are nearby trees that are established roosts, very close providing opportunities for the individuals to relocate. The design of the development took into consideration the Guidelines for Lighting for Bats (Bat Conservation Trust, 2023; Kelleher, C. & Marnell, F., 2006) and colour temperatures for street lighting are less than or equal to 2700K with hoods to prevent light spill. The green belt that has been designed as part of the development would have previously been part of grazed fields and will be enhanced with additional native planting to provide a more biodiverse wildlife corridor that connects to the Groody River Blue/Greenway

However, what is essential is that the works be carried out before the hibernation period so the bats do have an opportunity to relocate/ or towards the end of the hibernation period.

7.0 Monitoring the Impacts of the Derogation

No works should be carried out until a derogation licence is secured.

7.1 Mitigation Measures

To protect the bats present in the treeline/hedgerow the following mitigation measures must be implemented:

Measure 1: timing of maintenance/removal works

Work must be undertaken outside of maternity period (1st of May to 31st of August) (See Figure 10).

Measure 2: Tree works
Tree works are to be carried out by a licenced tree surgeon and under the supervision of a qualified ecologist.

Any cutting of branches/trunks shall be done carefully with the possibility that individual bats may be found. If discovered, the animals shall be retained in a box until dusk and released on site.

Any branches that are cut should be sectioned and are to remain on the ground for up to 4 days to allow any bats contained within in them to move to another roost site.

Measure 3: rodenticides
No rodenticide usage in or near the hedgerow/treeline.

Measure 4:
All construction activities near the hedgerow/treeline should only take place during daylight hours.

Measure 5:
Any lighting used for construction should be directed away from the hedgerow/treelines and stream.

Measure 6: bat boxes
Bat boxes are suitable for all species of bats found in the environs and may be erected on trees.

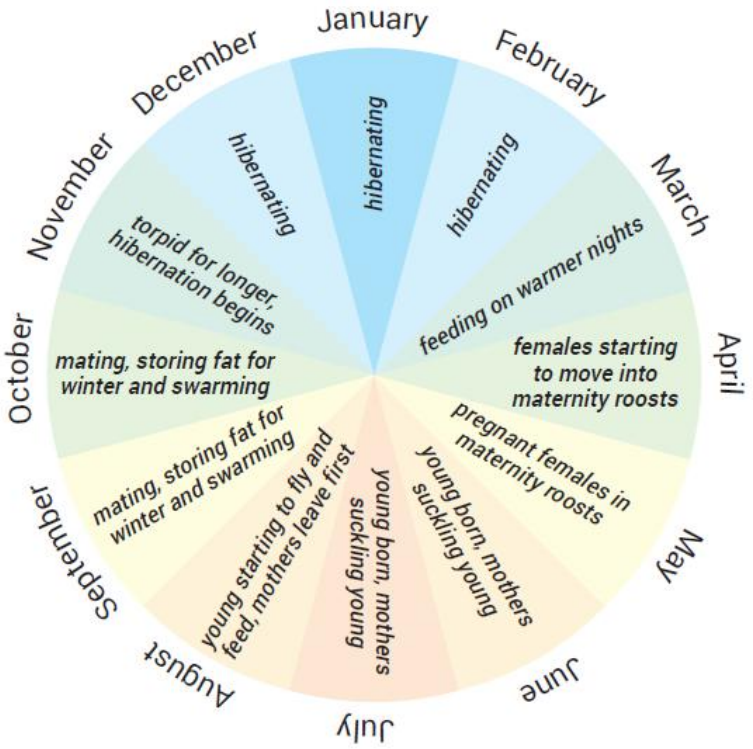


Figure 10 Bat life cycle (Collins, 2023)

7.2 Monitoring and Verification of the Derogation

As detailed in Mitigation Measure 1, the timing of the works will be when there are no young or pregnant females roosting.

Furthermore, as detailed in Mitigation measure 2, a qualified ecologist will be present on the site throughout the tree works to ensure that they are carried out correctly.

Following the completion of the tree works, a further dusk and dawn survey should be completed for the nearby hedgerow/treeline adjacent to the stream to ensure that the numbers of individuals for each species have not been permanently affected by the tree works. The findings of this survey will be submitted to NPWS.

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Appendices

Appendix i Bat Ecology – General

The bat is the only mammal that is capable of true flight. There are over 1,100 species worldwide, representing almost a quarter of all mammal species. There are 47 species in Europe - in Ireland, ten species of bat are currently known to exist, which are classified into two families, the *Rhinolophidae* (Horseshoe bats) and the *Vespertilionidae* (Common bats).

Prey

All the European bat species feed exclusively on insects. A Pipistrelle, weighing only 4 to 8 grams, will eat up to 3000 insects every night, ensuring a build-up of fat in the bat's body to allow it to survive the winter deep in hibernation.

Breeding and longevity

Irish bats can produce one young per year but, more usually, only one young is born every two years (Boyd & Stebbings, 1989). This slow rate of reproduction inhibits repopulation in areas of rapid decline. Although bats have been known to live for twenty or more years, this is rare as most die in their first and the average lifespan, in the wild, is four years.

Threats

All bat species are in decline as they face many threats to their highly developed and specialised lifestyles. Many bats succumb to poisons used as woodworm treatments within their roosting sites (Racey & Swift, 1986). Agricultural intensification, with the loss of hedgerows, treelines, woodlands and species-rich grasslands have impacted bat species also. Habitual roosting or hibernation sites in caves, mines, trees and disused buildings are also often lost to development. Summer roosts are prone to disturbance from vandals. Agricultural pesticides accumulate in their prey, reaching lethal doses (Jefferies, 1972). Chemical treatments in cattle production sterilise dung thus ensuring that no insects can breed within it to be fed upon by bats. Likewise, river pollution, from agricultural runoff, reduces the abundance of aquatic insects. Road building, with the resultant loss of foraging and roosting sites is a significant cause in the reduction of bat populations across Europe.

Extinction

As recently as 1992, the greater mouse-eared bat *Myotis myotis* became the first mammal to become extinct in Britain since the wolf in the 18th century.

Appendix ii Description of Bat Species in Ireland

Common pipistrelle *Pipistrellus pipistrellus*

This species was only recently separated from its sibling, the soprano or brown pipistrelle *P. pygmaeus*, which is detailed below (Barratt *et al*, 1997). The common pipistrelle's echolocation calls peak at 45 kHz. The species forages along linear landscape features such as hedgerows and treelines as well as within woodland.

Soprano pipistrelle *Pipistrellus pygmaeus*

The soprano pipistrelle's echolocation calls peak at 55 kHz, which distinguishes it readily from the common pipistrelle on detector. The pipistrelles are the smallest and most often seen of our bats, flying at head height and taking small prey such as midges and small moths. Summer roost sites are usually in buildings but tree holes and heavy ivy are also used. Roost numbers can exceed 1,500 animals in mid-summer.

Nathusius' pipistrelle *Pipistrellus nathusii*

Nathusius' pipistrelle is a recent addition to the Irish fauna and has mainly been recorded from the north-east of the island in Counties Antrim and Down (Richardson, 2000) and also in Fermanagh, Longford and Cavan. It has also recently been recorded in Counties Cork and Kerry (Kelleher, 2005). However, the known resident population is enhanced in the autumn months by an influx of animals from Scandinavian countries. The status of the species has not yet been determined.

Leisler's bat *Nyctalus leisleri*

This species is Ireland's largest bat, with a wingspan of up to 320mm; it is also the third most common bat, preferring to roost in buildings, although it is sometimes found in trees and bat boxes. It is the earliest bat to emerge in the evening, flying fast and high with occasional steep dives to ground level, feeding on moths, caddis-flies and beetles. The echolocation calls are sometimes audible to the human ear being around 15 kHz at their lowest. The audible chatter from their roost on hot summer days is sometimes an aid to location. This species is uncommon in Europe and as Ireland holds the largest national population the species is considered as Near Threatened here.

Brown long-eared bat *Plecotus auritus*

This species of bat is a 'gleaner', hunting amongst the foliage of trees and shrubs, and hovering briefly to pick a moth or spider off a leaf, which it then takes to a sheltered perch to consume. They often land on the ground to capture their prey. Using its nose to emit its echolocation, the long-eared bat 'whispers' its calls so that the insects, upon which it preys, cannot hear its approach (and hence, it needs oversize ears to hear the returning echoes). As this is a whispering species, it is extremely difficult to monitor in the field as it is seldom heard on a bat detector. Furthermore, keeping within the foliage, as it does, it is easily overlooked. It prefers to roost in old buildings.

Natterer's bat *Myotis nattereri*

This species has a slow to medium flight, usually over trees but sometimes over water. It usually follows hedges and treelines to its feeding sites, consuming flies, moths, caddis-flies

and spiders. Known roosts are usually in old stone buildings but they have been found in trees and bat boxes. The Natterer's bat is one of our least studied species and further work is required to establish its status in Ireland.

Whiskered bat *Myotis mystacinus*

This species, although widely distributed, has been rarely recorded in Ireland. It is often found in woodland, frequently near water. Flying high, near the canopy, it maintains a steady beat and sometimes glides as it hunts. It also gleans spiders from the foliage of trees. Whiskered bats prefer to roost in buildings, under slates, lead flashing or exposed beneath the ridge beam within attics. However, they also use cracks and holes in trees and sometimes bat boxes. The whiskered bat is one of our least studied species and further work is required to establish its status in Ireland.

Brandt's bat *Myotis brandtii*

This species is known from five specimens found in Counties Wicklow (Mullen, 2007), Cavan, and Clare in 2003, a specimen in Kerry in 2005 (Kelleher, 2006b) and another in Tipperary in 2006 (Kelleher, 2006a). No maternity roosts have yet been found. It is very similar to the whiskered bat and cannot be separated by the use of detectors. Its habits are similar to its sibling.

Daubenton's bat *Myotis daubentonii*.

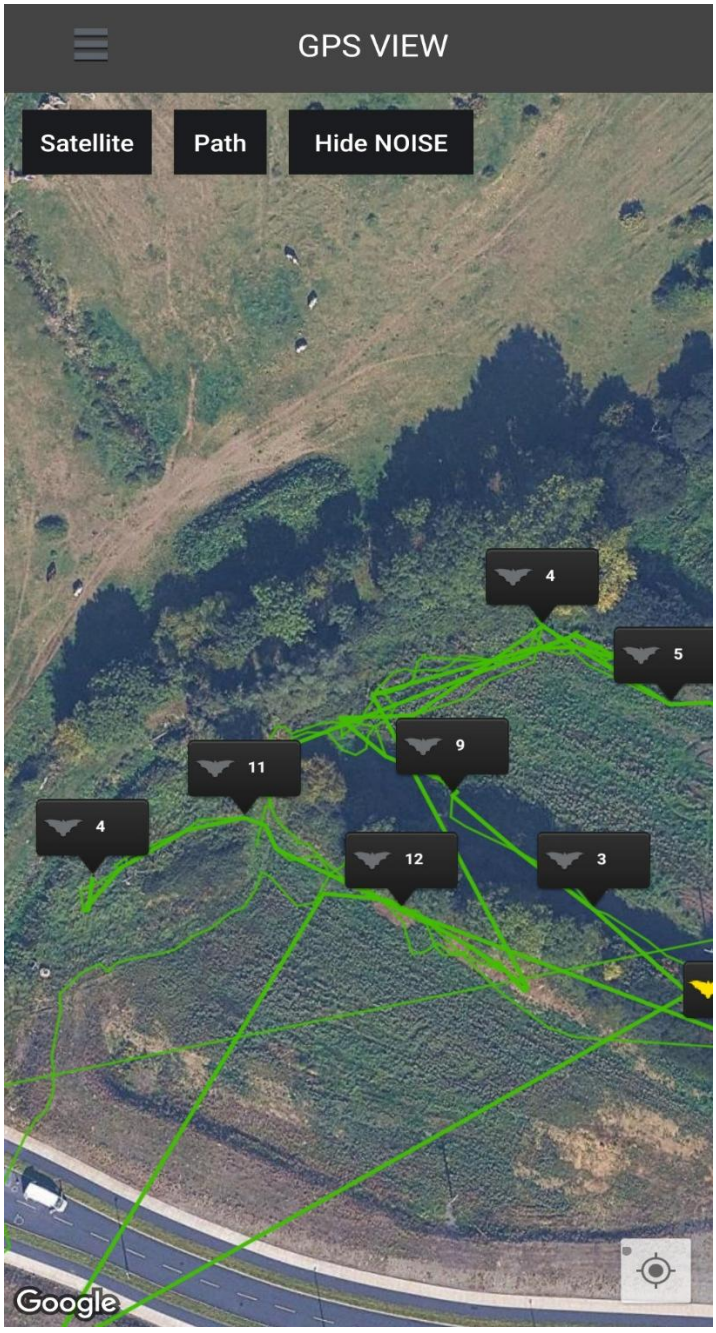
Often called the 'water bat', this species is easily recognised in flight by its low, level flight a few centimetres above the surface of lakes, slow-moving rivers and canals. It skims like a hovercraft above the water in search of caddisflies, mayflies and midges, and may even scoop prey from the water surface using its big feet. Many other bats feed over lakes and rivers, but none has such a close association with water as the Daubenton's. The Daubenton's bat can even swim if it makes a mistake and ends up in the water. Daubenton's bats roost under stone bridges, in ruins, canal tunnels, trees and damp caves.

The Daubenton's bat annual trend is monitored using a volunteer-based programme – the All-Ireland Daubenton's Bat Waterways Survey. This scheme has been ongoing since 2006 and the Daubenton's bat trend has been reasonably stable since this time.

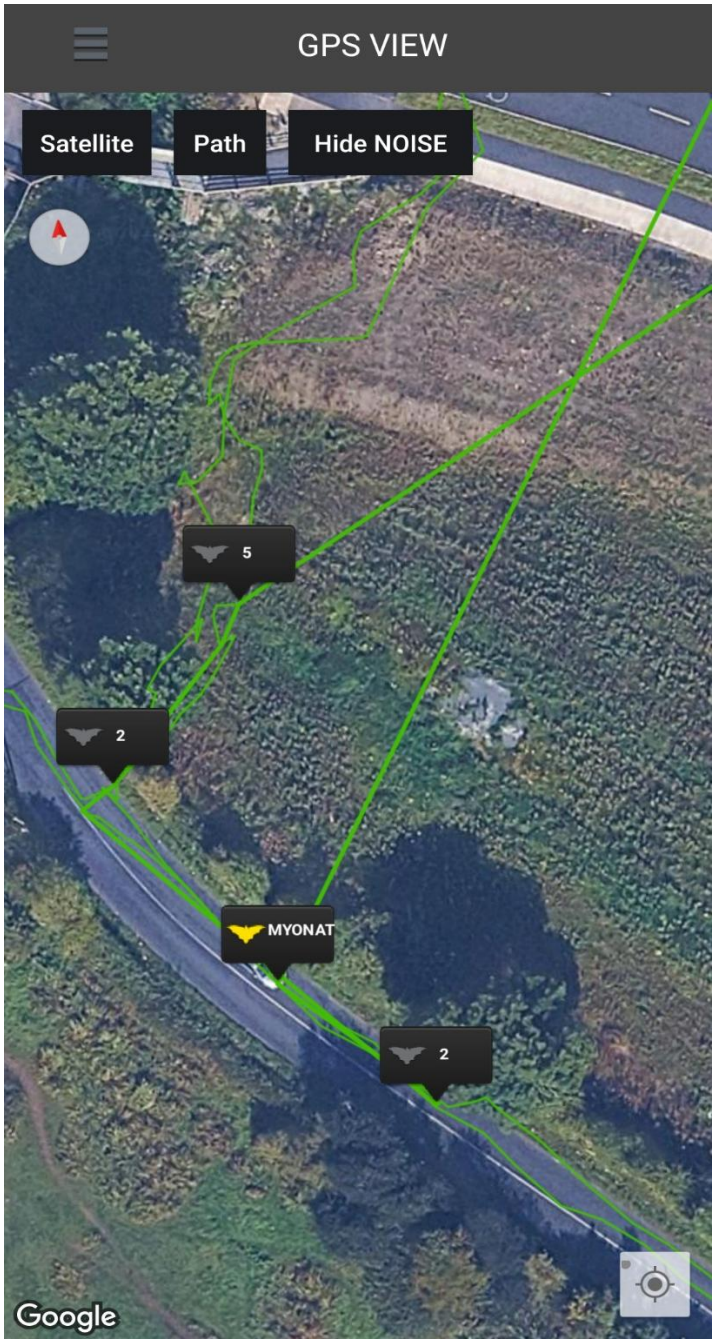
Appendix iii – Sonar Readings

Sonar readings for the whole site. Zoom in is required for individual species

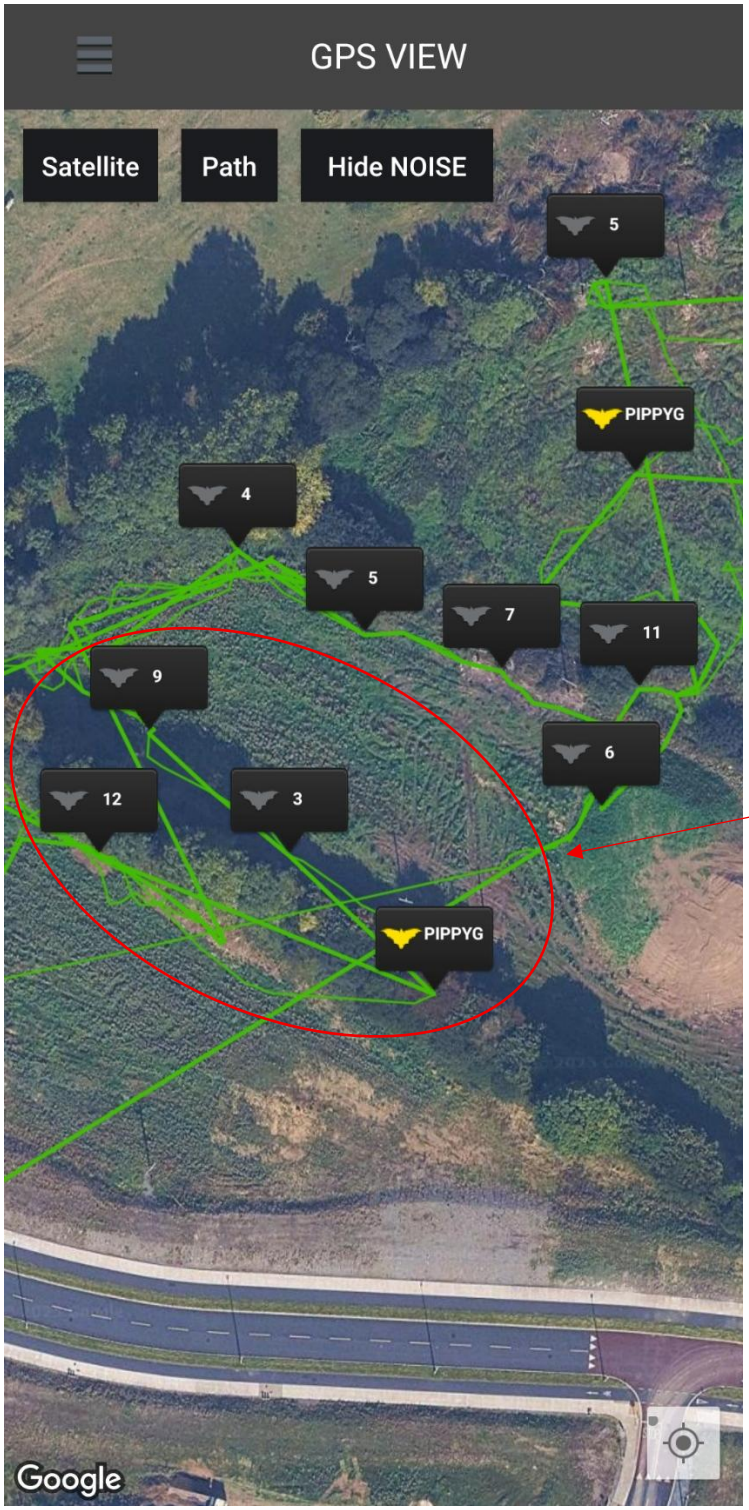
***There was a technical issue in obtaining GPS data from the second survey however figures from the 2 surveys are added in table 1*



Sonar recordings zoomed in on the Northwest boundary of the site



Sonar recordings zoomed in on the southwest boundary of the site. Myonat are Natterers bat



Area in circle shows sonar readings for bats roosting in the trees to be removed – count 25. Note that these readings are for both dawn and dusk so individuals may have been counted twice, once at dawn and once at dusk, hence 12-13 would be a more realistic number

Sonar readings zoomed in on the bisecting hedgerow and adjacent treeline. Pippyg are Soprano pipistrelle

Appendix iv – Photographic Record

Figure 1 Ash *Fraxinus excelsior – bat roosts in bisecting hedge*

Figure 2 Boundary hedge to the south – treeline by stream

Figure 3 stream adjacent to the bisecting hedgerow, photograph taken on the 2nd of May 2025

Appendix v Trees for removal – T457, T458, T459 and T460

230820 - Towlerton Limerick

Tree ID	No.	Species	Height (m)	Stem diameter (cm)	No. of Stems	CROWN SPREAD (m) N	NE	E	SE	S	SW	W	NW	Crown clearance (m)	L.B. (m)	Life stage	Condition Notes	Survey date	RPA (m^2)	RPR (m)	Life expectancy (yrs)	BS Category
Group G39		Salix caprea (Goat Willow/Great Sallow)	7.0	15 AVE	1									0.0		Early Mature	Structural condition Fair. Physiological condition Fair. Neighbouring group of hawthorn and ash. Access to inspect in detail is restricted as they are located on the far side of the stream. Height and stem diameter are average for group. Quantities not recorded, only species mix.	28/05/2025	10.2	1.8	10-20	C2
	1	Fraxinus excelsior (Ash)																				
	1	Crataegus monogyna (Common Hawthorn/Quick/May)																				
Tree T457	1	Fraxinus excelsior (Ash)	13.5	40	1	3.5		5.5		6.0		3.0		2.5		Early Mature	Structural condition Poor. Physiological condition Poor. Die-back - Throughout crown. Decline - Evident / observed. Deadwood - Major. Tree is infected with ash dieback.	28/05/2025	72.4	4.8	0-10	U
Tree T458	1	Fraxinus excelsior (Ash)	16.0	45	1	5.0		4.0		7.5		5.0		2.0		Early Mature	Structural condition Fair. Physiological condition Fair. Die-back - Upper crown. Ivy or climbing plant. Unable to inspect tree closely due to dense scrub. Tree is infected with ash dieback.	28/05/2025	91.6	5.4	10-20	C2
Tree T459	1	Fraxinus excelsior (Ash)	16.0	45	1	7.0		3.5		9.0		7.0		1.5		Early Mature	Structural condition Fair. Physiological condition Fair. Access to inspect base - Not possible. Competition - Adjacent trees. Die-back - Upper crown. Ivy or climbing plant. Suppressed crown - Minor. Unbalanced crown - Minor. Unable to inspect tree closely due to dense scrub. Tree is infected with ash dieback.	28/05/2025	91.6	5.4	10-20	C2
Tree T460	1	Fraxinus excelsior (Ash)	15.0	55 COM	5	5.5		5.0		5.0		4.0		1.0		Early Mature	Structural condition Fair. Physiological condition Fair. Coppice stool - Coppice origin / Mature stems. Die-back - Upper crown. Ivy or climbing plant. Multi-stemmed. Unable to inspect tree closely due to dense scrub. Tree is infected with ash dieback.	28/05/2025	141.4	6.7	10-20	C2

Stem green Estimated value
Stem AVE Average stem diameter for tree groups
Stem COM Combined stem diameter in accordance with BS5837
L.B. Height of lowest branch attachment (m) - where relevant

The survey information in this schedule has been gathered following a BS5837 survey for planning purposes. Where hazardous trees have been noted recommendations for works may have been made but this survey cannot be relied upon as a full health and safety assessment of the trees.

Generated By MyTREES tree management software

Printed on 29/05/25 (BS5837 Tree Schedule (with recs) - tables)