

# Application for Derogation Under the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021

Supplementary Information provided by Daniel Buckley, District Conservation Officer, Kerry South on January 2026

## Background

This application for a Derogation Licence is required in order for the NPWS Regional staff (Conservation Rangers and District Conservation Officer) in the Kerry Region to monitor Bat populations and also to carry out roost visits to assist bat roost owners with conflict issues.

## Evidence to support the Derogation Tests

### Test 1 - Reason for Derogation

A derogation is being sought under *Reason 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.* These proposed bat surveys will help to fulfil the Department's monitoring requirements under Article 11 of the Habitats Directive and are necessary to underpin our Article 17 conservation status assessments. Roost counts for lesser horseshoe bat will be collected using the Lesser Horseshoe Bat Roost Monitoring application. This will require inputting the results of each of the counts and identifying any Pressures and Threats to each roost.

The Lesser Horseshoe Bat species action plan 2022 – 2026 (NPWS & VWT (2022) Lesser Horseshoe Bat Species Action Plan 2022- 2026. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland) Action 4.1h states: "4.1h ACTION: Continue monitoring winter and summer roosts annually and keep the national database up to date. WHO: NPWS, VWT, NPWS database contractor WHEN: Annually"

### Test 2 - Absence of Alternative Solutions

Generally there is no effective alternative to entering roosts as it is required to confirm species and count the number of bats. In some situations emergence counts will be conducted where internal access is not possible or it is not feasible to do a count due to the large numbers of bats present to minimise disturbance. However, it would not be possible to carry out emergence counts on all bat roosts as multiple roosts can be counted during daylight hours, while emergence counts require significant resources in terms of time and no. of staff required. Emergence counts are no possible for winter counts as the bats will be in torpor. The only alternative, would be to not carry out surveys and monitoring and this would not be in the interests of bat conservation as we would not have population trend data.

### Test 3 - Impact of a derogation on Conservation Status

There should be no negative impact on bat populations as a result of the proposed survey and monitoring work being undertaken. Bat roost surveys will adhere to guidance as set out in Marnell,

F., Kelleher, C. & Mullen, E. (2022) and the Department's guidance on the Strict Protection of Annex IV species. The methodology for monitoring lesser horseshoe bat roosts is described in Irish Bat Monitoring Programme 2018-2021 (Aughney, T., Roche, N. and Langton, S. (2022) Irish Bat Monitoring Programme 2018-2021.) Irish Wildlife Manuals, No. 137. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland. No suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations to monitor winter roosts annually.

The staff listed in the attached application are trained and experienced bat surveyors. Any inexperienced bat surveyors will be accompanied and supervised by an experienced bat surveyor. All applicants are familiar with the Department's Bat Mitigation Guidelines (2022) and the Department's guidance on the Strict Protection of Annex IV species. They will follow the NPWS roost survey protocol at all times.

### **Bat Roost Survey Protocol to ensure minimisation of disturbance to bats**

For unknown roosts

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

For known/suspected roosts

- a. Generic measures to include:
  - i. Avoid using roost illumination apart from torches.
  - ii. Talking in low tone is preferred to whispering.
  - iii. Bats seen in situ should be counted where possible and then left alone.
  - iv. Handling of bats to confirm identification is only used as a last resort and is subject to separate licencing under the Wildlife Acts (S.23).
  - v. Samples of droppings, dead bats etc may be removed to facilitate species identification.
  - vi. Care to be taken to avoid cooling or warming effects as described below.

### **Monitoring the impacts of the derogations**

Ongoing monitoring of bat numbers at sites regularly visited by NPWS staff will determine if the above survey protocols are ensuring that bats are not being disturbed.

### **References**

Aughney, T., Roche, N. and Langton, S. (2022) Irish Bat Monitoring Programme 2018-2021. Irish Wildlife Manuals, No. 137. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

Marnell, F., Kelleher, C. & Mullen, E. (2022) Bat mitigation guidelines for Ireland v2. Irish Wildlife Manuals, No. 134. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

NPWS & VWT (2022) Lesser Horseshoe Bat Species Action Plan 2022- 2026. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.