

Wildlife Licensing Unit
National Parks and Wildlife Service (NPWS)
Department of Housing, Local Government and Heritage
90 North King Street
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Dublin 7
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reg54derogations@npws.gov.ie

29th January 2026

Dear Sir/Madam,

RE: Application to renew Bat Derogation Licence DER-BAT-2025-361

Proposed Housing Development site at Ballymaley and Ballycorey, Gort Road, Ennis, Co Clare (Planning Ref. P24/60667).

On behalf of Custy Construction Ltd., Ecofact Environmental Consultants Ltd. are submitting this application to renew a Derogation Licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011–2023, in respect of the proposed housing development at Ballymaley and Ballycorey, Gort Road, Ennis, Co. Clare (Planning Ref. P24/60667).

The proposed works will only proceed if planning permission (P24/60667) is granted.

The planning permission decision is due on the 3rd February 2026 and the applicant has been told that as the derogation licence **DER-BAT-2025-361** has now expired that it cannot be taken into account in the planning decision.

This application is therefore being made to renew the licence to allow Clare County Council to make a planning decision.

It is unlikely that works will be undertaken during 2026, and the derogation licence will therefore be renewed in 2027 prior to commencement of construction. If works commence in 2026 then further consultation with NPWS will be undertaken.

Comprehensive bat surveys undertaken in 2024 and 2025 by Ecofact confirmed the presence of a minor night roost of Lesser Horseshoe Bat (*Rhinolophus hipposideros*) in a small agricultural shed on the site. The

roost is used by a very small number of bats (<5 individuals) and does not function as a maternity or hibernation roost.

Nevertheless, as all bats and their roosts are strictly protected under Article 12 of the Habitats Directive (92/43/EEC) and the Wildlife Acts (1976–2023), a derogation licence is required prior to the removal of this building. The shed lies within the footprint of the proposed housing development and must be removed to allow construction to proceed.

A new purpose-built bat house will be provided to compensate for the loss of this roost. This new structure has been designed in consultation with Ecofact and will offer significantly enhanced roosting conditions suitable for both day and night use.

The proposed works will only proceed if planning permission (P24/60667) is granted. No works will be undertaken during 2025, and the derogation licence will therefore be renewed in 2026 prior to commencement of construction.

Summary of the Proposed Works and Mitigation

The licence application covers:

- The removal of the existing farm building containing the Lesser Horseshoe Bat night roost.
- The construction of a new purpose-built bat house within the same landholding, designed in consultation with Ecofact and shown in the planning drawings prepared by Brian Foudy & Associates (see Appendix 1 of the Bat Report).
- Provision of landscaping and light management measures to maintain commuting corridors and protect foraging habitats, as detailed in the submitted Bat Survey Report (Ecofact, 2025).
- The new bat house has been specifically designed to meet the roosting requirements of the Lesser Horseshoe Bat and will provide superior, long-term roosting opportunities, suitable for both day and night use. The replacement roost is expected to result in a net ecological gain for this species within the Ennis area.

Timing and Planning Context

- As set out in Item 6 of Clare County Council's Further Information Request, the planning authority has requested that a derogation licence application be prepared in advance of any planning decision. However, the proposed roost removal and construction of the new bat house will only proceed if planning permission for the development (P24/60667) is granted.
- It is further noted that no works will be undertaken during 2025. Should the development proceed, the derogation licence will be renewed in 2026 prior to commencement of any site clearance or construction activities.

Compliance with the Habitats Directive

This derogation application satisfies the three licensing tests under Regulation 54:

- **Purpose:** The works are required for imperative reasons of overriding public interest and to enable a housing development of social and economic importance to proceed in accordance with planning legislation.

- **No satisfactory alternative:** The roost cannot be retained in situ due to its location within the footprint of the proposed development. The provision of a new purpose-built bat house represents the only practicable means of retaining roosting opportunities for the species.
- **Favourable conservation status:** The proposed mitigation (bat house, landscaping, and lighting controls) ensures that the local conservation status of the Lesser Horseshoe Bat population will not be adversely affected and that the new roost will enhance available habitat in the area.

Test 1: Purpose of the Derogation – Imperative Reasons of Overriding Public Interest

The project is being advanced for imperative reasons of overriding public interest of a social and economic nature, in accordance with Regulation 54(2)(c) of the European Communities (Birds and Natural Habitats) Regulations 2011–2023.

The proposed development forms part of the strategic delivery of new housing in Ennis, as identified in the Clare County Development Plan 2023–2029 and the National Planning Framework (Project Ireland 2040). The scheme will address local housing need, promote compact growth within a serviced area, and provide social and economic benefits through job creation, infrastructure provision, and community investment.

From an environmental standpoint, the project will deliver beneficial consequences of primary importance for the environment through the inclusion of a new purpose-built bat house, the creation of ecological buffers, and the implementation of dark corridor lighting design. These measures ensure that the conservation status of the Lesser Horseshoe Bat is maintained or enhanced.

Test 2: No Satisfactory Alternative

All feasible alternatives were considered during the design process. The following table summarises the options assessed and the reasons each was deemed unsatisfactory:

Alternative Solution	Reasons for “Unsatisfactory”
Retain the existing farm building in situ within the development layout	The structure lies within the footprint of proposed housing plots and essential infrastructure. Retention would sterilise potential development lands. The building is structurally poor and unsuitable for inclusion in a residential scheme. Also, Lesser Horseshoe bats would be very unlikely to continue to use the building if the surrounding area was further developed.
Exclude the building from the development boundary and fence it off as a retained roost	Exclusion would create an isolated, unmanaged parcel of land within the housing estate, and again bats would be very unlikely to continue to use the building if the surrounding area was further developed.
Retain and retrofit the existing shed as a permanent bat roost	The structure is already used by livestock. It is already affected by light spill and is near a road and one-off houses. It is suboptimal for Lesser Horseshoe Bats and can’t really be improved. Any further development is likely to result in the bats stopping using this roost, and there is already disturbance.
Relocate the housing layout elsewhere within the site	Physical constraints, existing boundaries, and servicing limits prevent reconfiguration without

Alternative Solution	Reasons for “Unsatisfactory”
	undermining the viability of the scheme and compromising ecological buffers elsewhere.
Delay demolition until after construction	Retaining the shed during construction would result in unavoidable disturbance to bats, and loss of the roost. The new bat house will be built prior to works commencing on the site.
“Do Nothing” – Leave the site undeveloped	The “do nothing” option would not deliver the permitted housing or meet policy objectives for sustainable development in Ennis. The existing shed is suboptimal for bats and lies adjacent to a public road and one-off housing. It is already at risk from agricultural use and deterioration, and it is likely that bats would cease using it in the near future. No long-term conservation benefit would result, while the social and economic benefits of the project would be lost.

Conclusion:

No satisfactory alternative exists that would allow the development to proceed without affecting the minor night roost. The construction of a new, purpose-built bat house provides the only practicable and ecologically beneficial solution, ensuring compliance with Regulation 54 and long-term maintenance of roosting opportunities for Lesser Horseshoe Bats. The new bat roost will be built prior to any other construction commencing on the site.

Test 3: Impact of the Derogation on Conservation Status

The proposed derogation will not be detrimental to the maintenance of the Lesser Horseshoe Bat population at favourable conservation status in its natural range. Surveys confirmed that the existing roost is a minor night roost used by fewer than five individuals, with no evidence of maternity or hibernation use. The structure is of low ecological value and lies within a landscape that supports multiple secure roosts.

A suite of mitigation and compensation measures will be implemented, including:

- Construction of a new, purpose-built bat house within the same landholding, designed for both day and night roosting.
- Implementation of lighting controls to maintain dark commuting corridors.
- Native landscaping and buffer planting to enhance foraging connectivity.
- Post-construction monitoring by a qualified ecologist to confirm use of the new roost.

These measures will result in a net gain for the species, providing superior roosting conditions to the existing suboptimal shed. Accordingly, the proposal will maintain or improve the conservation status of the Lesser Horseshoe Bat locally and will not have any negative implications for the species at population level.

Supporting Documentation

The following documents are submitted in support of this application:

1. Completed NPWS Derogation Licence Application Form.
2. Ecofact (2025). “Bat Survey Report: Ballymaley and Ballycorey, Gort Road, Ennis, Co. Clare.”
3. Proposed bat house design and site plan (Brian Foudy & Associates; Appendix 1 of the Bat Report).
4. Lighting and landscaping mitigation details (included in the Ecofact 2025 Bat Report).

Should you require any additional information or clarifications, please do not hesitate to contact me directly at william.oconnor@ecofact.ie or (061) 526712.

Yours sincerely,

For ECOFACT Environmental Consultants Ltd



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