

Supporting information for Derogation Under Regs 54 & 54A Fionn Murphy MSc. BSc. ACIEEM

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1.0 Introduction

This document has been compiled to accompany a derogation licence application for Fionn Murphy (Ecologist) under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011. Fionn is an experienced ecologist who has worked for Waterways Ireland since 2023, where among his other duties, he is responsible for roost surveys of trees, bridges and buildings in response to Waterways Ireland's routine maintenance and operational work. Fionn has been granted derogation licences for the years 2023 and 2024 previously. Fionn is an Associate member of CIEEM and has been working in Ecology since 2017.

2. 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.

This derogation application is in order to facilitate pre works surveys of trees, bridges and buildings with the use of an endoscope and/or internal inspections of structures which have been identified as potential roost locations. As part of its statutory remit, Waterways Ireland conducts regular routine maintenance on its network of canals, lakes and rivers. In many cases, this work is exempt from the requirement for planning, meaning it is the responsibility of Waterways Ireland to carry out due diligence regarding ecological receptors protected by both the Wildlife Act and Habitats Directive. Given their proclivity for roosting in trees and bridges, bats are a key receptor which WI must be cognisant of when conducting maintenance. As per best practice (Collins, 2023), there is a marked shift away from emergence surveys, particularly pertaining to trees, with emphasis being placed on the use of endoscope surveys and tree climbing- 'Emergence surveys are only recommended for trees in a limited number of circumstances.'

3. 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.

This application refers to surveys on a case by case basis, involving only endoscope surveys and internal inspections of structures.

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

N/A

5. Evidence to support the Derogation Tests

Test 1 - Reason for Derogation:

This derogation application is in order to facilitate pre works surveys of trees, bridges and buildings with the use of an endoscope and/or internal inspections of structures which have been identified as potential roost locations. In the accompanying application form, reason C has been selected- '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'.

In many areas within the Waterways Ireland network, traditional emergence or re-entry surveys cannot be carried out for health and safety reasons. This is largely down to severe spikes in antisocial behaviour particularly in urban areas and along stretches of canal. Furthermore, due to the water adjacent nature of many potential roost features, health and safety precludes emergence surveys due to the unacceptable risk associated with nighttime working on the water/boats.

These limitations can often be avoided by the use of endoscope surveys or the ability to enter structures during daylight hours.

Test 2 - Absence of Alternative Solutions

In the absence of derogation for bat surveys, the required surveys for determining the presence/absence of roosting bats prior to works will not take place satisfactorily. The alternative would lead to incomplete or partial assessments which would not facilitate a robust case by case mitigation strategy. As a result, it is considered that there is an absence of suitable alternatives, therefore derogation is the only viable option to ensure that roosts are identified and protected as per best practice guidelines.

Test 3 - Impact of a derogation on Conservation Status

This derogation licence application is in order to carry out surveys for bats using endoscope and to enter structures which have the potential to contain roosting bats. Survey methodology will follow Collins 2023, in order to ensure any disturbance as a result of surveys is minimal and temporary.

There will be no physical interference with bats or roost sites during the course of my work. As such, the granting of this licence will not be detrimental to the maintenance of the populations of any bat species at their respective favourable conservation status, as required under Section 54(2) of the 2011 Regulations

All survey methodology done under this licence will follow best practice. Time taken using endoscope or entering structures will be limited to the minimum required to carry out surveys in order to limit disturbance. This licence is not intended to be location specific, only covering generic surveys, therefore no specific mitigation beyond best practice is required.

6. Monitoring the impacts of the derogations

A full return for the derogation year shall be submitted to NPWS following the expiration of this derogation.

