

# **Supporting Information for Derogation Application**

**Applicant: Piaras Ó Giobúin**

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# 1) Introduction

## Objective of the proposed works

If granted, the surveys carried out under the conditions of the licence will enable the surveyor to carry out inspections of potential bat roosts in order to inform competent authorities of the presence or absence of protected bat species in buildings and structures, to ensure that planning applications are compliant with National and European Law.

## Statement of competency

Piaras Ó Giobúin (B.Sc.) is the sole applicant for this derogation.

Piaras is a qualified and experienced ecologist with a major in botany from National University of Ireland, Galway. He has more than 7 years' experience in the preparation of Appropriate Assessment Screening Reports (AASR) and Natura Impact Statements (NIS) in the Republic of Ireland. He has extensive experience in habitat mapping, as well as conducting breeding and wintering bird surveys, bat surveys, mammal surveys, vegetation, and soil surveys in the private and public sectors in Ireland and the UK.

Piaras has held the following Bat Roost Inspection Licences issued by the Department of Housing, Local Government and Heritage:

DER/BAT 2020-41  
DER/BAT 2024-37  
DER/BAT 2025-232

Piaras (the applicant) is responsible for the preparation of this application will be the only person carrying out the proposed activity under this licence.

## 2) Background to proposed activity

This application is for a licence for disturbance to bat roosts. The licence will only be used to determine the presence/absence of bat species in structures and buildings which are the subject of planning applications. The data will be used to inform competent authorities to ensure compliance with National and European law.

Proposed activities that may impact bats require ecological baseline conditions which involve assessments of bat presence.

The use of an endoscope required to establish bat (s) presence in a potential roost feature may cause a disturbance to bat (s) and a derogation licence to survey under these circumstances is therefore required.

All surveying must comply to the most up to date science-based practices that strictly protect bats in light of various developments to ensure compliance with the EU Habitats Directive (92/43/EEC) and, the most recently published guidelines pertaining to bat surveying (as listed in Test 3).

### **3) Details of proposed activity**

This application is for a licence for disturbance to bat roosts. The licence will only be used to determine the presence/absence of bat species in structures and buildings which are the subject of planning applications. The data will be used to inform competent authorities to ensure compliance with National and European law.

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### **4) Evidence to support the Derogation Tests**

As per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, this report has been prepared by Piaras Ó Giobúin (B.Sc.) as part of an application form submitted for a derogation licence. It details the reason for the derogation, suitable alternatives considered and why they are not feasible. This report specifically answers Q.11 of the Application Form.

To address Article 16 (section 3.2.A), a set of three tests must be met before granting a derogation:

#### **Test 1 - Reason for Derogation**

Article 16 (1) (c). This application qualifies under Regulation 54(2) (A-E) of the European Communities (Birds and Natural Habitats) Regulations:

I selected (c) In the interests of imperative reasons of overriding public interest, because there is no satisfactory alternative concerning the surveying for potential bat roosts available and failure to survey for bat presence could have a detrimental impact on bats.

Proposed activities that may impact bats require ecological baseline conditions which involve assessments of bat presence.

The use of an endoscope required to establish bat (s) presence in a potential roost feature may cause a disturbance to bat (s) and a derogation licence to survey under these circumstances is therefore required.

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## **Test 2 - Absence of Alternative Solutions**

### Do-nothing scenario:

- A do-nothing scenario would result in an incomplete survey and insufficient data to carry out surveys on bats.
- In the absence of bat surveys, or in the case of inadequate bat surveys, there is potential for proposed construction sites/renovation works on proposed structures to negatively impact on bat species which may roost in said structures. This can cause delays in construction works, additional costs, and/or the halting of a project. In addition, construction works in the absence of a bat survey, could lead to detrimental impacts on bat populations (disturbance/death) which could have been avoided if a thorough survey was conducted under licence.

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

This allows a thorough investigation of potential bat roosts to ascertain if a bat roost or resting place is found onsite. This would in fact benefit biodiversity as the ecological surveys and assessment work is solely for the purposed of informing planning proposal to minimise impacts, and maximize biodiversity as a result of the proposed development.

- The results of the surveys will be used to design mitigation measures, if necessary. These measures will ensure the protection of bats and supporting habitat.
- Any mitigation measures necessary for the protection of bats and supporting habitat will follow the mitigation hierarchy: **Avoidance** of any impacts, **Mitigation** of any impacts which cannot be avoided, and **Compensation** to off-set unavoidable remaining impacts.
- The “mitigation hierarchy”, is the accepted approach to enabling this to happen: the first consideration will be **Avoidance**, the next step is **mitigation** of any impacts that cannot be avoided, and lastly **compensation** should be used to off-set unavoidable remaining impacts.

## 5) Monitoring the impacts of the derogations

Maintaining a favourable status of the bat population is the backbone of best practice guidelines, and is in my own best interest as well. If bats are found to be utilising the proposed development site, baseline information on potential roost sites and foraging grounds in and around the site will be used to determine potential impacts on bat species. By determining potential impacts, I can then design mitigation measures, according to the mitigation hierarchy, to ensure that bats are not harmed and supporting habitat is not damaged. Roost inspection will only be carried out under licence and all data collected will be submitted to NPWS.

It is important to collect baseline information and identify any features within the site with the potential to be utilised by bats as breeding sites or high-density feeding features. This will help determine any possible impacts thereby reducing harm to bats and their habitat. Surveys will be carried out during the optimal survey season according to the most up to date guidance documents (see list of Guidance docs below).

The aim of these ecological survey and assessment work is to **inform** planning proposals, to **minimise** impact, and to **maximise biodiversity** as a result of the proposed development.

The “mitigation hierarchy”, is the accepted approach to enabling this to happen: the first consideration will be **avoidance**, the next step is **mitigation** of any impacts that cannot be avoided, and lastly **compensation** should be used to off-set unavoidable remaining impacts.

These following guidelines have been developed for Ecological Consultants to standardise both the methodology for survey of structures and the reporting of same.

- Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition). The Bat Conservation Trust, London.
- Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.
- NPWS (2021a). Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland. National Parks & Wildlife Service Guidance Series 1. NPWS, Department of Housing, Local Government and Heritage. Available at: <https://www.npws.ie/sites/default/files/files/strict-protection-of-certain-animal-and-plantspecies.pdf>
- NPWS (2021b). Strict Protection of Animal Species. Guidance for Public authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a public authority. Authors: Mullen, E., Marnell, F. & Nelson, B., National Parks and Wildlife Service Guidance Series 2. NPWS, Department of

Housing, Local Government and Heritage. Available at:  
<https://www.npws.ie/sites/default/files/files/article-12-guidance-final.pdf>

- Roche, N., Aughney, T., Marnell, F. & Lundy, M. (2014). Irish Bats in the 21st Century. Bat Conservation Ireland. Cavan, Ireland.

To ensure that no illegal activities are undertaken, a Consultant Ecologist will require a specific licence which will be separately applied for if the survey on the structure to be developed shows that:

- The site in question is a breeding site or resting place for bats
- The proposed activity could result in an offence
- Any examples of works that are likely to need a licence because they may result in the destruction of a breeding or resting place and/or disturbance of bats include:
  - Demolition of buildings known to be used by bats
  - Conversion of barns or other buildings known to be used by bats
  - Restoration of ruined or derelict buildings known to be used by bats
  - Change of use of buildings resulting in increased ongoing disturbance to bats
  - Significant alterations to roof voids known to be used by bats