

Derogation under Regulation 54

Application for Tom
O'Donnell to carry out
surveys

Date: 22/01/2026

O'DONNELL 
ENVIRONMENTAL



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1 Introduction

A Derogation under Regulation 54 is sought to disturb bat species while conducting survey works. This derogation is being sought to conduct survey work during which there is a likelihood of encountering bat species. The nature of the survey work is widespread and varied.

Internal inspections of structures containing bats or likely to contain bats will be carried out using the methodologies described in Marnell et al., 2022, InPractice Issue June 2025 and Collins et al., 2023.

1.1 RELEVANT EXPERIENCE

Tom O'Donnell is a Chartered Environmentalist and a full member of the Chartered Institute of Ecology and Environmental Management. He was awarded a BSc in Environmental and Earth System Science [Applied Ecology] in 2007 and an MSc in Ecological Assessment in 2009, both from UCC. Tom has 19 years professional experience in the environmental industry, including working on projects such as windfarms, overhead power lines, roads, cycleways and residential developments. Tom is licensed by NPWS for roost disturbance (Ref: DER/BAT 2023-16) and to capture bats (C25/2023).

Tom has extensive experience in bat species identification through

- Acoustic surveys.
- Internal inspection with endoscope.
- Species ID in the hand using physical features.
- Collection of faecal samples for genetic analysis.

Over the past 19 years Tom has used these survey methodologies, under license when required, to identify activity, behaviour and resting places for all Irish bat species in a wide variety of habitat contexts.

1.2 BACKGROUND TO PROPOSED ACTIVITY

Tom is a Senior Ecologist and founder of O'Donnell Environmental Ltd. an independent environmental consultancy and Chartered Institute of Ecology and Environmental Management (CIEEM) 'Registered Practice'. As a Senior Ecologist using methodologies described in the introduction is required across varying site and planning contexts. This licence is required in day-to-day work to survey and research protected bat species potentially encountered across projects. These surveys are intended for the best interest of wildlife to better help developers comply with National and EU legislation.

The ability to undertake licensed surveys is essential to the protection and conservation of bat populations ensuring roosts are identified, impacts assessed and appropriate mitigation implemented. In the absence of a licensed survey effort, there is a risk of inadvertent disturbance or destruction of roosts in breach of the regulations. They are therefore justified for imperative reasons of overriding public interest, namely the effective implementation of environmental legislation and the prevention of harm to strictly protected species'.

1.3 DEROGATION TESTS

<p><i>Explanation as to why the derogation licence sought is the only available option for works and no suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations.</i></p> <p>Tom O'Donnell intends to apply for a personal bat survey/roost disturbance licence. This licence application is intended to be year-round for all bat species across all counties in the Republic of Ireland.</p> <p>As a Senior Ecologist, currently licensed until February 2026, under DER/BAT 2023-16), this licence is required in day-to-day work to survey and research protected bat species potentially encountered across projects. These surveys are intended for the best interest of wildlife to better help developers comply with National and EU legislation.</p> <p>Alternative solutions were considered, and none are available in this instance. The alternative 'do-nothing scenario' in this instance is remaining without licence to appropriately survey bat species through entering their roosting spaces. Surveys would therefore require to be non-invasive. The results from non-invasive surveys may lead to inaccurate results (species, numbers etc.) and resultant improper assessment mitigation. This would serve to potentially negatively impacts protected bat species.</p>	<input checked="" type="checkbox"/>
<p><i>Evidence that actions permitted by a derogation licence 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 as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations.</i></p> <p>Under the actions of this licence, if granted, appropriate and thorough survey of protected bat species will be facilitated. This will ensure the appropriate level of mitigation is applied to developments based on the high-confidence of results gathered.</p> <p>It is considered with best available information that the proposal will not be detrimental to the maintenance of the bat populations at a favourable conservation status in their natural range and that the proposal will not have a detrimental effect on the local bat populations.</p>	<input checked="" type="checkbox"/>
<p><i>Details of any mitigation measures planned for the species affected by the derogation at the location, along with evidence that such mitigation has been successful elsewhere.</i></p> <p>There are no site-specific measures or specific roost location for which this application applies to. All roost surveys carried out will be non-destructive and minimally invasive, with cognisance to guidelines set out in Marnell et al. (2022) and Collins (2023).</p>	<input checked="" type="checkbox"/>
<p><i>As much information as possible to allow a decision to be made on this application.</i></p> <p>Tom O'Donnell BSc (Hons) MSc CEnv MCIEEM is the founder of O'Donnell Environmental and has been a bat-licensed surveyor for over 15 years and his most recent license was held for three years (2023-2026) under DER-BAT-2023-16. Tom is licensed for the capture and handling of bat species (C25/2023). Previous licences held</p>	<input checked="" type="checkbox"/>

by Tom include: Natural England Licence 20092716 (NE), NE License 20114534, DER/BAT 84/2009, DER/BAT 2021-128, C074/2015 and C217/2021.

Tom has extensive on-the-job experience in bat roost surveys and bat handling. Under the previous survey licences, Tom has undertaken a wide range of roost surveys across the Republic of Ireland targeting a wide range of bat species, including Lesser Horseshoe Bat.

Tom has significant knowledge of relevant guidelines including Marnell et al. (2022) and Collins (2023) regarding roost surveys of both structures and trees and has contributed to guidance for the protection of bats in Ireland.

Listed below are select examples of relevant training and work undertaken by Tom O'Donnell in relation to protected bat species:

Foynes to Limerick Motorway – Undertook surveys targeting structures proposed for demolition as part of major infrastructural road scheme. Surveys followed best-practice guidance and appropriate mitigation measures implemented dependant on the results of surveys.

Fota House – Undertook bespoke surveys targeting the known Brown Long-eared Bat maternity colony in advance of proposed reroofing works. The results of surveys and targeted mitigation resulted in the successful return of the maternity colony following the completion of works, with the population status remaining unchanged as a result.

Blarney Castle – Conservation research undertaken in collaboration with NPWS and Cork City Council targeting the elusive Lesser Horseshoe Bat population surrounding Cork City. The results of this work resulted in the identification and protection of a new Lesser Horseshoe Bat roosting location within Blarney Castle dungeon.

Unnamed lesser horseshoe bat maternity roost in Co. Clare – In collaboration with NPWS ranger Elaine Keegan surveys were undertaken targeting a Lesser Horseshoe Bat maternity roost for both roost population monitoring in 2023 and 2024. These surveys also established their absence in winter to allow emergency structural repairs and predator proofing on the building to conserve and retain the roost. There was an increase in population in the roost from 2023 to 2024.

Cahercon House – In 2025 a combination of all acoustic surveys, internal inspections and handling were used to establish species presence and fully characterise the use of a building in County Clare in which multiple species were roosting. Four targeted emergence surveys and an exhaustive internal inspection was carried out over the course 2025. Tom and her colleagues were able to establish species populations within the building and also their movement to different roosting locations throughout all seasons. Hibernation, maternity, and transitional roosting locations and populations were all established and defined within the building.

An Coimisiún Pleanála – Tom has provided structured talks and training to relevant staff at An Coimisiún Pleanála in relation to the conservation of bats and the planning process in an Irish context. Tom has produced a technical guidance note for the board

on 'Bat Conservation & the Planning Process'. This note was produced with the aim of providing An Coimisiún Pleanála with guidance as to the consideration of bats in the planning process. This document was produced for guidance only and was informed by the years' experience Tom has in studying bats and working to conserve all Irish bat species.

1.4 MONITORING IMPACTS OF DEROGATION

Monitoring the impacts of this derogation will be done through standard submission of derogation returns. During standard reporting of survey works undertaken with use of this derogation the results will show the level of disturbance under the derogation in methodology sections.

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