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JBA Project Code	n/a
Contract	JBA Derogation Licence Application 2026
Client	n/a
Day, Date and Time	29th January 2026
Author	Olly Lynch Milner
Reviewer / Sign off	Anne Mullen
Subject	Application for Derogation Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended

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1 Introduction

1.1 Objectives of Proposed Surveys

Introduction:

This derogation licence application pertains to the undertaking of bat surveys by JBA Staff in 2026. This derogation licence for bat roost surveys is required due to the potential disturbance to bat species that can occur during bat survey.

JBA Consulting are commissioned by clients (developers, County Councils, private individuals) to undertake ecological services to satisfy planning permission requirements for developments. Bat surveys to determine the presence of bat species, conduct an impact assessment on the identified bats from the proposed development and design and prescribe appropriate mitigations for part of this suite of ecological surveys. JBA has years of experience in conducting bat surveys. Some of these surveys include internal and external roost inspections of trees and buildings, as well as emergence surveys. These surveys are conducted in accordance with 'Bat Surveys for Professional Ecologist Good Practice Guidelines' (Collins, 2024) and characterisation of roosts and appropriate mitigation in line with 'Bat Mitigation Guidelines for Ireland – V2' (Marnell et al., 2022). While best practice will be followed, JBA recognises that roost inspections can be potentially disruptive to bat surveys. Hence, JBA Consulting wishes to apply for a derogation licence under regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, with particular respect to internal/external/tree roost inspections.

1.2 Qualified Staff who is included in this application

Provided here is a list of the staff members that are requested to be covered under this derogation licence application. They are members of the JBA Consulting (Ireland) ecology team.

- Supervisor/Senior Ecologist: Patricia Byrne, William Mulville, Anne Mullen, Dominic Tilley
- Trainee/Ecologist/Junior: Johanna Healy (Trainee), Mia Heigh (Trainee), Matt Hosking (Trainee), Jai Dolan (Trainee), Olly Lynch Milner (Trainee), Abbie Doyle (Trainee)

To accompany this application, details of bat survey and derogation licence experience, and qualifications of each staff member listed in this application is provided below.

Patricia Byrne – Principal Ecologist

Patricia has undertaken over 8 years of bat activity surveys, including emergence surveys from buildings at numerous sites in Ireland, a number of which required bat derogation licences. She has attended several courses in bat surveying and ecology including: Bats and Artificial Lighting Guidance - Bat Conservation Trust (2024); Bats: Legal Protection and Best Practice - Apem Ltd (2021); An introduction to recording bats, Caher Co. Tipperary - NBDC and Bat Conservation Trust Ireland (2019); Introduction to bat identification and bat surveying - JBA Consulting Internal Training (2017).

Anne Mullen - Senior Ecologist

Anne has worked on a number of emergence and preliminary roost surveys for projects such as St. Joseph's Hospital HSE, Limerick; Ahascragh Housing Development, Galway; and Coláiste Iosagáin, Ballyvourney. Doon former Convent School. Anne has held derogation licences for Sacred Heart Secondary School, Clonakilty; Opera Square Development site; Catherine St Limerick; Castlecrine, Sixmilebridge, and assisted on applications for Dripsey, Co. Cork and has prepared impact assessments involving bats for a number of projects. Anne also engages with Limerick Bat Group and Bat Rehabilitation Ireland and has taken part in Woodland Bat surveys outside of work hours.

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Will Mulville - Senior Ecologist

William has over 7 years of experience working on projects involving the surveying of potential bat roosts and endoscopic examinations, as well as transect and emergence activity surveys. These projects have included assessment of both natural (trees/ivy) and artificially-based (Structures - houses, bridges, stonewalls) potential and confirmed bat roost features, within rural and urban landscapes, with the confirmed roost requiring derogation licenses. William is adept with thermal and recording imaging equipment to ensure best practice during activity surveys. Additionally, William has attended a number of bat ecology related courses and symposiums including the All-Ireland Mammal Symposium (2024), Bats and Artificial Lighting Guidance (Bat Conservation Trust); and Bats; legal protection and best practice (Apem Ltd.).

Dominic Tilley – Senior Ecologist

Dominic has four years' experience conducting preliminary roost searches, activity, transect and emergence surveys, and writing survey reports with specific bat mitigation measures. Surveying in a variety of habitats which involves assessing both natural (trees / ivy) and artificial features (houses, stone bridges, and stonewalls). Some projects he has worked on include emergence survey of derelict pub in Castlemahon, Limerick, Opera One Development Site, Limerick, and Marlay Park bat surveys. Most recently, Dominic holds a bat derogation licence for a development at Shanagolden, Co. Limerick.

Johanna Healy - Ecologist

Johanna has three years of experience conducting bat activity and emergence surveys on a variety of projects since joining JBA in April 2022, including projects such as Coláiste Iosagáin, Ballyvourney (derogation licence required), development of the former Finsa site in Scarriff, Co. Clare, and numerous heritage sites (Kilkenny Castle, Derrynane National Park, Boyle Abbey, Clonmacnoise) for the Office of Public Works baseline biodiversity studies in 2022 and 2023. She has authored reports for these and other projects, including for bat-sensitive mitigation measures for numerous developments as part of bat reports, Ecological Impact Assessments and Biodiversity Management Plans. Johanna has taken part in training to achieve a certificate of bat acoustic analysis (CoBAA) with BatAbility. Outside of work at JBA Johanna also engages with Bat Conservation Ireland and has undertaken monitoring of Brown Long-eared Bats (3 surveys each for 3 different roosts in 2025) for the organisation.

Johanna holds the following qualifications:

- BSc (Hons) in Wildlife Biology
- MSc Wild Animal Biology

Mia Heigh - Assistant Ecologist

Mia has three years' experience surveying potential and confirmed bat roosts, carrying out activity, transect, internal and emergence surveys across both natural habitats and built structures. They are experienced in analysing and interpreting static detector data and are currently working towards BatAbility certification in bat acoustic analysis. Mia has authored bat survey reports and supported the submission of multiple successful derogation licence applications for clients and their manager, Anne Mullen, incorporating appropriate mitigation measures such as specialist artificial bat roost design, bat-safe timber treatments and bat access slates. They have also completed an in-hand bat identification course delivered by Bat Rehabilitation Ireland and bat specialist Connor Kelleher.

Mia has a qualification in BSc (Hons) in Zoology.

Matt Hosking - Graduate Ecologist

Matt has 2 years' experience surveying potential bat roosts and activity surveys; both transect, and emergence surveying techniques were used for the activity surveys. Surveying in a variety of habitats which

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involves assessing both natural (trees / ivy) and artificial features (houses, stone bridges, and stonewalls). Matt has experience operating thermal imaging equipment to comply with best practice guidance during activity surveys. Matt has attended the 'Bat Impacts and Mitigation' training course held by CIEEM in April 2024 which gave a foundation of knowledge which has been built on the by the field surveying.

Matt has a qualification in BSc (Hons) in Wildlife Biology.

Jai Dolan - Graduate Ecologist

Jai has 2 years' experience conducting bat surveys, as well as identifying bat species based on static detector call data. Jai has authored two ecological impact assessment reports for sites where bats had previously been recorded roosting, where he outlined mitigation measures for lighting design and the loss of potential roosting features. Jai has completed a GIS report for Clare County Council in which he mapped and modelled ecological connectivity between maternity and hibernation roosts for Lesser Horseshoe Bats around Ennis, Co. Clare.

Jai holds a BSc (Hons) in Geography and MSc (Hons) in Conservation

Olly Lynch-Milner - Graduate Ecologist

Olly has been at JBA Consulting for a year. He has previous beginner level experience in conducting preliminary bat roost assessments of buildings and trees, and in transect, activity and emergence surveys of two housing developments in Galway City. Olly is undertaking training, both internal and external, as well as shadowing experienced, qualified members of staff. Since joining JBA Consulting he has been involved in numerous bat emergence, transect and activity surveys for housing developments and school building upgrades. He has also conducted roost inspections and preliminary roost assessment surveys.

Olly holds a BSc (Hons) in Wildlife Biology and MSc (by Research) in Plant Ecology

Abbie Doyle – Graduate Ecologist

Abbie is new to JBA Consulting. Abbie has previous beginner level experience in conducting activity and emergence surveys. Abbie is undertaking training, both internal and external, as well as shadowing experienced, qualified members of staff. It is anticipated that she will continue to gain bat survey experience in the coming year, under the supervision of qualified staff.

Abbie has qualifications in BSc (Hons) in Geoscience and MSc in Environmental Science:

2 Background

The locations for this derogation licence application are to cover all counties and locations in Ireland, as JBA provides ecological services and bat surveys for clients across the country.

3 Full details of proposed activity

This application for derogation relates to roost inspections e.g. internal in buildings, wallwork or trees using an endoscope, or for entering an open cavity roost space with bats. This derogation licence is being applied for as it is understood that there is a risk of disturbing bats during the undertaking of roost surveys. This application is for Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, with particular relation to the prohibition under Regulation 51 "Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration". The surveys are conducted in accordance with 'Bat Surveys for Professional Ecologist Good Practice Guidelines' (Collins, 2024) and 'Bat Mitigation Guidelines for Ireland – V2' (Marnell et al., 2022). Provided in the following paragraph(s) is a description of the surveys that JBA proposes for this derogation licence application.

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3.1 Guidance

All bat surveys conducted by JBA Consulting will follow the following guidance documents:

- Bat Mitigation Guidelines for Ireland – V2. Irish Wildlife Manuals, No. 134. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland (Marnell et al. 2022).
- Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland (NPWS, 2021)
- Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th Edition (Collins, 2024).

3.2 Methodology

A derogation licence for bat survey is required to allow the examination of potential bat roosts, including all bat species and all roost types, as necessary in order to undertake environmental impact assessments for property owners or developers or scientific study within the Republic of Ireland. All activities and equipment used in connection with these surveys shall be carried out, constructed and maintained to avoid unnecessary injury or distress to any species of bat. Surveys will follow the bat roost survey protocol detailed below.

- Check with owner/client about any knowledge on the presence of bats and check with Bat Conservation Ireland to determine roost records
- Survey for external signs of bats and roost entry points. If positive signs exist, treat this as a known/suspected roost (see survey protocol below).
- Entry to the possible roost should be made cautiously especially if the 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.

Generic measures to avoid disturbance during surveys of known/suspected roosts should be followed. These include:

- Avoid using roost illumination apart from torches.
- Talking in low tone is preferred to whispering.
- Bats seen in situ should be counted where possible and then left alone.
- Handling of bats to confirm identification is only used as a last resort and is subject to separate licencing under the Wildlife Acts. The need for handling of bats is not required.
- Samples of droppings, dead bats etc. may be taken to facilitate species identification.
- Care should be taken to avoid cooling or warming effects. Measures to avoid such from occurring are detailed below:
 - During potential hibernation season (November-March), only one person should enter the roost area. If any hibernating bats show signs of waking, the roost survey will be abandoned immediately.
 - During the breeding season, known breeding roosts should be avoided unless emergency work is required (but will typically be the subject of a separate derogation).
- If any equipment such as endoscopes are used to facilitate viewing of roosts, this should be done with extreme care. The cavity should be entered with the endoscope as slowly as possible and stop immediately a sighting is observed.

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4 Ecological Survey and Site Assessment

As per Part E of the derogation licence application form, this section is not applicable when the derogation licence is for the conduction of surveys.

5 Evidence to support the derogation tests

5.1 Test 1 – Reason for Derogation

There are two reasons for derogation that apply to JBA Consulting:

- In the interests of protecting wild flora and fauna and conserving natural habitats (Reason A)
- 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. (Reason C)

Rationale:

The purpose of survey licence is to allow for us to survey for all Irish bat species that may be encountered our work. Past species recorded include: Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Leisler's Bat *Nyctalus leisleri*, Brown Long-eared Bat *Plecotus auritus*, Natterer's Bat *Myotis nattereri*, Daubenton's Bat *Myotis daubentonii*, Whiskered Bat *Myotis mystacinus* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

JBA undertakes bat surveys including internal inspections of buildings and structures for roosts and follow-up surveys where required. This allows population estimates, impact assessment and the provision of appropriate mitigation. A survey licence is necessary to lawfully undertake these activities.

Without detailed internal inspection, bat usage and roost potential cannot be properly determined, and success of mitigation may be less. If developments proceed without this information, bat populations and roosts may be negatively impacted. Survey restrictions could lead to underestimation of bat use and reduced effectiveness of mitigation, protection and conservation of bat species and their roosts.

The internal inspections of bat roosts should be interpreted in the context of the overall project, in order to identify roosts which could be impacted by the development. Adequate surveys, including internal inspections, are sometimes required to characterise the roost (size and type and exact location). The survey derogation and subsequent derogations aspect may fall under those both an economic and social nature as part of the overall project.

Test 2 – Absence of Alternative Solutions

Detailed surveys are the best means to comprehensively gather information on the nature and composition of the roost since external observations cannot confirm whether a structure, tree, or other features qualify as protected bat roosts. Signs of occupancy may only identified only from within the roost, whether by entering the building, using a torch, or employing an endoscopic camera.

Alternative methods, such as emergence surveys or static surveys may not give sufficient information to plan successful mitigation e.g. knowing the specific location of the roost or roosting spots (e.g. within the stone walls in the west attic area) within a building is likely lead to a more successful retention of the roost or mitigation via access tiles etc than the knowledge of the emergence point alone, although all of the gathered information are useful. Note that H+S concerns in older buildings may override internal inspections and in many cases older buildings are either not safe or inadequate H+S information relating to asbestos, stability and structure are available to allow a safe survey, and some information cannot be gathered before the building is made safe.

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5.2 Test 3 – Impact of a derogation on Conservation Status

The surveys are highly unlikely to impact on the conservation status of the species, as they using sensitive and non-invasive techniques to detect evidence of bat roosting. No bat handling is required. The purpose of these surveys is to provide developers, planners and other stakeholders with information on the conservation of Irish bat species and to design necessary mitigation measures. All JBA Consulting ecology staff undergo training in bat roost inspection and bat roost feature identification, supervised by a qualified and experienced member of staff before being deployed to survey.

The observation of the species in the manner prescribed by the licence is highly unlikely to negatively impact on the conservation status of the species. Detailed surveys are likely to have an indirect positive impact on the species through provision of more successful mitigation measures. Mitigations to reduce the impact on Conservation Status are incorporated into the survey methodology as detailed in Section 3.2

6 Monitoring the impacts of the derogations

The monitoring of the impacts of the proposed surveys described above will be detailed and recorded in the derogation/survey report to NPWS at the end of the derogation licence period. This report will detail the success/impact (positive or negative) of the derogation licence and will include details on the following:

- Date, time, survey type, surveyors present.
- Whether bats were present and, if so, species, number, behaviour, and sensitivity from each survey conducted under this derogation.
- Any observable impact of survey activities (e.g., increased movement, waking from torpor).
- Any distress indicators, problems encountered, or actions taken to minimise disturbance.
- Recommendations for adapting future survey approaches if issues arise.
- Submission of the NPWS Returns Form and Derogation Report.

Where an activity causes more disturbance than anticipated, the following will be undertaken:

1. Record the incident in detail and
2. Adjust subsequent methods to reduce risk, i.e. reducing time spent in roosts, illumination, greater reliance on static recording and external surveying methods.
3. Notify NPWS if the disturbance was significant or could influence the roosts functioning.

References

Collins, J. ed., 2024. *Bat Surveys for Professional Ecologists: Good Practise Guidelines (4th edition)* Bat Conservation Trust. 4th edn. edn. The Bat Conservation Trust, London.

Marnell, F., Kelleher, C. and Mullen, E., 2022. *Bat Mitigation Guidelines for Ireland – V2*. Irish Wildlife Manuals No. 134. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government.

NPWS, 2021. *Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland*. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.