

Regulation 54 report

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.

In order to carry out activities 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, it is essential that a derogation licence is obtained to survey protected bat roosts internally.

There is no alternative to detailed surveys such as investigating bat roosts for gathering in depth information on the nature and composition of the roost. It is not possible to confirm whether a structure or tree or other suitable feature is or is not a protected bat roost externally. Signs of occupancy can only be ascertained from within the roost whether by entering the building, using a torch to illuminate the feature, and/or to use an endoscopic camera to inspect internal cavities.

Alternative options such as external inspection of potential roost features or observing roosts from a distance are not sufficient to confirm whether such features are likely to comprise bat roost features. This could result in potential roost features not being properly characterised and protected. Reliance on emergence surveys alone is not sufficient as bats may use roost features interchangeably during different seasons e.g. hibernation, and the only means of confirming whether the feature may be used at other times of year would be an internal inspection to identify droppings, oil stains etc. The alternative of not carrying out surveys is not suitable as it could result in delays, additional costs and, in exceptional cases, the cancellation or curtailment of projects.

Where works are required to a building that has been confirmed as a bat roost during a period of time when the bats are not likely present (e.g. hibernation period for a maternity roost), the building must be internally inspected to confirm the building is not occupied prior to works commencing. There is no alternative to an internal inspection to confirm absence in this scenario.

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.

The surveys proposed to be covered by this derogation licence will be undertaken by an appropriately skilled and qualified bat ecologist. The surveys are undertaken at appropriate times of year using sensitive and non-invasive techniques to look for evidence of bat roosting. All covid-19 and white nose syndrome precautions will be taken by the licenced ecologist. The purpose of the surveys is to inform developers, planners, and other stakeholders on the conservation of Irish bat species and to design mitigation measures if necessary.

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.

Mitigation measures that will be employed include: taking all reasonable steps to ensure surveys do not harm individuals by altering working methods or timing to avoid bats, only undertaking surveys at appropriate times of year, reducing noise, light, and vibration disturbance within roost features, and following best practice guidelines for bat surveys in Britain (Collins, 2023) and Ireland (Marnell et. al., 2022). Best practice guidelines are in accordance with latest scientific knowledge together with case studies showing that the mitigation measures employed are effective.

As much information as possible to allow a decision to be made on this application.

The applicant has held a bat roost inspection licence since 2023 and carried out dozens of bat roost surveys which have informed impact assessments and conservation measures following best practice guidelines. The applicant currently

holds a licence to handle bat species in Ireland and has completed training on bat identification and handling with Bat Conservation Ireland.