



An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreachta  
Department of Housing,  
Local Government and Heritage

# **Application for Derogation Licence**

## **Under the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021**

Prepared by the Department of Housing, Local Government and Heritage

[npws.ie](http://npws.ie)

- This form is to be used by any person applying for a derogation licence under Regulation 54 or by the Minister under Regulation 54(A)
- Please ensure that you answer questions fully in order to avoid delays
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit;

Wildlife Licensing Unit,

Department of Housing, Local Government and Heritage

National Parks and Wildlife Service

Wildlife Licensing Unit, R. 2.03

90 North King Street

Smithfield

Dublin 7 D07 N7CV

Email: [wildlifelicence@housing.gov.ie](mailto:wildlifelicence@housing.gov.ie)

**Part A. The Applicant: Personal Details**

These questions relate to the person responsible for any proposed works and who will be the **named licensee**. As the licensee you will be responsible for ensuring compliance with the licence and its conditions, even though you may employ another person to act on your behalf.

**If this application is being submitted on behalf of a third party please also complete Part B below.**

**1. (a) Name of Applicant**

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	Dave	Welsh
<b>(b)</b> Address Line 1	74 Elmwood House	
Address Line 2	Boucher Road	
Town	Belfast	
County	Antrim	
Eircode	BT12 6RZ	
<b>(c)</b> Contact number	[REDACTED]	
<b>(d)</b> Email address	[REDACTED]	
<b>(e)</b> Address where works are to be carried out if different from (b) above.		
Address Line 1	Throughout the Republic of Ireland	
Address Line 2		
Town		
County		
Eircode		

**Part B. Details of Person Submitting Application on Behalf of Applicant/Licensee**

Information relating to the person (e.g. ecologist) responsible for submitting the application on behalf of the applicant/licensee should be entered below:

**1. (a) Name of Person/Ecologist**

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Mr	Dave	Welsh
<b>(b)</b> Company Name	RPS	
Address Line 1	74 Elmwood House	
Address Line 2	Boucher Road	
Town	Belfast	
County	Antrim	
Eircode	BT12 6RZ	
<b>(c)</b> Contact number	[REDACTED]	
<b>(d)</b> Email address	[REDACTED]	

<b>(e)</b> Relationship to Applicant	Employee
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## Part C. The Application

1. **Species of Animal:** Please indicate which species is affected by the proposed works:

- Bat
- Otter
- Kerry Slug
- Natterjack Toad
- Dolphin
- Whale
- Turtle
- Porpoise

2. Please detail the exact species (scientific name): All resident Irish bat species, including: *Myotis daubentonii*, *Myotis mystacinus*, *Myotis nattereri*, *Nyctalus leisleri*, *Pipistrellus nathusii*, *Pipistrellus pipistrellus*, *Pipistrellus pygmaeus*, *Plecotus auratus* and *Rhinolophus hipposideros*. To also include vagrant species.

3. Please provide the maximum number of individuals affected\* Unknown

4. Please provide the maximum number of breeding or resting sites affected\* Unknown

5. Please provide the maximum number of eggs to be taken\* N/A

6. Please provide the maximum number of eggs to be destroyed\* N/A

\*If no figures can be provided for the maximum number of individuals, breeding sites, resting places and eggs to be covered by the derogation please provide reasons why.

Surveys will be undertaken to identify the suitability of potential bat roosting sites and to record the presence of roosting bats. This survey may include endoscopic searches of suitable features in structures and vegetation.

Confirmed bat roosts may be inspected again in a careful, sensitive manor to establish presence/numbers to help establish roost usage/type at different times of the year, and to better inform potential mitigation measures. Endoscopic inspections will not be carried out on confirmed maternity roosts.

7. **Species of Plant:** Please indicate which species is affected by the proposed works:

- Killarney Fern
- Slender Naiad
- Marsh Saxifrage

8. If you previously received a derogation for any species of animal or plant please state licence number and confirm that you have made a return to NPWS on the numbers actually affected by that licence

### Bats

**DER-BAT-2022-77** (survey licence); **DER-BAT-2023-63** (survey licence); (Licence returns have been made)

**Other**

Licence No. C97 / 2022 Smooth Newt Survey Licence; 24/05/22 – 30/06/22

9. **Proposed Dates for Works:** Please indicate the timeframe that you propose to carry out works. Dates set by NPWS may differ from dates proposed here.

Start Date:	30/10/2024
End Date:	30/10/2025

10. Please tick which reason below explains How this Application Qualifies under Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations:

a.	In the interests of protecting wild flora and fauna and conserving natural habitats	<input type="checkbox"/>
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	<input type="checkbox"/>
c.	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	<input type="checkbox"/>
d.	For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants	<input checked="" type="checkbox"/>
e.	To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule	<input type="checkbox"/>

11. **Report Checklist:** Please append a detailed report to support this application and ensure that it contains the following information:

11.1	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.	<input checked="" type="checkbox"/>
11.2	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.	<input checked="" type="checkbox"/>
11.3	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.	<input checked="" type="checkbox"/>
11.4	As much information as possible to allow a decision to be made on this application.	<input checked="" type="checkbox"/>

**Part D. Declaration**

I declare that all of the foregoing particulars are, to the best of my knowledge and belief, true and correct. I understand that the deliberate killing, injuring, capturing or disturbing of protected species, or damage or destruction of their breeding sites or resting places or the deliberate taking or destroying of eggs is an offence without a licence and that it is a legal requirement to comply with the conditions of any licence I may be granted following this application. I understand that NPWS may visit to check compliance with a licence.

Please note that under Regulation 5 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 an authorised officer may enter and inspect any land or premises for the purposes of performing any of his or her functions under these Regulations or for obtaining any information which he or she may require for such purposes.

**Signature of the Applicant**



**Date**

30/10/2024

**Name in BLOCK LETTERS**

DAVE WELSH

#### **PRIVACY STATEMENT**

**Please note that under Data Protection legislation Department staff may only discuss licence applications with the applicant, and not with any third party. See Privacy Statement at [www.npws.ie/licences](http://www.npws.ie/licences)**

npws.ie

Department of Housing, Local Government and Heritage



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## DETAILED REPORT TO SUPPORT THIS APPLICATION

### **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.**

This derogation licence is being sought for the endoscopic/torchlight inspection of potential and confirmed bat roosting locations. The assessment aims to establish if features are suitable to support roosting bats, and to record the actual presence of roosting bats for the purpose of establishing an ecological baseline for ecological assessment. In completing baseline assessments for ecological impact assessment, it is important that bat roosts and potentially suitable bat roosting features are identified and assessed. In some instances, trees and structures cannot be surveyed using non-intrusive methods (IR camera), this is can be for reasons such as camera view limitations (dense vegetation or visual obstructions). In these instances, close inspection (torch or endoscope) is required. When non-intrusive methods such as emergence surveys are feasible, it is still preferable on occasions to carry out close inspections as this can confirm if features are suitable for potential roosting and can record forensic roosting evidence or bats which have remained in roosts, whereas emergence surveys cannot.

As part of the assessment process, confirmed bat roosts (non-maternity roosts) may require careful, sensitive inspection to establish roost usage during different periods throughout the year. This aims to better inform potential mitigation measures.

Once a roost has been carefully and briefly inspected, no further disturbance will be carried out under this derogation licence. Any physical disturbance such as roost exclusion works will be the subject of a separate derogation licence application.

The derogation license is being applied for by Mr Dave Welsh.

Detail and experience of the named RPS ecologist is as follows:

#### **Mr Dave Welsh (Principal Ecologist)**

Dave Welsh is a Principal Ecologist with RPS (Belfast) and holds a BSc (Hons) in Marine Science, a MSc in Ecological Management and Conservation Biology with over seven years of experience in conservation and nine years in ecological consultancy. Dave has in-house training in bat ecology and bat survey and specialist training in sound analysis and species identification, mitigation and compensation; Bat Tree Habitat Key Tree-roost Bat Survey and Woodland Bat Survey; and Lantra Tree Climbing and Aerial Rescue. Dave is a protected species licence holder (NIEA Licensee No. 2368), a former Northern Ireland Bat Group (NIBG) volunteer bat rescuer with bat handling experience. Dave is also an associate member of CIEEM (ACIEEM).

Dave currently coordinates and leads the bat survey work carried out by RPS (Belfast) in both Northern Ireland and the Republic of Ireland. He is an experienced bat activity surveyor and bat roost assessor (including ground-based assessment, tree climbing, and endoscopy), and has carried out various NIEA licenced bat roost exclusion works.

Dave Welsh has held the following derogation licence in relation to bat roost disturbance for assessment:

DER-BAT-2022-77 (survey licence); 21/6/2020 - 21/06/2023 – and DER-BAT-2023-63 (survey licence);

- - Brennanstown estate woodland, Bray, Co. Wicklow. Endoscopic and torchlight inspection of 12 trees which are potentially within the footprint of a greenway path. No evidence of roosting bats recorded.

- – Donegal Ten-T Road Scheme, Letterkenny – BallyBofey, Co. Donegal. Endoscopic and torchlight inspection of 12 trees which are potentially within the footprint of a new road. A single Soprano Pipistrelle *Pipistrellus pygmaeus* was recorded in a beech tree cavity in September 2022. Approximately 2 weeks later, three Soprano Pipistrelle bats were recorded in the same cavity indicating that the lone bat was a male seeking breeding female (small breeding roost).
- - Greater Dublin Drainage Scheme, Blanchardstown, Co. Dublin. 17 trees within the potential footprint of new drainage works were climbed and inspected for the roosting bats. No evidence of roosting bats recorded.
- -N61 Road Scheme, Tulsk, Roscommon. Endoscopic and torchlight inspection of 15 trees which are potentially within the footprint of a new road. No evidence of roosting bats recorded in trees. A confirmed (non-maternity) roost building was carefully entered and searched for the presence and evidence of roosting bats. No roosting bats were recorded.
- -Naas, County Kildare, endoscopic and torchlight inspection of 19 trees which are potentially within the footprint of a large industrial development. No evidence of roosting bats recorded.

**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 required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations.**

As outlined above, the derogation licence will be used for survey only, the survey will be carried out by a suitability trained and proficient ecologist and will entail the careful and sensitive use of torchlight and endoscope if deemed necessary. The endoscope/torch light survey will be very brief (usually less than 1 minute), and therefore will cause limited disturbance to any roosting bats present. Once an endoscopic photo/video has been captured there will be no further disturbance completed under this derogation licence. Confirmed maternity roosts will not be surveyed using an endoscope to prevent unnecessary disturbance to a maternity colony. The survey will help to inform mitigation measures which will aim to prevent detrimental impacts to bat species conservation status.

**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.**

An initial ground-based visual assessment and categorisation of potential bat roosting features will be completed, with cognisance of the Bat Conservation Trust guidance (*Bat Surveys for Professional Ecologists: Good Practice Guidelines 4<sup>th</sup> edition*; Collins, 2023). Assessment of PRFs and buildings with low, moderate, and high suitability features will be completed using standard bat roost survey techniques, namely emergence and re-entry bat surveys. In some instances, this survey technique may not be suitable, e.g. for the assessment of attic and cavity areas of buildings and where clear line of sight is not possible for visual emergence/re-entry surveys of identified features. Where this is the case, endoscopy may be used for further assessment of features.

Trees and structures with confirmed roosting features will be recommended for retention. Where this is not possible, a further licence will be sought with a detailed mitigation plan.



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**Licence No.: DER/BAT 2022-77 (survey licence)**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS,  
2011 (S.I. No 477 of 2011)**

**DEROGATION LICENCE**

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as "the Habitats Regulations".

**Licence**

The Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Dave Welsh BSc MSc of RPS, Elmwood House, 74 Boucher Road, Malone Lower, Belfast, Northern Ireland** a licence in respect of **Bat Species**. It is stated this licence is issued:

**(A)** For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants.

**(B)** As there is no satisfactory alternative, and the action authorised by this licence will not be detrimental to the maintenance of the population of **bats** referred to below at a favourable conservation status in their natural range.

This licence authorises the following:

(a) Roost disturbance;

(b) Actions authorised within the licence



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**Licence No.: DER/BAT 2023-63 (survey licence)**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS,  
2011 (S.I. No 477 of 2011)**

**DEROGATION LICENCE**

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as "the Habitats Regulations".

**Licence**

The Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Dave Welsh** of **74 Elmwood House, Boucher Road, Belfast, Co. Antrim. BT12 6RZ** a licence in respect of **Bat Species**. It is stated this licence is issued:

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

**(B)** As there is no satisfactory alternative, and the action authorised by this licence will not be detrimental to the maintenance of the population of **bats** referred to below at a favourable conservation status in their natural range.

This licence authorises the following:

- (a) Roost disturbance;
- (b) Actions authorised within the licence

**This licence is subject to the terms and conditions set out overleaf.**