

# Supplementary Information to Inform Derogation Application



Explanation as to why the derogation license 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

To support public health and safety or for other critical reasons of overriding public interest—such as social and economic factors with significant environmental benefits—obtaining a derogation licence is vital for conducting internal surveys of protected bat roosts. Detailed surveys are the only 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 are identified only from within the roost, whether by entering the building, using a torch, or employing an endoscopic camera.

Alternative methods, such as external inspections or distant observations, do not sufficiently confirm the presence or absence of bat roost features, which can hinder effective site characterisation and protection. Relying solely on emergence surveys is inadequate, as bats may interchangeably use roost features throughout different seasons, such as hibernation. Internal inspections are necessary to identify features used at other times of the year, including droppings or oil stains. Omitting these surveys can cause delays, increased costs, and, in exceptional cases, project cancellation or curtailment.

When works are planned on a building confirmed as a bat roost during a period when bats are unlikely to be present (such as hibernation for a maternity roost), internal inspection is required to ensure the building is unoccupied prior to project commencement.

JBA Consulting staff have conducted various bat-related surveys nationwide. These surveys sometimes require entry into buildings that may be suitable for bat roosts throughout the year to determine the presence or absence of bats and assess the roost's status. Surveys and internal inspections can help identify new bat roosts. Without a Regulation 54 Derogation, these surveys must stop, limiting the collection of essential information for ecological assessments. Therefore, JBA is requesting a Regulation 54 Derogation to access potential roosts as part of our standard bat surveys. All assessments adhere to the good practice guidelines established for the UK and Ireland, ensuring our methodologies are rigorous and compliant with environmental regulations, including but not limited to Collins 2023 Bat Surveys for Professional Ecologists: Good

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Practice Guidelines, Marnell et al 2022 Bat mitigation guidelines for Ireland, good ecological practices.



Evidence that actions permitted by a derogation license 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 covered by this derogation license will be conducted by an experienced and qualified bat ecologist. These surveys will be carried out at appropriate times of the year using sensitive and non-invasive techniques to detect evidence of bat roosting. 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 Irish bats species are listed as 'Least Concern' on the Ireland Red List No. 12: Terrestrial Mammals (Marnell et al., 2019), meaning they are not in any threatened category. JBA ecologists follow protocols to minimize disturbance to bats, ensuring that the grant of the derogation will not harm bat populations.

For unknown roosts, JBA ecologists check with the owner/client, survey for external signs of bats and cautiously enter possible roosts, especially in winter. If signs of bats are found, it is treated as a known/suspected roost.

For known/suspected roosts, ecologists avoid using roost illumination apart from torches, use low tones in speech, and take dropping samples for species identification. During hibernation season (November-March), a single ecologist enters the roost area, and if any hibernating bats show signs of waking, the survey is abandoned. During the breeding season, known breeding roosts are avoided unless emergency work is required, usually under a separate derogation licence.

These mitigation measures are designed following best practice guidelines and in consultation with Bat Conservation Ireland.

Details of any mitigation measures planned for the species affected by the derogation license at the location, along with evidence that such mitigation have been successful elsewhere

Mitigation measures to be employed include taking reasonable steps to ensure surveys do not harm bats by adjusting working methods or timing to avoid them. Surveys will only be conducted at appropriate times of the year, and efforts will be made to reduce noise, light, and vibration disturbances within roost features. The surveys will adhere to best practice guidelines for bat surveys in Ireland (Marnell et al., 2022). These guidelines

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are based on the latest scientific knowledge and supported by case studies demonstrating the effectiveness of the employed mitigation measures.

Additionally, 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.

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

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

### Patricia Byrne - Project Ecologist

Patricia has undertaken over 7 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. Anne has held derogation licences for Sacred Heart Secondary School, Clonakilty and the Opera Square Development site, Limerick, and has prepared impact assessments involving bats for a number of projects.

### Will Mulville - Senior Ecologist

William has over 6 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 natura (trees/ivy) and artificially-based (Structures - houses, bridges, stone walls) potential and confirmed bat roost features, within rural and urban landscapes, with the confirmed roost requiring derogation licenses. Within recent years, William has also become adept

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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.).

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### Michael Coyle - Ecologist

Michael has completed three years of bat surveying which has included transects, emergence and static deployment/assessment. These have contributed to both ongoing monitoring studies and the identification of bat utilisation in order to provide appropriate mitigation. These mitigations have included the adjustment of lighting levels, light spillage, cowl, beam direction, and in one particular case in Westmeath; an old community centre was being demolished that had bats present within it, which the appropriate method and schedule of removing the building was clearly outlined and this project was identified as needing an EcOW and a derogation licence.

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### Dominic Tilley - Ecologist

Dominic has three 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 stone walls). 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.

### Johanna Healy - Assistant Ecologist

Johanna has two 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.



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### Mia Heigh - Assistant Ecologist

With two years of dedicated experience in surveying potential and known bat roosts, Mia has honed their skills in conducting activity, transect, and emergence surveys. They are proficient in various surveying methods and techniques and possess expertise in analysing and interpreting data from bat static detectors.

Mia has contributed to projects involving both natural habitats and artificial structures, utilizing thermal imaging cameras to enhance survey accuracy. They have successfully applied for derogation licenses on behalf of clients and their manager, Anne Mullen. Their meticulous approach is evident in the numerous reports they have prepared and authored, which include specific mitigation measures for bats, such as design of specialist bat lofts, timber treatments safe for bats and bat access slates.

In addition to their technical skills, Mia has played a crucial role in projects requiring an Ecological Clerk of Works (ECoW) and has delivered toolbox talks to construction site staff on protocols for bat encounters during construction. Their project portfolio includes contributions to the Opera Square Development Site in Limerick, Dripsey Estate in Cork, and Sacred Heart Secondary School in Clonakilty, all of which required derogation licenses that Mia successfully gained by authoring the applications and supporting documentation.

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### Matt Hosking - Graduate Ecologist

Matt has 1 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 involves assessing both natural (trees / ivy) and artificial features (houses, stone bridges, and stone walls). 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.

### Jai Dolan - Graduate Ecologist

Jai has 1 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.



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### Olly Lynch-Milner - Graduate Ecologist

Olly is new to JBA Consulting but 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.

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