



# **Licence Return Report to Wildlife Licencing Unit of the National Parks and Wildlife Service**

## **Supporting Information**

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Heritage

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## **1. Introduction**

This document provides supporting information which has been compiled by the Applicant (Fiona McKenna) to accompany an application for a Derogation Licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011.

The Applicant is an Ecologist (BSc.) working with Malachy Walsh and Partners, Engineering and Environmental Consultants (MWP) for the past 5 years. Fiona has experience in ecological surveying and report writing for impact assessments. She has contributed to numerous reports for Screening for Appropriate Assessment, Natura Impact Statements (NIS), Ecological Impact Assessment (EclA) and Biodiversity chapters for EIAR. She has also authored and contributed to a number of reports for bat survey work and is experienced in the collation of data and in field ecology survey techniques.

A copy of the Applicant's Curriculum Vitae, specifically in relation to experience with bat work, is included for information in Appendix 1 of this document.

The purpose of this document is to provide sufficient information to the National Parks and Wildlife Service (NPWS) and the Department of Housing, Local Government and Heritage to allow them to make an informed decision regarding the granting of a Derogation Licence to the Applicant to carry out certain bat surveys, where disturbance of bats and/or roosts will/may occur.

As per Section 11 of the 'Application for Derogation Licence' form which is available on the NPWS website and is required to be completed, this supporting document details relevant information in response to the four criteria which are set out, in relation to the level of supporting information required. These are discussed under the following sub-headings.

## **2. 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**

The Applicant seeks to apply for a Derogation Licence to facilitate specific bat surveys, which are necessary for the effective assessment and management of potential ecological impacts. In particular, the surveys may involve activities that could disturb bats and/or a bat roost, particularly during sensitive periods such as the maternity and hibernation periods as outlined in Regulation 51 of the 2011 Regulations. The primary reason for the application, as specified in Regulation 54 of the 2011 Regulations, is based option c:

(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.

The need for the derogation license arises due to the necessity of conducting surveys in locations where bat roosts are either confirmed or suspected. Such surveys could involve a range of methods, including building/structure and tree inspections (e.g., using endoscopes, mirrors, etc.), presence/absence surveys, roost characterisation surveys, and other established best-practice techniques as detailed in Collins (2023), Marnell et al. (2022), SNH (2021), Collins (2016), and Kelleher & Marnell (2006). These surveys are often a requirement as part of baseline ecological assessments, which in turn inform planning applications for development projects.

It is important to note that various alternatives to the proposed derogation licence have been considered, but they have proven to be unsatisfactory for several reasons. First, non-invasive survey methods that would not disturb bats or roosts are either not feasible or would provide insufficient data to meet the regulatory requirements for assessing ecological impact. For instance, standard observation techniques or use of non-intrusive technologies may not provide the level of detail necessary to determine the presence and or the type of bat roosts, particularly in complex or hard-to-reach areas.

Furthermore, alternative approaches, such as relying solely on external licensed surveyors, would not fully address the timing or scope of the surveys required for compliance. Given the sensitivity of the species and the need for timely, accurate data to inform planning decisions, external licensed surveyors may not always be available within the necessary timeframes, leading to delays in the development process and potentially impacting public interest.

Without the granting of this derogation licence, it would not be possible to undertake the necessary surveys in a timely manner, and essential ecological data would remain uncollected. This would significantly hinder the Applicant's ability to evaluate and mitigate potential impacts on bat populations and their roosts, ultimately preventing developers from fulfilling their obligations under current environmental legislation. The granting of the derogation licence is, therefore, essential to ensure that important survey work can proceed without undue disturbance to the bat population, ensuring that the development proposals are in compliance with both ecological and regulatory standards.

In conclusion, after careful consideration of all available alternatives, it has been determined that the derogation licence is the only viable option to allow these critical surveys to be carried out. The importance of obtaining accurate ecological data to assess the potential impacts of development on bat populations, and the associated risks to public and environmental safety, make the derogation licence the most appropriate and necessary course of action.

### **3. 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.**

As discussed above, the Derogation Licence is being applied for to facilitate general bat survey work carried out as part of the normal role of a professional ecologist (the Applicant), who is adequately qualified and experienced. There will be no: • killing, injuring, taking/capturing of any bats • wilful interference with any breeding/resting places of bats • damage or destruction of any breeding/resting places of bats • retaining, selling, transport or exchange of any bats taken in the wild.

The licence is intended to allow for bat surveys to be undertaken where surveys could potentially cause disturbance of bats or their roosts, and/or allow for more comprehensive bat surveys to be undertaken, where roosts are confirmed present. There will be no physical interference with any bats or roost-sites. All survey work will be undertaken in accordance with current best-practice guidance, as outlined in Section 2 above, and with any best-practice guidance which may be published within the licence period. Bearing the above factors in mind, the actions permitted by the Derogation Licence being applied for will not be detrimental to the maintenance of the populations of any bat species at their respective favourable conservation status in their natural ranges, as required under Section 54(2) of the 2011 Regulations.

#### **4. 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**

With regard to survey methods, equipment etc, all survey work will be undertaken in accordance with best practice guidance, as outlined in Section 2 above. All surveys will be carried out in as short a time as possible to allow for the capture of adequate information, while minimising disturbance to bats and roosts. No specific mitigation measures, over and above what is in line with standard survey methods, are deemed required with regard to any bat species which may be affected.

#### **5. Other Relevant Information**

A copy of the Applicant's Curriculum Vitae, specifically in relation to relevant experience with bat surveys and bat impact assessment, is included for information in Appendix 1 of this document. Further information in relation to the Applicant's general professional ecological experience can be supplied, if required.

#### **6. References**

Collins, J. (ed.) (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines, (4th edn). The Bat Conservation Trust, London.

Marnell, F., Kelleher, C. & Mullen, E. (2022). Bat mitigation guidelines for Ireland v2. Irish Wildlife Manuals, No. 134. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

SNH, (2021). Bats and On-shore Wind Turbines: Survey, Assessment and Mitigation. Version: August 2021. Published by Scottish Natural Heritage.

Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines, (3rd edn). The Bat Conservation Trust, London.

Kelleher, C. & Marnell, F. (2006) Bat Mitigation Guidelines for Ireland. Irish Wildlife Manuals, No. 25. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

# **Appendix 1**

## **Curriculum Vitae of Applicant**



## Fiona McKenna

Ecologist

2019 - **Wildlife Biology BSc (Hons)**, *Institute of Technology, Tralee*

2015 - **Animal Care Fetac Level 5**, *Listowel Community College*

### Particular Expertise

Fiona is an ecologist who has worked with MWP full time since 2019. Prior to graduation she worked for MWP on a part-time basis during summer months and work experience whilst in college. Fiona has over 5 years' experience with MWP in ecological surveying and report writing for impact assessments. She has contributed to and authored numerous reports for Screening for Appropriate Assessment, Natura Impact Statements (NIS), Ecological Impact Assessment (EclA) and Biodiversity chapters for Environmental Impact Assessment Reports (EIAR). She has also authored and contributed to a number of reports for bird and bat survey work and is experienced in the collation of data and field ecology survey techniques.

### Key Skills

- Report writing including Ornithology, AA Screening, NIS and EclA and Bats,
- Habitat and mammal surveys,
- Bird surveys (vantage point and transect surveys and data analysis and interpretation),
- Bat surveys (static unit deployment, transects, emergence and data analysis and interpretation).

### Relevant Employment History

June 2019 - Present: Full-time Malachy Walsh and Partners

July 2018 - May 2019: Part-time Malachy Walsh and Partners

April – July 2018: Internship at Malachy Walsh and Partners

### Health and Safety

Safe Pass, MWP In-House Safety Procedures, Risk Assessments, Construction Industry Federation (CIF) COVID 19 on-line inductions.

### CPD

- **Volunteering – Lesser horseshoe bat monitoring surveys 2024** (Vincent Wildlife Trust)
- **Badger survey techniques and ecology 2024** (Flynn & Furney)
- **Bat training – surveying techniques and bat identification 2024** (Dr Tina Aughney)
- **Otter survey methods 2023** (*BatAbility*)
- **Kaleidoscope Pro for Bat Auto-ID 2023** (*Wildlife Acoustics*)
- **Bird survey technique using handheld tablets 2022** (*in-house training*)
- **Pine Marten survey methods 2022** (*BatAbility*)
- **Bat Sound Analysis 2022** (*BatAbility*)
- **Bat Conservation Ireland 4 module course 2021** (*Dr Tina Aughney*)

## Relevant Experience

Project	<b><u>St Margaret's Road Housing Development – Killarney Co. Kerry</u></b>
Duration	2024 – Ongoing
Description	Construction of a No. 70 units located on greenfield site on outskirts of Killarney town.
Role	<b>Report:</b> Authored bat report and Ecological Impact Assessment (EclA) report. <b>Field work:</b> Carried out all ecological surveying for the project including habitats, bats, and mammals.
Project	<b><u>Rathrush Energy Project – Co. Carlow</u></b>
Date	2023 – Ongoing
Description	The proposed construction and operation of large-scale energy project.
Role	<b>Report:</b> Authored bat report. <b>Field work:</b> Carried out all bat surveys.

Project	<u>Lisloose Housing Development – Tralee, Co. Kerry</u>
Date	2023 - 2024
Description	Construction of a large Residential Development (LRD) of 235 No. units located on greenfield site on outskirts of town.
Role	<b>Report:</b> Authored bat report to accompany the Ecological Impact Assessment (EclA) report. <b>Field work:</b> Carried out and helped coordinate a number of various bat surveys.
Project	<u>Dernacart Wind Farm Substation and Grid Connection – Co. Offaly/Laois</u>
Date	2023 - Ongoing
Description	Construction of grid connection between the consented Dernacart Wind Farm, Co. Laois and the consented Bracklone 110kV substation in Portarlinton, Co. Laois .
Role	<b>Report:</b> Authored Biodiversity Chapter for the EIAR. <b>Field work:</b> Carried out all ecological surveying for the project including habitats, bats, and mammals.
Project	<u>Blackwater Solar, Co. Offaly</u>
Date	2022 - 2023
Description	The proposed construction and operation of large-scale solar farm.
Role	<b>Report:</b> Authored bat report. <b>Report:</b> Carried out various bat surveys.
Project	<u>Cappamore, Co. Kerry</u>
Date	2019 - 2021
Description	Demolition of existing structures and property on site to allow the construction of new dwelling. A lesser horseshoe maternity roost was discovered during site investigations prior to any works in 2019 and MWP carried out roost monitoring throughout the demolition and construction phase. Emergence surveys were carried out monthly between April and Oct (inclusive) for 2020 and 2021. All monthly counts were sent on to the NPWS ranger (Michael O'Sullivan) and bat specialist Dr Tina Aughney.
Role	<b>Report:</b> Authored bat monitoring report. <b>Field work:</b> Carried out emergence surveys in 2020 and 2021.