



Wildlife Licencing Unit
Housing Reg 54 Derogations
NPWS
By email

21st February 2025

Re: 240420– Bóthar an Chóiste Large-scale Residential Development

I am applying for a bat derogation licence, on behalf of Lock House Developments Limited, in relation to the demolition of a derelict dwelling (M 31596 28166) along Bóthar an Chóiste, Castlegar, Galway.

Background

MKO have been commissioned by Lock House Developments Limited to carry out ecological surveys as part of a Large Scale Residential Development (LRD) on a site located to the north of Bóthar an Chóiste, in the townlands of Castlegar, Galway. MKO has carried out bat surveys at the site during 2020, 2021, and 2024. Three buildings within the site boundary were subject to preliminary roost assessments and emergence surveys. No evidence of roosting bats was found during inspections conducted, however one lesser horseshoe bat was recorded emerging from the derelict dwelling (M 31596 28166) during the dusk emergence survey on 16th July 2024. An unidentified crevice dwelling bat was also observed emerging, and based on activity recorded during the survey was considered likely to be a common pipistrelle bat. A repeat survey of this structure did not find any evidence of roosting bats, however lesser horseshoe calls were recorded coming from the structure during the emergence survey on 7th August 2024. This structure is likely used as a day roost or satellite roost. No emergences had been recorded during the previous dusk and dawn surveys in 2020 and 2021. No bats were observed emerging from either of the two other structures on site.

The necessary development plans have been designed to minimise any impacts on bats, including their commuting corridors or any other ecological receptors. The proposed development includes landscape and lighting plans that have been designed with ecological receptors in mind to retain linear features recorded being used by bats.

The proposed works will consist of the following:

- 1) Demolition of an existing house (124.6 m²), a ruined outbuilding (42.8 m²), and a ruined dwelling (41.7 m²)
- 2) Construction of 168 no. residential units comprising:
 - i. 70 no. two storey houses (36 no. two-beds, 26 no. three-beds, 8 no. four-beds),
 - ii. 2 no. apartment blocks comprising 54 no. apartments (27 no. one-beds, 27 no. two-beds),
 - iii. 44 no. duplex units (19 no. one-beds, 25 no. two-beds).
- 3) Development of a two-storey creche facility (c. 300 sqm), associated outdoor play areas and parking.
- 4) Provision of all associated surface water and foul drainage services and connections including pumping station with all associated site works and ancillary services.
- 5) The upgrade of the existing Bóthar an Chóiste road from the proposed development to the junction at L5041 consisting of road improvements, road widening and junction re-alignment.
- 6) Pedestrian, cyclist, and vehicular links throughout the development and access with Bóthar an Chóiste, and pedestrian and cyclist link to the adjacent Greenway route.



- 7) Provision of shared communal and private open space, site landscaping and public lighting, resident and visitor parking including electric vehicle charging points, bicycle parking spaces, and all associated site development works.

The NPWS document, *Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland - National Parks and Wildlife Service Guidance Series 1 (2021)*, was reviewed before undertaking this derogation application.

Article 16 of the Habitats Directive sets out three pre-conditions, all of which must be met before a derogation from the requirements of Article 12 or Article 13 of the Directive can be granted. These preconditions are also set out in Regulation 54 of the Regulations.

The preconditions are:

1. A reason(s) listed in Regulation 54 (a)-(e) applies
2. No satisfactory alternatives exist
3. Derogation would not be detrimental to the maintenance of a population(s) at a favourable conservation status.

It is believed that the pre-conditions for granting a derogation licence have been met, as follows:

Test 1 - Reasons for Seeking Derogation.

Regulation 54(2) (a)-(e) states that a derogation licence may be granted for any of the reasons listed (a) to (e). We are of the opinion that the following reasons apply:

- (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.

Whilst the derelict dwelling is currently used by one or a small number of roosting lesser horseshoe and likely common pipistrelle bats, it is considered unsuitable for use as a maternity roost. The structure is located at the border of a large urban site and planning permission is sought to allow for a new residential development. A licence is requested to demolish the existing building and effectively remove the roost resource. Alternatives have been considered and are highlighted below.

Test 2 - There is no Satisfactory Alternative

There are no satisfactory alternatives to the demolition works to allow for new development structural works.

Do nothing scenario: If the development were to not go ahead, the structure would continue to be a day/satellite roost to one or a small number of individuals. If left in its current state, this structure, which is already collapsing, will fall further into disrepair and its suitability as a roosting resource will be compromised.

This would result in the lack of provision of 168 housing units if there was no development at the site.

Structure retention – no renovation: This option would encompass the retention of the derelict dwelling as is and the development of the remainder of the site. This would result in the lack of provision of 11 duplex units proposed to overlap the existing ruin footprint. This option is not feasible for the following reasons:

- The subject site is zoned 'Residential' in the extant Galway City Development Plan 2023-2029 and is factored into the core strategy housing yield numbers for the City's development up to 2029.
- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended). There is a renewed focus in the 2024 Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban



design and placemaking to support sustainable and compact growth. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Galway, and that densities of up to 100 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations.

- The Urban Development and Building Heights Guidelines published by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), are intended to set out national planning policy guidelines on building heights in relation to urban areas. The Guidelines contain Specific Planning Policy Requirements (SPPR) that must be complied with by the relevant planning authority under Section 28 (1c) of the Planning and Development Act 2000 (as amended). The requirement to comply with SPPRs has been established in recent case law following the judgement of *Conway v An Bord Pleanála & Ors* [2023] IEHC 178. It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000.
- Draft Revision of the National Planning Framework 2024 (NPF): The NPF is currently being revised and sets out ambitious new housing targets. In November 2024, the government approved revised housing targets for the period 2025 to 2030, aiming to deliver a total of 303,000 new homes across Ireland. The plan sets an average of over 50,000 homes per year, with a pathway to achieve 60,000 homes annually in 2030 and thereafter. To reach the total of 303,000 homes by 2030, an annual increase in housing delivery, starting from 41,000 homes in 2025 and rising incrementally to 60,000 homes by the end of the period has been agreed by Government.
- The structure could pose a health and safety risk to residents of the development as it would likely become a location for unsociable activities, even if it were to be fenced off.
- The structure would fall further into disrepair, becoming unsuitable for, and potentially endangering roosting bats.

Therefore, having regard to the above, the retention of the derelict dwelling on site and the development of the remainder of the site is not viable as the site would not be in compliance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and the Urban Development and Building Heights Guidelines. The structure would also eventually fall into disrepair unless extensive works are carried out.

Structure retention – renovation: This option would encompass the retention of the derelict dwelling and the development of the remainder of the site. The structure would need to be renovated to ensure no further deterioration occurs. The retention and renovation of the structure would incur high additional costs and the temporary disturbance of the existing roost. As above, this would also result in the lack of provision of 11 duplex units. This option was considered unfeasible for the same planning reasons listed above, and is not considered the best alternative in terms of usage of budgets and available space within the proposed development site.

Chosen option: The best alternative considered is the demolition of the structure and its replacement with a bespoke block-built bat house in proximity of its current footprint. This option utilises the site to its full development potential while also providing suitable alternative roosting options for bats.

The new bat house will be built using specifications provided by Vincent Wildlife Trust and already used within their agricultural schemes. The reference for the structure blueprint is the Mulkear LHB conservation project. This is considered a better cost-effective option, while providing bats with a replacement structure that has been proven to work effectively. These structures are not necessarily designed to host maternity roosts, even though they provide suitable conditions, but to provide satellite roosts around the country. This is thought to be the current use of the ruin on site and as such the replacement is considered a suitable alternative. It is also considered a safer environment for bats in terms of risk of tampering and access by the public. The replacement will be fenced to limit lighting and tampering to the structure. A maternity bat box (i.e Schwegler 1FTH) will also be provided to suit crevice dwelling species.



The replacement structure will be built close to the time of demolition and materials from the existing building, particularly roof slates, will be repurposed within the structure.

In addition to this, a second wooden bat house is proposed to the west of the site, with specs following the Cathedine Night Roost Design also provided by Vincent Wildlife Trust.

The site does not provide high quality foraging/ commuting habitat as it is located within an urban location, however the landscape and lighting plan have both been designed in collaboration with project ecologists to avoid significant effects on wildlife by design and mitigate any unavoidable impacts. The existing hedgerow to the east of the site, which serves the current roost, will be retained and eventually enhanced following works. As the southern treeline, which is also likely to serve the roost, will not be able to be fully retained due to the proposed access roads into the site, a continuous hedgerow has been designed along the northern boundary of the site, which is considered more suitable as it will have limited lighting disturbance. This will maintain east-west connectivity. The western boundary is considered having the most suitability as it is connected with undeveloped lands to the west, as such it was considered the best option to include a dark corridor for bats in the form of retained and bolstered treelines and hedgerows.

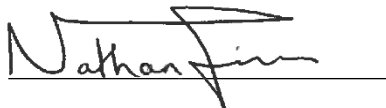
Lighting will not be directed at suitable bat features wherever possible. Options to limit impacts on biodiversity beyond the do nothing scenario have been explored and applied where feasible, in line with safety standards, lighting standards and residential development requirements.

Proposed landscaping drawings have been provided to support the application. Please note these are currently in draft form however significant changes are not expected.

Test 3 - Favourable Conservation Status

We are applying for the licence in order to ensure the protection of bats, in line with Regulation 54 (2) (a) of the Birds and Natural Habitats Directive. To ensure no significant effects on bats occurs, a number of additional mitigation measures will be in place, as outlined above. It is proposed to provide two bespoke Lesser horseshoe bat roosts and a replacement bat box in the vicinity of the structure to be demolished, where vegetated areas will be provided. It is not anticipated that the works will impact the favourable conservation status of bats using the site. Where temporary disturbance and connectivity loss is expected during construction, this is not considered to affect the conservation status of the bats recorded on site, as no significant roosting, commuting or foraging activity was recorded. It is hoped that the measures proposed will eventually enhance the site for roosting bats and provide suitable long-term roosting availability for lesser horseshoes and crevice dwellers. The current roost resource within the site is of limited value as it is in poor condition and only supports one or a small number of roosting bats. The derelict dwelling was assessed as having *Low* roosting suitability and is falling further into disrepair. The replacement of this structure, with a bespoke, predator-proof block structure near high quality commuting habitat would be a noticeable improvement in roost resource quality, compounded with the provision of the maternity bat box for crevice-dwelling bats on the structure and the bespoke wooden Lesser horseshoe bat house at the east of the site.

I hope that this is satisfactory for you to consider the grant of a derogation licence for these works. Please do not hesitate to contact me if you have any further questions.



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Bat Ecologist

