

15/05/2025

SUPPORTING DOCUMENTATION IN RESPECT OF BAT SURVEY LICENCE 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

Developments, proposed for reasons of public health and safety or for other critical reasons of overriding public interest, including social and economic factors with significant environmental benefits, are required to obtain consent to proceed from the relevant competent authority (typically the local planning authority).

It is a requirement under Article 12 (1) of the Habitats Directive and the associated domestic legislation, as transposed into adopted County Development Plans throughout Ireland, that species listed in Annex IV of the Directive (including all native bat species) are protected from;

- All forms of deliberate capture or killing of specimens of these species in the wild;
- Deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;
- Deliberate destruction or taking of eggs from the wild;
- Deterioration or destruction of breeding sites or resting places.

Ecological assessment, undertaken to assess the potential impacts of proposed developments upon such species, is therefore required to be submitted in support of any application for consent, in proportion to the scale and nature of the development. Such assessment must be informed by a sufficiently robust ecological baseline. Where necessary mitigation measures may be prescribed to ensure that the conservation status of protected species within the site is maintained.

In order to ascertain the presence or absence of bats in circumstances where other survey methodologies are not available, discussed below, surveys may be required which necessarily give rise to the potential for minor disturbance to bat species and/or their breeding sites or resting places. It is on this basis that the derogation licence is sought.

Detailed surveys are the only available course in establishing the potential presence or absence of roosting bats and furthermore characterising roosts where they are found to occur.

This derogation licence is being sought for the endoscopic/torchlight inspection of potential and confirmed bat roosting features amongst structures and trees determined, from a ground-based and non-invasive assessment, as having bat roost potential. Such ground-based assessments cannot definitively confirm whether the relevant features represent roosts or potential roosts, as evidence of bat occupancy is often only possible from close examination of the potential roost feature such as through use of a torch inside a building or through the use of an endoscope in the case of trees and cavities in stone.

In many instances, trees and structures cannot be surveyed using non-intrusive methods (Infra-red night vision aid or thermal imaging), this can be for reasons such as camera view limitations (dense vegetation or visual obstructions). In these instances, close inspection (torch or endoscope) is required. Furthermore emergence surveys (which must necessarily focus on a single potential roost feature over the course of a single evening), are inadequate to assess the use of potential roost features in many instances due to the ephemeral manner in which bats utilise roosts in numerous trees according to season and weather conditions. Close inspection under licence is likely to record other signs of bat occupancy where the bats themselves are absent, such as droppings or staining.

Where the option of close inspection surveys for bats is not available, projects are likely to be subject to delays, cost implications and potentially incomplete baseline characterisation. The latter may also have potential to give rise to adverse effects upon roost features through incorrect assignment of importance to trees or structures leading to the inadequate implementation of mitigation measures.

As set out within Table 6.1 and Section 6.8 of the Bat Conservation Trust Guidelines (4th Edition), potential roost feature (PRF) surveys utilising aerial inspection provides the following advantages:

- *"Catalogues the available roost resource in a more accurate way*
- *Allows a search for evidence of bats in low or higher level features*
- *Whilst in the tree can look for PRFs that are not visible from the ground*
- *More valuable than an emergence survey, which can only provide a snapshot of a single night."*

The Bat Mitigation Guidelines for Ireland - v2 (2022) at Section 5.6.2 also discusses the use of endoscopes for survey works in respect of trees.

For these reasons, in addition to the practical difficulties associated with the use of any other bat roost survey methodology at the site, it is considered that close inspection surveys utilising a torch or endoscope undertaken under licence represent the best and only practical method of surveying for roosting bats at the site. This is consistent with Stage 2 of, "a *Decision Making Process for Public Authorities*" as set out within the "Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland" published on the NPWS website and referenced in respect of licence applications, which requires surveys to be carried out for the relevant protected species, apropos of Article 12 of the Habitats Directive as set out above.

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 outlined above, the applied for derogation licence is for survey only. Such surveys 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 per roost feature) 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.

Surveys undertaken under this licence will be carried out in line with the Bat Conservation Trust guidance (Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition; Collins, 2023) and National Parks and Wildlife Service's Bat Mitigation Guidelines (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).

Craig Macdonald, the applicant, is the Associate Director Ecologist who heads the ecology team at Neo Environmental and has over 25 years' experience of working both as a volunteer and as a professional ecologist. He holds a first-class Post Graduate Diploma & MSc in Environmental Management & Waste Management (Distinction) and an Honours Degree in Zoology & Environmental Biology including a residency at the University Marine Biological Station (UMBS) in

Millport. He has undertaken full professional development training from BatAbility, Botanical Society of Britain & Ireland (BSBI), British Trust for Ornithology (BTO), Butterfly Conservation, Field Studies Council (FSC), Mammal Society, Plantlife and Royal Society for the Protection of Birds (RSPB) and has published several hundred wildlife studies as well as guidance documents and articles in leading academic journals. Craig is a licensed bat worker and has held licences for badgers, great crested newts (GCN), otters, natterjack toads, Schedule 1 breeding raptors and water voles – including fossorial water voles.

Craig Macdonald currently coordinates and leads the bat survey work carried out by Neo Environmental Ltd in Northern Ireland, Republic of Ireland, Scotland and England. He is an experienced bat activity surveyor and bat roost assessor (including ground-based assessment, manual elevated work platform/mobile elevated work platform (MEWP) based assessment and endoscopy) and has carried out various NatureScot (previously named Scottish Natural Heritage) licensed bat roost exclusion works (circa 25 certified roost exclusions) under his previous business that specialised in bat related works. Craig was trained and assessed in endoscopic examinations by Neil Middleton of BatAbility as part of obtaining his bat licence issued by NatureScot (see attached).

As such the licensee is sufficiently qualified and experienced at undertaking such surveys and ensuring that they do not result in undue disturbance to roosting bats.

All Irish bat species are categorized as being of 'least concern' within the Ireland Red List No. 12; Terrestrial Mammals (Marnell et al., 2019). As such they are not considered to be at a threatened conservation status.

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.

Where a known roost is subject to further inspection, roost illumination will be minimised wherever possible, loud noises in proximity to the roost will be avoided and dropping samples taken for species analysis (if required). During the breeding period known maternity roosts will be avoided except in exceptional circumstances.

Details of any Mitigation Measures planned for the species affected by the derogation licence at the location, along with evidence that such mitigation has been successful elsewhere

Mitigation measures to be employed during the licenced survey, as discussed above, will include taking reasonable steps to ensure that such survey works do not give rise to any harm to bat populations encountered. This will include:

- the undertaking of such works in line with the relevant guidance, referenced above (which are supported by case studies demonstrating their efficacy),
- the appropriate timing of surveys (to avoid significant disturbance to hibernating or breeding populations),
- the use of measures such as minimising potential time and magnitude of roost disturbance through minimisation of the use of artificial light, vibration, noise and other disturbance sources.

The applicant has undertaken significant training in the use of an endoscope for roost survey and where colleagues undertake surveys under this licence they will be under his direct supervision.

Further Information to allow a decision to be made on this application

This supporting information includes below the current NatureScot Bat Survey Licence issued to the applicant from 27th December 2024 to 31st October 2029.



NatureScot
Species Licensing
Great Glen House
Leachkin Road
Inverness
IV3 8NW

01463 725364
e-mail: licensing@nature.scot

Licences are issued by Scottish Natural Heritage, acting under its operating name NatureScot.

Bat Roost Licence

Licence Number	281256	Valid from	27 Dec 2024	Valid to	31 Oct 2029
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This Licence has been amended from Licence Number: 165121

Licence Holder

Name	Mr Craig Macdonald
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Address	Robinhill, Prospect Terrace, Lossiemouth IV31 6JS
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This licence is granted under the following legislation

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended): Regulation 44 (2) (a)

Project Details

This licence permits the licence holder to disturb bats within roosts and at roost entrances, and to temporarily take or capture a small number of bats for identification purposes by hand or static held net in Scotland. This licence also permits the possession of up to five dead bats for the purpose of education. All works should be carried out in accordance with best practice guidance described in the Bat Workers' Manual, 3rd edition, JNCC, 2004 and the BCT Bat Surveys for Professional Ecologists Good Practice Guidelines (4th Edition), Collins, J., 2023.

Activities, species and locations covered by this licence are listed in Annex 1

This licence is granted subject to compliance with the terms and conditions specified.

Authorised on behalf of NatureScot by: Lauren Fraser on 27 Dec 2024

Conditions	
1	The licence holder and assistants must follow the guidance given in the document entitled: "Guidance: accompanying notes for survey and monitoring licences".
2	The licence holder is permitted to visit hibernacula. Assistants may accompany the licence holder but numbers entering winter roosts and the frequency of visits must be limited to ensure disturbance is kept to an absolute minimum.
3	The licence holder is not permitted to handle hibernating bats, except where permitted under an NatureScot bats and development licence.
4	All equipment used for the purpose of taking bats must be used in accordance with best practice, and constructed and maintained so as to avoid cruelty, distress or injury to bats.
5	Any bats taken must be liberated at the site of capture immediately after examination.
6	The licence holder may appoint assistants to operate under the terms of this licence.
7	For health and safety reasons, bite proof gloves must be worn at all times when handling bats.
8	The licence holder must exercise the utmost care to avoid undue disturbance to roosting bats and any action which might endanger breeding success.
9	No work authorised by this licence may be undertaken on a National Nature Reserve without the prior permission of the NatureScot NNR Manager.
10	While engaged in work authorised by this licence, the licence holder must be able to produce a copy of this licence to any Police Officer, authorised person, or official of NatureScot on demand.
11	The licence holder must provide NatureScot Licensing with an annual return for each year the licence is valid and a final return, summarising the work carried out under this licence. The annual return(s) must be submitted within one month of the anniversary of the licence issued date. Failure to submit an annual return may result in NatureScot revoking this licence. The final return must be submitted within one month of the expiry of this licence. Please send this information by email (including your licence number in the subject line of the email) to: licensing@nature.scot using the form found here: http://www.nature.scot/bats-licence-forms-and-guidance-documents .

Notes

Licence holders or any other persons covered by this licence should note the following;

This licence is granted subject to compliance with the conditions as specified.

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Notes - continued

1	Anything done otherwise than in accordance with the terms of the licence may constitute an offence. It is the responsibility of the licence holder, agents and assistants working under this licence to report to NatureScot any breaches of the licence conditions that they become aware of as soon as is reasonably possible.
2	Licence holders are reminded that winter visits should be co-ordinated by local bat groups.
3	Assistants must work under the personal supervision of the licence holder. The number of assistants that can be appropriately supervised is at the discretion of the licence holder.
4	Nothing in this licence shall confer any right of entry on to land or property.
5	This licence may be modified or revoked at any time by NatureScot, with or without cause, at NatureScot's sole discretion.
6	This licence only permits the activities specified in the project details of this licence. Licensed offences that cover these activities are listed in Annex I: Permitted activities. It does not permit any other actions that would otherwise be illegal.
7	It is the responsibility of the licence holder to ensure that all contact details are up to date. Not advising NatureScot of changes to licence holder contact details could result in the licence being revoked.

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Annex 1: Permitted activites

Action	Purpose	Species	Location	Grid Reference	Method
Disturb, take and possess	Science, Research and Education	All Bat Species	All Scotland	-	Hand and hand-held nets



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