Wildlife Licencing Unit
NPWS
By email
wildlifelicence@npws.gov.ie

Our Ref: 240819

20th January 2025

Re: 240819 – Main Road, Prospect Athenry - Residential Development

Dear Sir/Madam,

I am applying for a bat derogation licence, on behalf of Bellerin 3A Ltd., in relation to the construction of a residential development at Main Road, Prospect, Athenry, Co. Galway.

Background

MKO was commissioned to undertake bat surveys at Main Road, Prospect Athenry, Co. Galway. The project will consist of the construction of 72 no. residential units. The proposed development will require the demolition of a two-storey residential dwelling, a ruin shed and the removal of 33 trees. A planning application was submitted to Galway County Council in September 2023 (PL07.318116, 2360759). The project was refused by An Bord Pleanála for connectivity/access reasons. A new application will be submitted with a proposition for a new pedestrian access.

Bat habitat appraisals, inspections, ground level static surveys, roost surveys and transect surveys were conducted within the site in 2023. Five bat species and the *Myotis* genus were recorded across the proposed development site. Evidence of opportunistic roosting by small numbers of bats was recorded during daytime inspections in the two-storey dwelling. No evidence of active roosting bats was identified during the dusk emergence surveys and there was no evidence of significant roosting (i.e. maternity roosts) within the site. Foraging and commuting was recorded throughout but was primarily associated with the woodland areas located to the north of the proposed development site. **A derogation licence is being sought for the proposed removal of roost resource within the site boundary i.e. one residential dwelling, ruin shed and mature trees.**

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 contains landscape and lighting plans designed with ecological receptors in mind to retain linear features recorded being used by bats.

A list of mitigation measures was provided to avoid any potential impacts on bats and their roost resource:

- On a precautionary basis, as evidence of small numbers of roosting bats were identified within the proposed development site, a derogation licence will be obtained from NPWS prior to the demolition of the dwelling, the ruin shed and the felling of trees, where felling is unavoidable.
- A pre-construction survey will also be undertaken by a qualified ecologist prior to demolition, to ensure there are no roosting bats within the dwelling being demolished. If bats are found to be roosting within the building, demolition works will be undertaken outside the bat maternity season (i.e. May to August).

- The proposed development works can also provide new roosting opportunities for bats. Bat boxes will be erected within the site following best practice guidelines (Marnell, Kelleher and Mullen, 2022; NRA 2006). A minimum of three bat boxes are recommended for installation prior to any works commencing. Two Schwegler 1FF and one 2FN woodcrete bat boxes are recommended. 2FN bat boxes are equipped with a floor and can be used for the relocation of bats by a licenced ecologist if any are found during the demolition and felling processes. Bat boxes will have a southerly orientation and be positioned at least 2m from the ground, away from artificial lighting.
- A landscape plan has been prepared for the development by Griffin Landscape Architects. The plan includes areas of open amenity grassland and mixed native woodland planting surrounding residential areas.
- It is proposed to plant 210 no. predominantly native trees within the site. The existing linear features along field boundaries will be bolstered and a large area of the site will be retained and landscaped as amenity grassland surrounded by scattered trees. An area of natural woodland will be re-planted in the southernmost section of the site.
- Native and semi-mature trees will be planted in the southern woodland to provide suitable foraging habitat immediately after construction.
- Overall, there will be no net loss in suitable commuting and foraging habitat features for bats.

Details of roosting evidence found is submitted in the documents accompanying this. All other resources relating to the planning submission are available in the planning portal.

List of accompanying documents:

- Bat Survey Report 2023 with update on the layout
- Derogation Licence Application Form
- DOC.03 Arboricultural Impact Assessment Report
- Relevant Drawings:
    - 9878(PP)003 Proposed Site Plan
    - PUBLIC ROAD WORKS MAP 25.09.24

Preconditions Tests

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 two-storey building proposed for demolition presented a small amount of opportunistic evidence of roosting bats, it does not currently support any significant roost (i.e. maternity). The ruin shed did not reveal any evidence of bats but was assigned with a *Low* potential for roosting bats as it could support opportunistic roosting for individual bats. Furthermore, no evidence of roosting bats was identified within the trees on site. However, five trees proposed for felling were identified as having a *Low* to *Moderate* potential for roosting bats (Collins, 2016).

The site is located at the border of an urban site and planning permission is sought to allow for new residential development. A licence is requested to demolish the building, the shed ruin and on a precautionary basis for tree removal, and effectively remove the roosting resource identified, to allow the site to be replaced by residential development.

Test 2 – There is no Satisfactory Alternative

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

Do nothing scenario: If the development were to not go ahead, the dwelling would remain in place and will potentially be used again by bats. The occupied dwelling would continue to be in use and would remain available to provide opportunistic shelter for a small number of bats. It is likely that the site will eventually be developed in line with the Athenry Local Area Plan 2024-2030.

This would result in 72no. residential housing units not being built.

House and tree retention: This option would encompass the retention of the existing house and trees on site and the redevelopment of the remainder of the site. This option is not feasible for the following reasons:

- The access to the site is restricted and the project was already refused because of it. The site is accessible through the northwest road and an additional pedestrian/cycle road is proposed in the south of the site boundary for the new planning application. The retention of the Occupied Dwelling would obstruct the only drivable proposed access and internal road network.
- The Athenry Local Area Plan 2024-2030 states that:
    - The subject site is zoned 'Residential (Phase 1): "*Residential lands have been included in a phasing scheme. [...] Phase 1 lands are promoted for immediate development. The Phase 1 lands have been identified having regard to good planning principles such as the sequential approach. (the identification of undeveloped lands closest to the town centre and existing established areas), potential pedestrian/cycle connectivity to the town centre and the avoidance of flood risk and environmentally sensitive areas.*"
    - *"The National Planning Framework Objectives (NPO) 9 states that settlements such as Athenry may be identified for significant (i.e., 30% or more above 2016 population levels) rates of population growth."*
    - *"The Core Strategy (Galway County Development Plan 2022-2028) sets out a significant population growth level in Athenry. Specifically, Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy of the GCDP 2022 - 2028 provides for an increase in the population of 1,350 over the plan period of 2022 – 2028. This additional population will be accommodated with an additional 544 dwelling units. In addition, as per the requirements of RPO 3.2, there are circa 233 residential units to be delivered on infill/brownfield sites."*
    - *"Athenry is one of four towns that have been identified in the Regional Spatial and Economic Strategy (RSES) as a location for strategic development potential on a regional scale. Regional Policy Objectives (RPO) 3.1 aspires to develop urban places of regional scale, by delivering significant compact growth in Strategic Potential towns including Athenry. The RPO 3.1 outlines a strategy for revitalizing derelict and underutilised sites, with an initial concentration*

in the town centre. According to the RSES, delivery can only be achieved with crucial enabling infrastructure and services, ensuring that Athenry grows as a thriving place to live and work. RPO 3.2 stipulates that at least 30% of all new homes targeted in settlements with a population of at least 1,500 be delivered within the existing CSO-defined built footprints. RPO 3.13 supports the role of settlements such as Athenry as a Town of Strategic Potential within County Galway, which is instrumental in delivering service provision and employment."

- Amongst 58 trees recorded on site by the arborists, 33 individual trees, 1 treeline (Leyland cypress) and 1 tree group (immature willow trees) are proposed for removal for the development to take place. It is proposed to plant 210 no. predominantly native trees within the site as a mitigation measure.

Therefore, having regard to the above, the retention of the existing dwelling and trees on site and the redevelopment of the remainder of the site is not viable as the site would not be in compliance with the Galway County Development Plan 2022-2028, the National Planning Framework Objectives and Regional Spatial and Economic Strategy.

Chosen option:

The proposed development complies with National and Regional Planning Policy, Ministerial Guidelines and the relevant planning policy and standards contained in the Athenry Local Area Plan 2024-2030. The proposed development is located on lands that are zoned for residential development in close proximity to services in the Athenry centre.

The development was designed by Griffin Landscape Architects to include areas of open amenity grassland and mixed native woodland. The existing linear features along field boundaries will be bolstered and a large area of the site will be retained and landscaped as amenity grassland surrounded by scattered trees. An area of natural woodland will be re-planted in the southernmost section of the site. As such, high suitability areas to bats will be designed. The option to include a larger alternative roost (i.e. bat house) was considered but was determined impractical due to the relative small size of the site and the potential for the structure to be tampered with. The inclusion of integrated bat boxes within the new buildings was also excluded to limit human interaction as much as possible. Due to the limited use of the existing structures by bats, the provision of bat boxes positioned in inaccessible locations was selected instead.

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.

Test 3 – Favourable Conservation Status

In order to ensure the protection of bats under Regulation 54 (2) (a) of the Birds and Natural Habitats Directive, we are applying for the licence, in the interest of protecting wild fauna. To ensure no significant effects on bats occurs, a number of additional mitigation measures will be in place, as outlined above. The licence has been applied for to ensure that the demolition of this roost resource has no potential for detrimental impacts on the local bat population. It is proposed to install bat boxes within the site following best practice guidelines (Marnell, Kelleher and Mullen, 2022; NRA 2006). It is not anticipated that the works will impact the favourable conservation status of bats using 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.

Nora Szijarto (MSc.)
Bat Ecologist