

Wildlife Licencing Unit NPWS By email

Our Ref: Your Ref: 180748-b

27th February 2025

#### Re: 180748-b- Coen Steel Gort Residential

Dear Sir/Madam,

I am reapplying for a bat derogation licence, on behalf of Coen Steel, in relation to the removal of three mature ash trees from a proposed residential development site on the Loughrea Road, Gort, Co. Galway (Grid Ref: M 45640 02140). These three trees have previously been confirmed as bat roosts and the location of the trees are as follows: (IG Ref: M 45720 02130, M 45694 02107 and M 45687 02098). A derogation licence (DER-BAT-2024-136) was previously granted for these works in August 2024, before the process changed to issue both a 2024 and 2025 licence. The 2024 licence has since expired and was returned before any works commenced.

#### Background

MKO have been commissioned to carry out ecological surveys as a part of the proposed development. Ecological surveys were previously undertaken by MKO in August and September 2022. These surveys consisted of a dawn re-entry and a dusk emergence survey of a number of trees and were carried out by two licenced ecologists. 18 Soprano pipistrelles were observed swarming and re-entering two mature ash trees during the dawn re-entry survey. 30 Soprano pipistrelles were recorded emerging from three trees during the dusk emergence surveys. Details on numbers of individuals seen emerging and re-entering the trees are shown in table 1 below.

#### **Roost Surveys**

A daytime search for roosts was undertaken on the 17<sup>th</sup> August 2022. Any potential roost sites were subject to a roost assessment. This included an interior and exterior inspection to determine the presence of bat use, such as live and dead specimens, droppings, feeding remains, urine splashes, fur oil staining and noises. Potential tree roosts were examined for the presence of rot holes, hazard beams, cracks and splits, partially detached bark, knot holes, gaps between overlapping branches and any other potential roost features (i.e., PRFs) identified by Andrews (2018).

A dawn re-entry survey was carried out on the morning of 30th August 2022 by MKO ecologists Kate Greaney (B.Sc., M.Sc.) and Shane Connolly (B.Sc.). The survey commenced 2 hours before sunrise and was completed at sunrise. A dusk emergence survey was carried out on the evening of the 15th September 2022 by MKO ecologist Kate Greaney and Viorel Anitei (B.Sc.). The dusk emergence survey commenced 30 minutes before sunset and was completed for 1hr15m after sunset. Surveys were conducted by two surveyors equipped with active full spectrum bat detectors, Batlogger M (Elekon AG, Lucerne, Switzerland). Where possible, species identification was made in the field and any other relevant information was also noted, e.g., numbers, behaviour, features used, etc. All bat echolocation was recorded for subsequent analysis to confirm species identifications. Surveyors were positioned at different locations during each of the surveys to look for bats emerging and re-entering trees or walls with potential roost features. Conditions were suitable for all bat surveys completed at the site. Table 1 shows the results of these surveys.



Species	Number	Activity	Date	PRF	Location (Irish Grid Ref.)
Soprano pipistrelle	6	Swarming & Re- entering	30/08/22	Mature ash tree	M 45720 02130
Soprano pipistrelle	12	Swarming & Re- entering	30/08/22	Mature ash tree	M 45694 02107
Soprano pipistrelle	8	Emerging	15/09/22	Mature ash tree	M 45720 02130
Soprano pipistrelle	17	Emerging	15/09/22	Mature ash tree	M 45694 02107
Soprano pipistrelle	5	Emerging	15/09/22	Mature ash tree	M 45687 02098

## Table 1 Emergence and Re-entry survey results

M 45687 02098 was classified as a satellite roost, while both M 45720 02130 and M 45694 02107 were identified as potential maternity roosts.

# Proposed Best Practice Mitigation Measures

- Tree felling will be undertaken outside the main bat activity period (May to August), and hibernation period (December to March).
- A derogation licence must be obtained from NPWS prior to removal of the identified tree roosts.
- A pre-construction survey will be undertaken by a qualified ecologist on trees to be felled with suitable potential roost features, to ensure there are no roosting bats present and to assess any changes in the baseline since the surveys were initially conducted.
- *Following the pre-commencement survey, tree felling of suitable roosting trees will occur as follows:* 
  - Felling activity will occur on the same day as the pre-commencement inspection and will be supervised by a qualified ecologist.
  - Trees will be nudged two or three times prior to limb removal, with a pause of 30 seconds in between, to allow any bats potentially present to wake and move.
  - Felled trees will be left in-situ for a minimum of 24 hours prior to sawing or mulching, to allow any bats present to escape (National Roads Authority, 2006).
- Alternative roost sites will be provided to compensate for the loss of the tree roosts and potential roosting habitat. Bat boxes will be erected on mature trees within the survey area following best practice guidelines (Marnell et al., 2022; NRA 2006). A minimum of 8 woodcrete bat boxes are recommended for installation. Bat boxes should have a southerly orientation and be positioned at least 3m from the ground, away from artificial lighting from the operational phase of the development. They will be placed adjacent to vegetation features such as treelines and hedgerows at the northern and/or eastern site boundaries, or within the retained woodland, to ensure they are close to existing flight paths and can avoid wide open spaces (Collins, 2016). A mix of woodcrete bat boxes is recommended, including Schwegler 2FN, 1FW and 1FTH bat boxes, or similar. Final bat box locations will be agreed in consultation with a licenced Ecologist.
- At least one no. bat box will be placed onsite before works commencing to allow for relocation of bats potentially found during tree felling works. A Schwegler 2FN Woodcrete bat box, or similar, is recommended for this purpose.
- Any proposed lighting will be fitted with rear shields and all light will be directed away from the retained woodland, hedgerows and treelines to prevent any light spillage onto these features.

## **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.

Planning is being sought for new residential development in Gort, Co. Galway. Gort is considered a commuter town of Galway and there is a current need for housing in the area. The greenfield site chosen for this residential development has been carefully selected and will be beneficial to the local economy. Should the planning permission be granted, the removal of the trees on the site are not only necessary to facilitate the development but also in the interest of public health and safety. Trees have been assessed by an arborist. The trees selected for removal have significant Ash dieback disease with evidence of historical limb loss and deadwood and are at considerable risk for structural failure.

## Test 2 - There is no Satisfactory Alternative

There are no satisfactory alternatives to the tree removal. The trees have been chosen with the most practical design plans in mind alongside the health status of the trees. The Ash trees due to be felled have been infected with ash die back disease. Once a tree has been infected it is at considerable risk of structural failure. The infected trees can shed branches and limbs or the whole tree may eventually collapse.

# Test 3 – Favourable Conservation Status

Annex IV species must be maintained at Favourable Conservation Status or restored to favourable status if this is not the case at present. The net result of granting a derogation licence must be neutral or positive for the species in question.

Tree removal works will commence outside of the bat maternity season and main hibernation period, on a precautionary basis. Additionally, the above listed mitigation measures will be in place to ensure that there are no negative impacts to potentially roosting bats. In the event that bats are encountered during the works, the licence will be in place to ensure that any bat is appropriately cared for and no potential for detrimental impacts on the local bat population exists. The erection of 8 bat boxes will provide an alternative roosting opportunities for a variety of bat species.



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.

Ryan Connors

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