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Appendix: Application for Derogation under the European Communities

Figure 1: Visitor Centre, derelict toilet, porta-loos and carpark area.

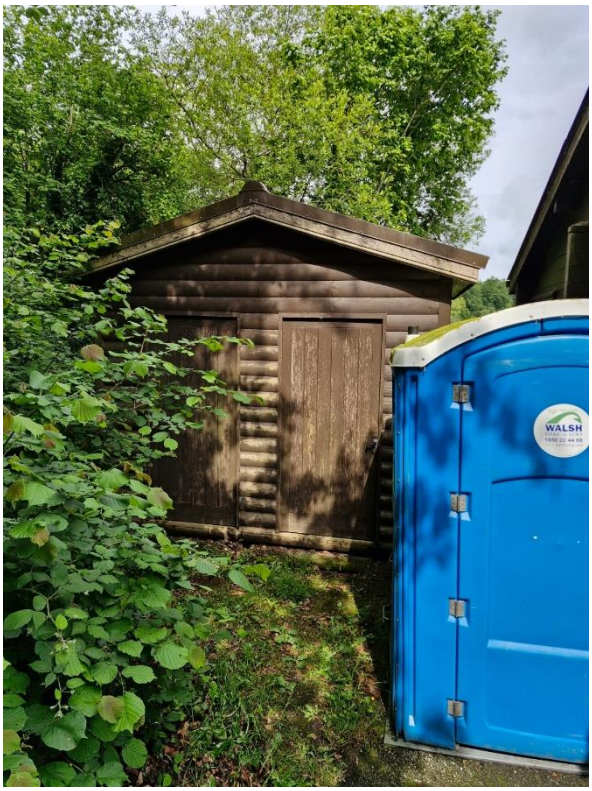

Figure 2: Derelict toilet building to be replaced.

Report Checklist:

11.1 Explanation as to why the derogation 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.

Evaluated alternative solutions to avoid impacts on the bat roost in the derelict toilet building (Figure 2) in Dromore Wood Nature Reserve (DWNR), including:

a) Maintaining the structures as-is: This was deemed unfeasible due to the deteriorating condition of the building, which poses safety risks and doesn't meet the requirements for its intended use (Toilet block).

b) Constructing a new building elsewhere on the property: This option was considered but rejected due to planning restrictions, the practicalities of keeping a new toilet on the same footprint, its proximity to the main carpark and Visitor Centre, and if relocating, the likelihood of disturbing other potential Lesser Horseshoe Bat habitats in DWNR (Annex II listed species of the E.U. Habitats Directive).

c) Delaying works indefinitely: Postponing renovation indefinitely is not viable as it would lead to further deterioration of the structure, potentially resulting in collapse and loss of the bat roost entirely. Also that the current situation (porta-loos) in the long term could be a potential environmental, health and safety concern.

d) Constructing a new building on the old toilet site: This option was considered but rejected due to past planning restrictions (protection of water quality) and the likelihood of disturbing the bat roosts and habitats on the grounds (Pipistrelle).

After thorough consideration, we concluded that a proposed entirely new construction with careful mitigation measures is the only feasible option that balances the preservation of bat roost/habitats with the necessary structural improvements and intended use of the property.

We selected option d, reasons of overriding public interest, including their health and safety, social or economic, and the environment:

A new toilet building was chosen in the interests of public health and public safety, including those of an environment nature since the current interim situation of portable toilets is insufficient to support the increasing numbers of visitors, have limited ventilation, especially in warm weather, no running water or electricity. Moreover they present many odour control challenges.

It is proposed to replace the existing abandoned toilet block with a new toilet facilities, including three toilets/washing facilities (male, female and wheelchair friendly). The new facility will be well insulated and energy/water efficient, PV cells will be incorporated into the roof, and new high specification (possibly tertiary treatment) wastewater treatment system. This proposal will meet objectives in terms of sustainable energy, protection of water quality and nature conservation.

The improved aesthetic of a new toilet building may also have indirect social and economic benefits for the area, such as enhancing the overall appeal of the locality for tourism.

These health, safety and economic factors form the basis that a new constructed toilet on the old site be the most appropriate justification for the derogation licence application as the other options were not applicable in this scenario.

11.2 Evidence that actions permitted by a derogation 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.

This is not a maternity or hibernation roost, but a resting place. The survey conducted on 14/05/2025, verified the presence of a bat roost in the derelict toilet building (DWNR). The structure is being used currently as a summer roost by three Soprano pipistrelle (*Pipistrellus pygmaeus*). The structure in the past had been used as a roost for Daubenton's bat (*Myotis daubentonii*). While several Daubenton bats passed during the survey, none were recorded emerging from the structure (See Bat Inspection Summary Report attached). At present, this is a resting place for three Soprano pipistrelle bats.

In addition, Soprano Pipistrelles are widespread and abundant, with 1-2 Million nationally, and they are in favourable conservation status.

It is important to note that the Visitor Centre adjacent the derelict toilet (See Figure 1) in DWNR is the main maternity or hibernation roost for Common Pipistrelle (*Pipistrellus pipistrellus*) and Soprano Pipistrelle (*Pipistrellus pygmaeus*) in the area, with in excess of 200 bats.

DWNR is also a Special Area of Conservation (SAC) selected for [1303] Lesser Horseshoe Bat (*Rhinolophus hipposideros*). DWNR includes a nursery roost for a population (more than 400 individuals) of Lesser Horseshoe Bat. This nursery colony is one of the biggest in the country and of international importance. Lesser Horseshoe Bat is a rare and threatened species that is listed on Annex II of the E.U. Habitats Directive. However, no Lesser Horseshoe Bats (LHB) have ever been recorded roosting in the vicinity of the Visitor Centre/Toilet.

Actions permitted by a derogation will not be detrimental to the maintenance of the Soprano Pipistrelle because the derelict toilet building is just a resting place for the bats, who are widespread, abundant, and in favourable conservation status.

11.3 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.

The following mitigation strategies are designed to minimise impacts on the resident bat populations and ensure their continued presence in the area following the proposed works. Implementation of these measures is contingent upon the granting of the derogation licence.

Prior to any works commencing, a number of dedicated bat boxes (Figure 3) will be provided as alternative roosting sites for bats.

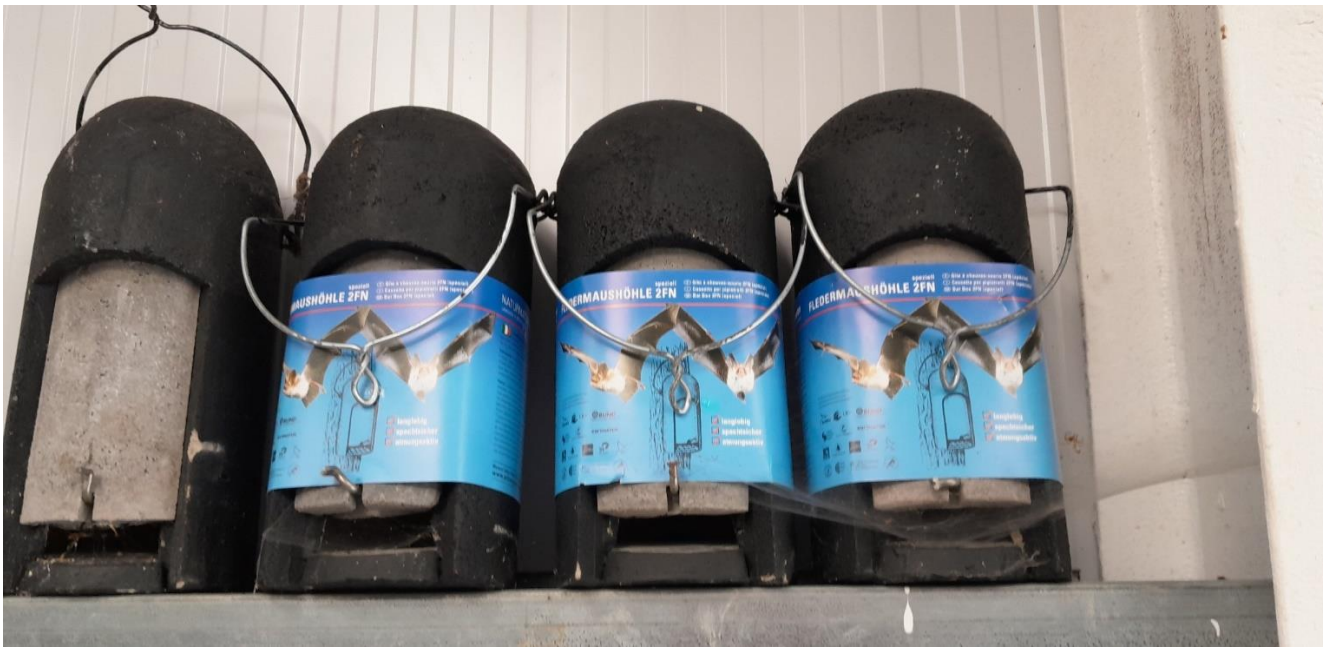

Figure 3: 2FN Bat boxes.

Key features include:

- Material: SCHWEGLER Wood-Concrete Nest Box. Hanger: steel, galvanised.
- Outside diameter: 16 cm.
- Height: 36 cm.
- Weight: approx. 4.9 kg.
- Includes: Nest box, hanger and aluminium nail.

This box was developed exclusively for Bats. It is made to the latest findings and has been used successfully in practice for many years. The intermediate floor ensures that it provides the best possible protection against small predators, draughts and bright light.

With two access options: The Bats can land on the tree trunk and climb in from underneath or fly away directly from the wide entrance area at the front. The roost is largely self-cleaning, as the droppings can fall out of the bottom of the cavity. Nonetheless, checking and cleaning are recommended if the Bat Box is used by large numbers of Bats. This type is especially suitable for forests and parks.

The front panel can be removed for inspection and cleaning.

The structures should be placed near existing foraging areas and commuting routes used by bats, in a dark corner, e.g. northwest.

In addition to the installation of bat boxes, the adjacent Visitor Centre being the main hibernation and maternity roost for Common and Soprano Pipistrelle in this area of DWNR can also be used as an alternative.

Timing and Methodology of Works

The works will be carried out during two periods in 2025/2026: October-December 2025 and January-March 2026. This timing avoids the bat maternity season.

Bat mitigation work will involve:

Pre-work inspection: A thorough inspection for bats will be conducted using torches, thermal imaging equipment, and ultrasonic detectors.

Works on the old toilet site: If no bats are found, the roof of the extension will be carefully removed. Following roof removal, the rest of the building will be carefully demolished and removed, and the new building constructed so not to disturb the roost in the adjacent Visitor Centre. These works will be conducted under the supervision of the NPWS Ranger.

Post-works monitoring: The Visitor Centre will be monitored to ensure bat numbers remain stable.

In order to preserve the commuting potential of the trees retained onsite and to minimise disturbance to bats utilising the site in general, the lighting and layout of the proposed development should be designed to minimise light-spill onto habitats used by the local bat population foraging or commuting. This can be achieved by ensuring that the design of lighting accords with best practice guidelines.

11.4 As much information as possible to allow a decision to be made on this application.

This bat derogation licence application report, prepared for the proposed construction works at Dromore Wood Nature Reserve, Co. Clare, presents compelling evidence for the need for a derogation licence and outlines comprehensive mitigation measures to protect the local bat population.

Key findings and proposals include:

1. Confirmed Bat Roosts: The survey conducted on 14/05/2025, verified the presence of a bat roost in the derelict toilet building (DWNR).The structure is been used currently as a summer roost by three Soprano pipistrelle (*Pipistrellus pygmaeus*). See summary report attached.

   It is important to note that the adjacent Visitor Centre is the main hibernation and maternity roost for Common Pipistrelle (*Pipistrellus pipistrellus*) and Soprano Pipistrelle (*Pipistrellus pygmaeus*) in this area of DWNR.

2. Site Importance: The site is a Special Area of Conservation (SAC) selected for [1303] Lesser Horseshoe Bat (*Rhinolophus hipposideros*). Lesser Horseshoe Bat is listed on Annex II of the E.U. Habitats Directive. However, there is no LHB roost in the vicinity of the proposed works.

   Soprano Pipistrelles, by contrast, are widespread, abundant, and in a favourable conservation status. Also, this is not a maternity or hibernation roost, but a resting place.

3. Mitigation Measures: A detailed mitigation strategy has been developed, including:

   - A number of dedicated bat boxes will to be in place before works.
   - Carefully timed and supervised roof removal and subsequent works being conducted.
   - Thorough inspections before, during and after works.
   - Implementation of bat-friendly lighting design.

4. Timing of Works: Proposed works are scheduled for October-December 2025 and January-March 2026, avoiding the sensitive bat maternity season.

5. Ecological Supervision: All critical stages of work will be overseen by the NPWS ranger.

The implementation of these mitigation measures, subject to the granting of this derogation licence, will significantly reduce potential impacts on the resident bat populations. With the outlined mitigation in place, it is deemed there will no detrimental impacts to the maintenance of the bat populations at a favourable conservation status in their natural range.