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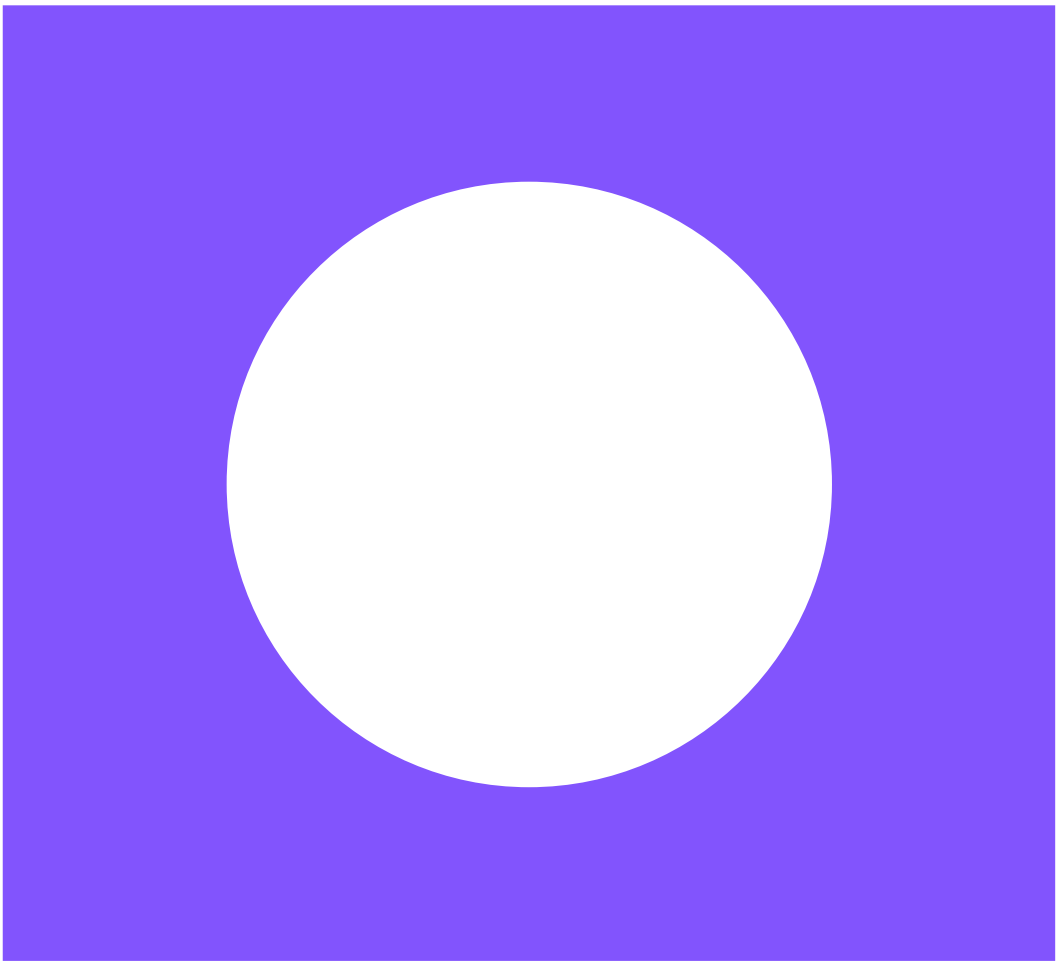

Oilgate to Rosslare Harbour N11/N25

Application for Section 54 Derogation License: Supporting Report

July 2025

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Application for Section 54 Derogation License: Supporting Report

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Contents

1 Introduction 1

2 Desk Study 2

3 Potential Roost Features Assessment 4

3.1 Methodology Used 4
3.2 Findings 4

4 Proposed Tree Climbing Methodology 6

5 Proposed Surveyors and Credentials 7

6 Response to Derogation Application Questions 9

7 References 12

Tables

Table 2.1: Bat desk study: NBDC search 2
Table 2.2: Bat desk study: Bat Landscape Suitability (Ludy et al. 2011) 2
Table 2.1: Potential Roost Features Identified for Inspection 4
Table 4.1: Proposed Surveyor Credentials 7

1 Introduction

Wexford County Council in collaboration with Transport Infrastructure Ireland (TII) is proposing to develop approximately 30 kilometres of high-quality transport corridor to link Rosslare Europort/Wexford with Dublin (via the M11) and Cork/Waterford (via the N25).

The M11 Gorey to Enniscorthy motorway opened to traffic in July 2019, and the study area for the project covers the existing N11 to the south of this motorway, through Oilgate village and on to Wexford, as well as the connecting N25 road from Wexford to Rosslare Harbour. These routes form part of the European Designated E01 Route and the TEN-T EU transport network and together with Rosslare Europort provide a direct link to both mainland Europe and the United Kingdom.

This is a strategically important part of the national transport network, and the project aims to ensure that the sections of the network in question have the capacity and resilience to safely meet the future transport needs on a national, regional and local level.

The main priorities of the scheme are to:

- Reduce the frequency and severity of collisions and casualties on the N11 & N25,
- Generate positive economic benefits to businesses and consumers by improving journey time reliability and reducing journey times,
- Stimulate regional development by improving connectivity to Rosslare Europort & Wexford,
- Support investment in the wider area in order to increase access to jobs, key facilities and social opportunities,
- Improve the general quality of life,
- Meet the demands of increasing population,
- Provide for major investment in rural regions,
- Avoid or minimise negative impacts on the existing environment.

Wexford County Council have appointed Mott MacDonald Ireland Limited to advance the project through the planning and design process. The design process has been developed in stages, with opportunity for the public to take part in the decision-making at each stage.

As part of the ecological assessment which is on-going for the scheme, a desk study for bats as well as an assessment of potential roost features in trees was carried out. To allow for an accurate assessment of potential impacts on bat species, and to inform any future derogations as may be required for the removal of trees, it is necessary to ascertain the status of these potential roost features. On the basis of the most recent guidance available in relation to appropriate survey methods for bats in trees[1] [2], Mott MacDonald are seeking a derogation to allow for inspection of potential roost features for bats.

[1] Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The BCT, London

[2] Bat Tree Habitat Key (2018) Bat Roosts in Trees. A guide to identification and assessment for tree-care and ecology professionals. Pelagic Publishing, Exeter

2 Desk Study

Desk records available from the National Biodiversity Data Centre were reviewed for bat species from the last 10 years (2015 – 2025 inclusive). Data was viewed at 10km^2 resolution with the national grid hectads T03, T02, T01 and T11 covering the proposed project route.

Results of the desk study are presented in Table 1 below.

Table 2.1: Bat desk study: NBDC search

Species	Count	Year	Location
Brown long-eared bat *Plecotus auritus*	3	2020	T02
	16	2019	T03
	4	2022	T01
	31	2023	T11
	3	2018	T11
Common pipistrelle *Pipistrellus pipistrellus sensu stricto*	15	2019	T01
	1	2019	T11
	4	2019	T03
Daubenton's bat *Myotis daubentonii*	152	2021	T02
	4	2022	T01
Leisler's bat *Nyctalus leisleri*	7	2015	T01
	3	2018	T11
	2	2019	T03
Nathusius's pipistrelle *Pipistrellus nathussi*	4	2022	T01
Pipistrelle *Pipistrelluys pipistrellus sensu lato*	1	2019	T03
Soprano pipistrelle *Pipistrellus pygmaeus*	6	2015	T02
	5	2019	T03
	13	2022	T01
Whiskered bat *Myotis mystacinus*	2	2018	T11

In addition, the proposed project crosses habitat of low – high suitability for all bat species (Lundy et al. (2011). Results are described in table below.

Table 2.2: Bat desk study: Bat Landscape Suitability (Ludy et al. 2011)

Species	Hectad T03	Hectad T02	Hectad T01	Hectad T11
Brown long-eared bat	High	High	Medium	Medium
Common pipistrelle	Medium	High	Medium	Medium
Soprano pipistrelle	Medium	High	High	High
Nathusius pipistrelle	Low	Medium	Low	Low
Lesser horseshoe bat	Low	Low	Low	Low
Leisler's bat	Medium	High	High	High
Daubenton's bat	Medium	High	Medium	Medium
Whiskered bat	Medium	High	Medium	Low

Species	Hectad T03	Hectad T02	Hectad T01	Hectad T11
Natterer's bat *Myotis nattereri*	High	High	Medium	Low

3 Potential Roost Features Assessment

3.1 Methodology Used

Trees with Potential Roost Features (PRFs) were identified during general walkover surveys, and during targeted bat surveys within and in proximity to the proposed development.

Further scoping of trees with identified PRFs was undertaken in April 2024 by Fintan Damer. The assessment of trees was undertaken in accordance with the Bat Conservation Trust (2023) Bat Surveys for Professional Ecologists Good Practice Guidelines. 4th Edition and Bat Tree Habitat Key (2020) Bat Roosts in Trees – A guide to Identification and Assessment for the Tree-Care and Ecology Professionals.

3.2 Findings

Potential tree roosts were identified as outlined below in Table 2.1.

Table 3.1: Potential Roost Features Identified for Inspection

Tree No.	Tree species	Features identified	Location	GPS co-ordinates
01	Mature oak	Some natural holes	Coolnaboy	52.435362, -6.533519
02	Mature ash	Rotten broken limbs, possibly cavity	Coolnaboy	52.435663, -6.533735
03	Mature beech	Natural holes	Coolnaboy	52.435642, -6.534000
04	Mature beech	Some natural holes, broken limbs	Coolnaboy	52.435950, -6.534692
05	Over mature beech	Large cavity opening	Coolnaboy	52.433983, -6.528464
06	Mature beech	Broken limbs, probable cavity	Coolnaboy	52.434089, -6.528280
07	Mature oak	Some crack, heavy stemmed ivy	Coolnaboy	52.430251, -6.522334
08	Declining oak	Loose bark possible cavity	Whitefort	52.40644, -6.52024
09	Mature beech	Natural holes present	Garrycleary	52.395989, -6.51750
10	Mature oak	Large broken limbs, natural holes, possible cavity	Garrywilliam	52.386270, -6.517090
11	Semi mature oak	Bracts on trunk, some small natural holes	Aughmore	52.379618, -6.518614
12	Mature oak	Cracks, possible cavity	Newcastle lower	52.371302, -6.518248
13	Mature Scot's pine	Natural holes. Rotten limbs, possible cavity	Newcastle Lower	52.370532, -6.518706
14	Mature ash	Dead weeping ash. Large hole in branch and broken branch	Cullentra	52.348191, -6.524622
15	Mature ash	Broken branches/trunk, woodpecker holes	Cullentra	52.346152, -6.524027
16	Mature oak	Ivy cover, split and broken branches	Cullentra	52.346708, -6.526367
17	Mature ash	Lots of holes, lose bark, possible cavity	Newtown	52.343516, -6.522611
18	Oak	Broken limbs	Ballindinas	52.335003, -6.512753
19	Large Macrocarpa	Very mature tree, broken limbs	Ballindinas	52.335353, -6.512713

20	Oak	Cracks	Ballindinas	52.334500, -6.512270
21	Oak	Thick stemmed ivy on trunk	Ballindinas	52.335434, -6.514399
22	Mature beech	Some ivy cover	Knockcunshin	52.330000, -6.507046
23	Mature beech	Natural hole, possibly cavity	Carrick	52.328246, -6.506878
24	Mature beech	Natural hole, possibly cavity	Carrick	52.328358, -6.507114
25	Spruce	Standing dead wood, loose bark, ivy covered	Carrick	52.328534, -6.50760
26	Mature beech	Lost limb, possible cavity	Carrick	52.328693, -6.507234
27	Mature beech	Some natural holes, possibly cavity	Rowestown	52.295064, -6.460614
28	Mature beech	Possible cavity	Rowestown	52.295006, -6.460564
29	Mature beech	Natural holes	Rowestown	52.294847, -6.460448
30	Mature Scot's pine	Cracks, broken limbs	Rowestown	52.294744, -6.460153
31	Mature beech	Rotten limb, potential cavity	Rowestown	52.294702, -6.459736
32	Mature beech	Some natural holes	Rowestown	52.294616, -6.459729
33	Alder	Ivy covered, potential cavity	Ballybrennan	52.259454, -6.437191
34	Alder	Standing dead wood, numerous woodpecker holes	Ballybrennan	52.259631, -6.437058
35	Oak	Standing dead wood, potential cavity present	Ballybrannan	52.259289, -6.436313
36	Sycamore	Holes, potential cavities	Ballybrennan	52.259476, -6.436237
37	Mature Beech	Cracks, broken limbs, holes	Ballybrennan	52.259522, -6.436240
38	Ash	Standing dead wood, holes cracks, potential cavity	Ballybrennan	52.259649, -6.436326
39	Oak	Standing dying tree, Cracks, missing limbs, some ivy cover	Ballybrennan	52.259794, -6.436171
40	Ash	Standing dead wood, potential cavity present	Ballybrennan	52.259831, -6.436201
41	Sycamore	Standing dead wood, Ivy covered	Ballybrennan	52.259867, -6.436141
42	Mature Ash	Dying, Natural holes, dead wood, partially ivy covered	Ballybrennan	52.25976, -6.437985

4 Proposed Tree Climbing Methodology

The aerial tree-climbing survey will be undertaken using tree-climbing or access equipment to inspect potential roost features and undertake presence/absence surveys in line with good practice guidance (Collins, J. (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London). Our team includes surveyors with significant experience in undertaking tree-climbing and other bat surveys for major projects across Ireland and the UK.

Surveyors will be working in pairs to ensure that each climber has a climbing buddy/aerial rescuer on the ground. Prior to climbing, safety checks will be undertaken from the ground to ensure that trees are safe to climb.

The survey will involve climbing trees with a double rope system to inspect potential features and PRFs previously identified from the ground. The endoscope will be used to inspect the internal structure of the PRF and to check for evidence of bats as well as presence. If a bat is seen through the endoscope, the endoscope will be carefully removed and disturbance to the roost will be kept to the absolute minimum.

The surveyors will record information on the PRF (such as diameter, internal measurements, texture), conditions inside the PRF (wet / damp / dry), the presence of any competitors, the presence of any bats and any signs of bats such as droppings, staining or odour. If any bats are seen, the number, species, location of the bats, and whether bats are awake or torpid will be recorded. Details relating to any bat roosts encountered will be shared with the NPWS.

5 Proposed Surveyors and Credentials

The proposed surveyors for the tree climbing exercise, their relevant experience, and past licenses are outlined in Table 4.1 hereunder.

Table 5.1: Proposed Surveyor Credentials

Name	Team Role	Qualifications	Experience	Licenses
Sam Blazey	Lead Surveyor	BSc (Hons) Biology (2021) Associate CIEEM membership	Experienced bat ecologist, designing surveys and mitigation strategies for simple and complex schemes as well as undertaking data analysis, QA and report writing. Lead for PRAs, GLTAs, PRF inspections as well as hibernation, emergence, re-entry, NBW and back-tracking surveys. Weekly mist netting and harp trapping during pre- and post-maternity period with local Bat Group and bat ambulance driver / trainee carer. Trainee Volunteer Bat Roost Visitor (VBRV) for Natural England. Attained tree climbing qualification in 2023 and have since climbed 10+ trees set up camera traps, install bat boxes and undertake PRF inspections.	Level 2 (CL18) Natural England Bat Licence (2025) CS38 Tree climbing and Aerial Rescue (2023)
Lucy Mason	Lead Surveyor	BSc (Hons) Wildlife Ecology and Conservation Science (2020) Associate member of Chartered Institute for Ecology and Environmental Management (CIEEM)	5 years working in the ecology sector completing protected species surveys including bat GLTA, activity, static and emergence/re-entry surveys. Gained tree climbing and aerial rescue qualification in June 2024 and have completed aerial inspections on 10+ trees. Bat survey coordination and QA for large scale water pipeline project.	Accredited Agent – Natural England Class 2 Bat Licence – Endoscope and torch light disturbance only (2024) CS38 Tree climbing and aerial rescue (2024)
Kathy Halsall	Lead Surveyor	BSc (Hons) Zoology (2014) MSc Ecology and Environmental Management (2015) Full member of the Royal Society of Biology	Accredited agent on HS2 bat Organisational Licences (Colne Valley and Bernwood) Accredited agent on colleague's Earned Recognition Licence 12 years experience undertaking professional bat	Level 3 Natural England Bat Licence (2017) CS38 Tree Climbing and aerial rescue

Name	Team Role	Qualifications	Experience	Licenses
			surveys and training other staff for bat licences.	
Lisa O'Dowd	Survey assistant	MSc Environmental Leadership (2020), BSc (Hons) Plant Biology (2018). ACIEEM (Associate CIEEM member)	GLTAs, PRF Aerial Inspection Surveys (climbing and ladder) of 15+ trees using an endoscope, activity surveys, dusk emergence surveys (using NVAs and acoustics), static surveys and sound analysis. CIEEM/Bat Conservation Ireland (BCI) training course: Bat Ecology and Survey CIEEM/BCI training course: Bat Impacts and Mitigation	City & Guilds Level 2 Certificate of Competence in Tree Climbing and Aerial Rescue (2024) LANTRA Tree Climbing and Aerial Rescue (2024) CIEEM/BCI Bat Survey and Impact Assessment course, Co. Fermanagh 2025.
Fintan Damer	Survey assistant	MSc. Environmental Protection, BSc. (Hons) Horticulture	Bat surveys using handheld bat detector, static detector and IR equipment	010/2025
Michael Smith	Survey assistant	BSc Biological Sciences (2013), MCIEEM (Full member of CIEEM)	Experienced bat ecologist of over 7 years. Lead surveyor for a range of small and mid-sized developments requiring PRAs, GBTAs, emergence/re-entry, hibernation and crossing-point surveys. Author and accredited agent on several Natural England mitigation and Earned Recognition licences, lead field surveyor for licenced roost exclusions. Radiotracking surveyor and bat handling experience across two large infrastructure projects.	Level 1 (CL17) Natural England bat licence (2021). Accredited agent for level 2 (endoscope) (2022). City & Guilds Level 2 Certificate of Competence in Tree Climbing and Aerial Rescue (2024). Recent applicant for NE (CL18) level 2 bat licence.
Roger Macnaughton	Applicant	MSc Environmental Sciences, BSc Ecology and Zoology, MCIEEM	Bat surveys using handheld bat detector, static detector and IR equipment. Bat Impact Assessments, mitigation and managing bat surveyors	010/2025

6 Response to Derogation Application Questions

Reponses to the specific questions and tests from the accompanying derogation application form[3] are outlined below:

Q10C: In Interest of public health and public safety, or for imperative reasons of overriding public interest, including those of social economic nature and beneficial consequences of primary importance for the environment:

The proposed Oilgate to Rosslare Harbour N11/N25 transport link is a strategically important part of the national transport network. The project ensures that the new sections of the network will have the capacity and resilience to safely meet future transport needs on a national, regional and local level.

Objectives of the proposed project include:

- Reducing the frequency and severity of collisions and casualties on the N11 and N25. The new road will be safer for active travel and car users.
- Generate positive economic benefits to business and consumers by improving journey times reliability and reducing journey times
- Support investment in the wider area to increase access to jobs, key facilities and social opportunities.

Initial ecological surveys have been carried out along the proposed routes. 42 trees were identified within the proposed route which may provide suitability for bat tree roosts. Further inspection of these features with an endoscope is required to characterise the features, determine suitability and identify the presence of any bat roosts. This is standard good survey practise baased on Collins (2023) [4]

Once a roost has been carefully and briefly inspected, no further disturbance risk will be carried out under this derogation licence. Any physical disturbance such as roost exclusion works will be subject to a separate derogation licence application.

Survey results will inform the Environmental Impact Assessment Report (EIAR) for the proposed project, assessing the impact of tree removal and proposing appropriate mitigation to reduce the impact of the proposed project on bats. Furthermore, results from the endoscoping surveys will inform the requirement of a derogation licence under Regulation 54 of the Habitats Regulations.

Q11.1 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.

This derogation Licence is sought to characterise potential roost features in trees and to determine the presence of any bat roosts that may be impacted by the proposed road scheme. The proposed methodology follows best practice guidelines, Collins (2023) Bat Surveys for

[3] Application for Derogation Under the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021

[4] Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.

Professional Ecologists: Good Practice Guidelines (4th Ed.) The Bat Conservation Trust, London. Due to the potential of minor disturbance from use of an endoscope and torch, a derogation licence is sought to permit the survey.

Alternative solutions to survey the trees were evaluated to avoid disturbance on bat roosts were as outlined below:

1. Do nothing scenario

This option was considered as a potentially suitable short-term option however, the absence of a detailed bat survey report to accompany the EIAR would likely result in a risk of refusal of the planning submission and/or a Request for Further Information by the Competent Authority. This would inevitably result in delays to the project timeline resulting in social and economic consequences.

Alternatively, planning permission may be granted by the Competent Authority without the appropriate level of information on bats present within the project route. This would present severe risks to the local bat population with any bat disturbed or killed due to the project conflicting with Regulation 51 of the European Communities (Birds and Natural Habitats Regulations.

The proposed survey will better inform baseline bat populations and appropriate mitigation such as artificial roost sites as an alternative.

Therefore, the do-nothing scenario was not considered a feasible alternative.

2. Emergence surveys

Emergence surveys were considered as an alternative to invasive endoscopic surveys however, best practice guidelines (Collins, 2023) states that PRF arial inspection surveys are more valuable than an emergence survey, which only provides a snapshot of a single night'. Also dusk surveys are highly inaccurate at detecting all bats when they exist the roost as the roost site may not be visible to the surveyor on the ground. Further research was considered and the following in favour of endoscopic surveys was found:

- Bats may rotate trees used for roosting and so, on the night of an emergence survey no bats may be seen despite regular use of the feature. Furthermore, some tree roosting bat species emerge from their roost very late, and an emergence survey may miss these whereas endoscopic surveys would observe the any bats present to be sleeping during the day.
- Endoscopic surveys allow close inspection of potential bat roosting features as it can confirm whether a feature is suitable for roosting as well as recording forensic evidence of bats such as urine staining. Emergence surveys do not allow this detailed inspection of a roost feature.
- Emergence surveys are often constrained due to the height of the tree roosts above ground level and restricted observations due to foliage or lack of light under the canopy, making it difficult to pinpoint the location of any emergence specific to a tree. Aerial inspection surveys allow surveyors to locate PRFs which are not visible form the ground.

Based on the evidence outlined above, endoscopic surveys are preferred to emergence surveys. This alternative solution was therefore, not considered further.

3. Re-entry Surveys

Re-entry surveys were considered as an alternative to endoscopic surveys however, the accuracy of re-entry surveys are uncertain. Preference for endoscopic surveys over re-entry surveys is outlined below:

- Return times to roosts are more variable than emergence times from roosts (Andrew and Pearson, 2022) and therefore, the accuracy of the survey is uncertain.
- Low light levels make it very difficult for surveyors to pinpoint roost locations. Species which are recorded during re-entry surveys may be present within the area but may not be roosting in a tree impacted by the proposed project.
- Similar to emergence surveys, re-entry surveys do not allow for close inspection of a roosting feature preventing detailed charactering of a feature; re-entry surveys are often visually constrained due to woodland/scrub vegetation and the location of re-entry cannot be seen; as bats rotate between tree roosts a re-entry survey only captures use of a roost on a single occasion rather than identifying evidence within a feature of regular occupation.

As accurate data is required to inform the EIAR, the feasibility of this alternative survey method was ruled out and not considered further.

The option we are pursuing, carrying out aerial PRF inspection surveys with an endoscope, provides high quality data to support the EIAR allowing the accurate assessment of impacts and appropriate design of mitigation whilst minimising disturbance to bats.

Q11.2 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.

These surveys are being conducted to identify bat roosts within the zone of impact of the proposed project. The surveys themselves will be undertaken by trained and qualified individuals with the aim of offering the least amount of disturbance possible. The surveys will be vital in providing advice and information about the roost to ensure that appropriate derogations, and mitigation can be prescribed should a roost be identified which requires removal. The surveys will present minimal risk of temporary disturbance and will have no impact on local bat populations.

Q11.3 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.

Mitigation to be applied includes the requirement that all inspections will take place in the presence of agreed licensed and experienced team members. The methodology employed is based on best practice guidelines as outlined by Collins (2023) and will ensure that the most data is collected with least disturbance to any roost features identified. Using these best practice guidelines ensures least disturbance to the bats and any roosts encountered and allows for gathering important data on status of the population in the study area.

7 References

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