



Wildlife Licencing Unit
NPWS
By email

Our Ref: 220137

Your Ref:

20th September 2024

Re: 220137- Cairn Homes - Ballymoneen

Dear Rebecca,

I am applying for a bat derogation licence, on behalf of Cairn Homes Properties Limited, in relation to the demolition of a derelict dwelling (M 25373 25411) and an occupied dwelling (M 25372 25496) along Ballymoneen Road, Galway.

Background

MKO have been commissioned by Cairn Homes to carry out ecological surveys as part of a Large Scale Residential Development (LRD) on a site located to the west of the Ballymoneen Road (L5024), in the townlands of Keeraun and Ballynahown East, Galway. MKO has been carrying out ecological surveys at the site since 2019, including bat surveys. Within the site boundary two structures were identified with old roosting evidence. Aged feeding remains were discovered within the derelict dwelling and a small accumulation of droppings were found in the attic of the occupied dwelling. No other evidence of roosting was found. A dusk emergence was carried out in June 2024 on the derelict dwelling and in July 2024 on the occupied dwelling. No bats were seen emerging from the houses. Emergence surveys were also carried out on the derelict dwelling in 2019, 2020 and 2022 and no bats were observed emerging from the house. A dawn re-entry survey was also undertaken in 2022, and no bats were observed entering the structure. One ash tree with limited roosting potential will also be felled.

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 will contain landscape and lighting plans designed with ecological receptors in mind to retain linear features recorded being used by bats. Lighting plans have not yet been finalised, however the recommendations provided by MKO have been included below for your consideration.

The proposed works will consist of the following:

1. Demolition of 2 no. existing dwellings including 1 no. two-storey dwelling (199 sqm) and 1 no. bungalow (234 sqm) and shed (13.64 sqm)
2. Construction of 156 no. residential units comprising: 113 no. houses (16 no. 2-bed, 91 no. 3-bed, and 6 no. 4-bed) 43 no. apartment units (21 no. 1-bed, 22 no. 2-bed).
3. Provision of a creche (179 sqm).
4. Provision of all surface water, watermain and foul water services and connections to existing facilities on Ballymoneen Road (L5024).
5. Provision of a new vehicular and pedestrian access with the Ballymoneen Road (L5024) and the provision of a new pedestrian crossing on the Ballymoneen Road (L5024). Provision of a grass verge and cycle lane in accordance with the Galway Transportation Strategy.



6. Provision of a potential pedestrian and cyclist connection on the eastern site boundary to the existing Slí Gheal development and the provision of 2 no. potential pedestrian connections from the proposed play area to the adjoining Slí Gheal development.
7. The provision of landscaping including play areas and SUDS features.
8. Provision of shared communal and private open space, resident and visitor car parking, electric vehicle charging points, bicycle parking, refuse storage, site landscaping and public lighting, and all associated site development works.
9. Erection of a retaining wall varying in height from 0.5m to 3.5m along parts of the western boundary of the site to be constructed in the event the subject site is developed prior to the proposed N6 Galway City Ring Road Strategic Infrastructure Development (ABP-Ref: PL07.302885-18).

A derogation licence is being sought for the proposed removal of roost resource within the site boundary, i.e. 2no. dwellings.

Recommendations in place to safeguard bats (included in Baseline Report also submitted):

- *Although no roosting bats were identified in any of the buildings surveyed, as the buildings show some potential for roosting bats and old small accumulations of droppings were identified, a pre-commencement survey is recommended to assess the buildings prior to any works. The requirement for a pre-commencement survey does not represent a lacuna in the survey assessment but is fully in line with industry best practice. The function of this survey will be to assess any changes in baseline environment since the time of undertaking the survey in June and July 2024.*
- *As the structures were identified as having been used historically by bats, on a precautionary basis, a bat derogation licence will be obtained from NPWS for their demolition.*
- *On a highly precautionary basis, demolition works will not be carried out during the bat activity season (April-September).*
- *Any potential felling of trees with suitable roosting features will be carried out with the assumption that bats may be present:*
 - *Trees with suitable potential roost features proposed for felling will be checked by a suitably qualified ecologist at the time of felling.*
 - *Any tree felling will be undertaken at an appropriate time of year, as deemed by the project ecologist.*
- *Alternative new roosting locations will be provided as part of the proposed works. Three no. 2FN Woodcrete bat boxes will be erected on mature trees throughout the site to provide additional roosting opportunities. Bat boxes should have a southerly orientation and be positioned at least 2m from the ground (ideally 3m), away from artificial lighting. They will be placed adjacent to retained vegetation features such as treelines and hedgerows to ensure they are close to existing flight paths and can avoid wide open spaces (Collins, 2023). The exact location of the bat boxes will be determined by a qualified ecologist, however they will be placed within the south-eastern area of the site where tree loss is expected.*
- *The lighting plan for the operational phase of the proposed works, will be designed with consideration of the following guidelines: Bat Conservation Ireland guidelines; Bat Conservation Ireland (Bats and Lighting: Guidance Notes for Planners, Engineers, Architects and Developers, BCI, 2010) and the Bat Conservation Trust (Guidance Note 08/23 Bats and Artificial Lighting at Night (ILP, 2023), to minimise light spillage, thus reducing any potential disturbance to bats.*
- *Landscaping favourable to bats will involve the retention and enhancement of linear features and woodland habitats. Artificial lighting towards these features will be avoided or kept to a minimum, with unavoidable light spill topping at 1Lux. The small mixed broadleaf woodland was identified as a significant feature for foraging bats, and it is recommended that this is retained during the Proposed Development.*

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 buildings presented a small amount of historical evidence of roosting bats, they do not currently support any roost. They are located at the border of a large urban site and planning permission is sought to allow for new residential development. A licence is requested to demolish the buildings and effectively remove the roosting resource identified, to allow the buildings to be replaced by higher density 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 dwellings would remain in place and will potentially be used again by bats. The Derelict Dwelling, if left in its current state, will fall further into disrepair and its suitability as a roosting resource will be compromised. The occupied dwelling would continue to be in use and would remain available to provide opportunistic shelter for a small number of bats.

This would result in 156no. residential housing units not being built.

Houses retention: This option would encompass the retention of the two existing houses on site and the redevelopment of the remainder of the site. This option is not feasible for the following reasons:

- The subject site is zoned 'Residential' in the extant Galway City Development Plan 2023-2029
- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended). There is a renewed focus in the 2024 Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Galway, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations. A density of 40dph is proposed.
- The Urban Development and Building Heights Guidelines published by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), are intended to set out national planning policy guidelines on building heights in relation to urban areas. The Guidelines contain Specific Planning Policy Requirements (SPPR) that must be complied with by the relevant planning authority



under Section 28 (1c) of the Planning and Development Act 2000 (as amended). The requirement to comply with SPPRs has been established in recent case law following the judgement of Conway v An Bord Pleanála & Ors [2023] IEHC 178. It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000.

- Due to the irregular shape of the site, internal access is restricted, and the retention of the Occupied Dwelling would obstruct the proposed internal road network.

Therefore, having regard to the above, the retention of the existing dwellings on site and the redevelopment of the remainder of the site is not viable as the site would not be in compliance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and the Urban Development and Building Heights Guidelines.

Chosen option: The proposed development complies with National and Regional Planning Policy, Ministerial Guidelines and the relevant planning policy and standards contained in the Galway City Development Plan 2023-2029. The proposed development is located on serviced lands that are zoned for residential development in close proximity to services in the Ballymoneen neighbourhood. The site also has a positive planning history and has previously been granted permission for 210 no. residential units and additional uses.

The development was designed to retain a small woodland identified as providing suitable habitat for foraging as well as potential roosting habitat. Three trees with roosting potential will be retained and linear features will be created to support commuting and foraging. As such, the highest suitability areas to bats have been retained and the loss of roosting resource will be mitigated with the provision of alternative roosting options. 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 demolitions of this roost resource has no potential for detrimental impacts on the local bat population. No bats were observed roosting within the structures. It is proposed to install bat boxes in the vicinity of the houses to be demolished, where a small woodland will be retained. 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.



David Culleton (BSc., MSc.)
Bat Ecologist

