

REPORT IN SUPPORT OF AN APPLICATION FOR DEROGATION LICENCE UNDER
REGULATION 54 & 54A OF THE EUROPEAN COMMUNITIES
(BIRDS AND NATURAL HABITATS) REGULATIONS 2011, AS AMENDED WITH REGARD
TO BATS OCCURRING AT KILPATRICK CHURCH

July 2025



Prepared July 2025 by:



Forest, Environmental Research and Services Ltd.

Silloogue

Kilberry

Navan

Co. Meath

087 7573121

info@fers.ie, pat.moran@fers.ie

Summary

Kilpatrick Church and Graveyard are located approximately 10km North East of Mullingar Co. Westmeath. Surrounded by pastureland, access is via metal gates which form part of the surrounding boundary wall. A Conservation Plan with the aim of how best to stabilise the structure is currently being implemented. The church and site have had several alterations made over the years, with elements such as the boundary wall added in the 19th Century. Kilpatrick Church is in a ruinous state, requiring urgent conservation/restoration works to preserve the structure. The church plan is square in shape, with surviving stone walls, several window openings and a high vaulted ceiling. There was a tower with spiral stairs, but the tower and stairs have partially collapsed, and both are overgrown with heavy vegetation. It is thought that there has been a structure on site as long ago as 1391.

Repair and restoration works are required at Kilpatrick Church in order to prevent the further deterioration of the structure. During an assessment of ecological constraints, it was identified that the structure may be suitable for use by bats as a hibernation and/or maternity roosting site. As such a hibernation survey was undertaken during the winter 2023/24 season and emergence/dawn surveys were undertaken during the 2024 and 2025 maternity season (see bat survey report attached).

These surveys indicate that

- The structure is utilised by a small number of Natterer's Bat (5 – 10 individuals) and potentially by 1 – 2 Brown Long-eared Bat as a hibernation roost
- The structure is not utilised as a maternity roosting site

There is potential for conservation works to impact on bats utilising the structure as a hibernation roost. Critical to the prevention of any impacts of the conservation of the bats roosting on site is the timing of works, which will be restricted to September 1st 2025 – November 30th 2025.

This document comprises a report to be submitted with the application for a derogation licence concerning the proposed works as regards the evidence to support the relevant tests.

Contents

1	Introduction.....	1
2	Evidence to support Derogation tests	5
3	Conclusion.....	7

1 Introduction

The objective of the works is the conservation of a historic structure. The conservation works are vital to the preservation of the historic structure present at Kilpatrick Church. Emphasis during conservation works will be primarily on stabilising the existing fabric, retaining all masonry elements, as far as possible, in their current location. Rebuilding will only to be considered if deemed essential to stabilise the overall structure or where the original fabric and a record of the original construction are present, and if executed, to be based on interpretation of existing evidence. All interventions will be recorded. Without these works, Kilpatrick Church will fall into further disrepair and will be lost.

The proposed works will be undertaken within a structure within which small number of bats have been recorded hibernating. The works will aim to avoid any impact on bats through timing and appropriate endoscopic surveying, where required. This application for derogation has been prepared by Dr Patrick Moran of Forest, Environmental Research and Services (FERS) Ltd. FERS have been conducting ecological surveys and research since the company's formation in 2005 by Dr Patrick Moran and Dr Kevin Black. Patrick Moran, the principal ecologist with FERS, holding a 1st class honours degree in Environmental Biology (UCD), a Ph.D. in Ecology (UCD), a Diploma in EIA and SEA management (UCD) a Diploma in Environmental and Planning Law (King's Inn), a M.Sc. in Geographical Information Systems (University of Ulster, Coleraine) and a M.Sc. in Environmental and Climate Law (UCD). Patrick has in excess of 25 years of experience in carrying out ecological surveys on both an academic and a professional basis. Patrick has Dr Moran has in excess of 15 years of experience in carrying out bat assessments, utilising heterodyne, frequency division, time expansion and real-time techniques. Patrick holds an A-graded certificate in Bat Acoustics Analysis.

Dr Emma Reeves, senior ecologist with FERS holds a 1st class honours degree in Botany, and a Ph.D. in Botany. Emma has in excess of 15 years of experience in undertaking ecological surveys, including bat surveys, on an academic and professional basis. Ciarán Byrne, a senior ecologist with FERS holds a 1st class honours degree in Environmental Management (DIT) and a M.Sc. in Applied Science/Ecological Assessment (UCC). Ciarán has in excess of 10 years in undertaking ecological surveys, including bat surveys, on both an academic and a professional basis. Senan Clynch joined FERS as a junior ecologist in March 2024. Senan holds a 1st Class Honours Degree in Environmental Science from Trinity College Dublin, graduating in 2022. Senan has worked on numerous bat surveying projects since joining the FERS team.

A detailed Conservation Plan, outlining how best to stabilise the structure and improve presentation of and access to Kilpatrick Church has been prepared. The conservation works to be undertaken will be

overseen by architect Eadaoin Healy of Blackwood Associates Architects. During the initial stages of the plan, it will be necessary to investigate the structure and undertake repairs where the structure is in danger of collapse. It is thought that there has been a structure on site at Kilpatrick Church as long ago as 1391. The approximate location of the Kilpatrick Church and Graveyard is indicated in Figure 1, Figure 2, Figure 3 and Figure 4. The works are to be undertaken with grant assistance from Westmeath Co. Council.

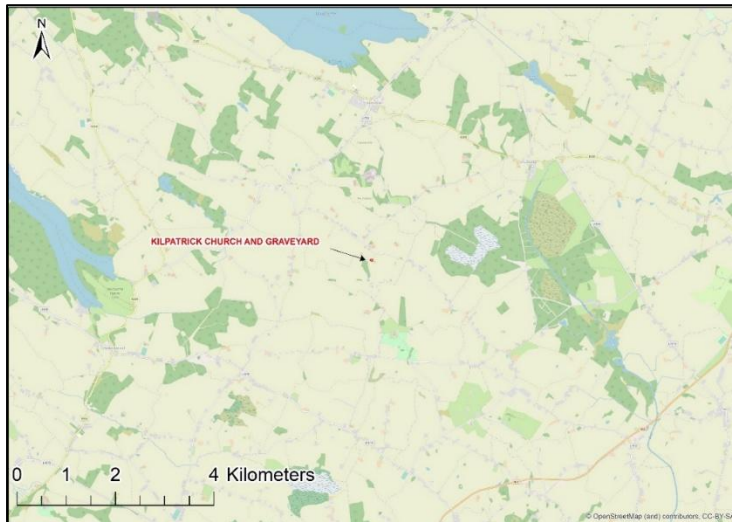


Figure 1: Approximate location of Kilpatrick Church (1:50,000)



Figure 2: Approximate location of Kilpatrick Church (1:25,000)

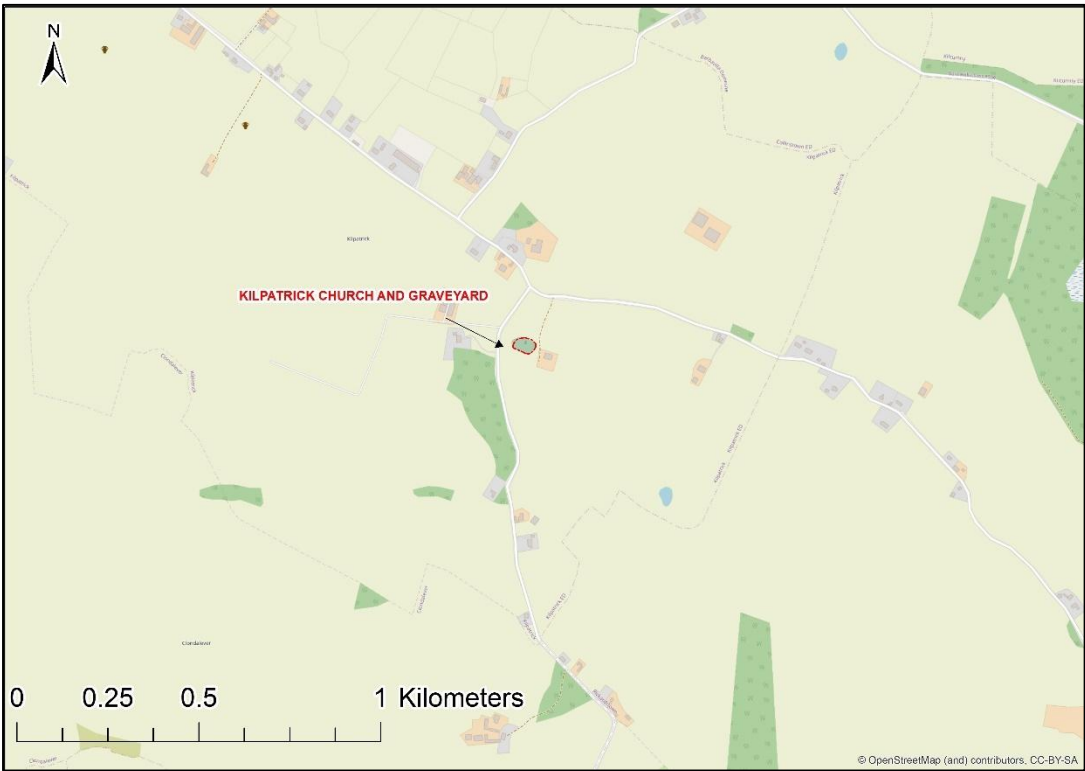


Figure 3: Approximate location of Kilpatrick Church (1:10,000)



Figure 4: Approximate location of Kilpatrick Church and Graveyard overlain on satellite imagery (1:5,000)

Photographs of habitats inside the structure occurring are illustrated in Figure 5 and Figure 6.



Figure 5: Interior of structure



Figure 6: Aerial overview of exterior of structure

2 Evidence to support Derogation tests

Test (1) – Reason for Derogation

The restoration and conservation works are vital to the preservation of the historic structure present at Kilpatrick Church. Emphasis during conservation works will be primarily on stabilising the existing fabric, retaining all masonry elements, as far as possible, in their current location. Rebuilding will only be considered if deemed essential to stabilise the overall structure or where the original fabric and a record of the original construction are present, and if executed, to be based on interpretation of existing evidence. All interventions will be recorded. Without these works, Kilpatrick Church will fall into further disrepair and will be lost. The works will entail investigation, and repair works where the structure is in danger of collapse. This work has the potential, in the absence of any mitigation measures, to impact on a small population for bats. For this reason, a Derogation is being applied for.

Test (2) – Absence of Alternative Solutions

The only realistic solution is the "Do Nothing Scenario". If the do nothing scenario is implemented, the structure at Kilpatrick will deteriorate further, and this historic structure will be lost. The alternative is, therefore, unacceptable.

Test (3) – Impact on Conservation Status

Please see accompany Bat Survey Report, outlining surveys undertaken and results.

The conservation status of the Irish bat species (taken from the NPWS 2019 document "The status of EU protected habitats and species in Ireland") occurring at the site is outlined below:

- Natterer's Bat - There is no monitoring scheme in place for this species, but the most recent Red Data List for Irish Mammals lists Natterer's bat as Least Concern and the Overall Status has been assessed as Favourable, as in the last two assessments. According to the NBDC database, the habitat in the vicinity has suitability index of 35 (middle category).
- Brown Long-eared Bat - Monitoring data suggest a recent significant increase in numbers, and both range and habitat are considered to be stable and favourable. There is no indication of any major pressures currently impacting the population. The Overall Status is assessed as Favourable and the overall trend is demonstrating an ongoing increase. The habitat suitability index for Brown Long-eared Bat is 33 (second lowest category) at the site of Kilpatrick Church.

The impact on the conservation status of these species in the absence of mitigation measures is slight, with a potential for impacting a small number of bats at the site, likely through disturbance but in a worst case scenario through direct mortality of bats, for example through the "sealing in" of bats into a

crevice during repair works. If, however, repair works are undertaken with prescribed mitigation measures implemented, there will be no impact on the conservation status of either species at the site. The primary mitigation measure to be implemented is timing of works. The works will avoid impacting directly on any hibernating bats by being undertaken during the period September 1st (2025) – November 30th (2025). Additionally, when any scaffolding, etc. required for inspection of the structure is in place, an endoscopic inspection of any potentially suitable crevices (for hibernating bats) will be undertaken for indications of bat presence. Where indications of bat are present (bats themselves, faeces, etc.) the location(s) will be identified such that no works to the crevice(s) will be undertaken that may impact on any bats present. These mitigation measures were employed at the site successfully in 2024.

It is proposed to undertake a winter survey of the structure in the 2025/2026 season through the deployment of 3 Pettersson D500x units on site for a minimum period of four weeks. The report of this monitoring will be provided to NPWS with the Returns form for any Derogation granted.

The following general mitigation measures must be employed:

- (1) Should any bats be discovered in the course of works that will be impacted upon by the works, the works will cease and a suitable ecologist and NPWS will be contacted for instructions on how to proceed;
- (2) Any works requiring treatment of wood must be undertaken with timber-treatment products suitable for use at or near bat roosts (information as indicated by Bat Conservation Ireland available from <https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them>)
- (3) All works will be undertaken during daylight hours only;
- (4) All conditions of any Derogation Licence must be complied with; and
- (5) Works will be completed within the timeframe as indicated by any Derogation Licence.

3 Conclusion

In conclusion, the works permitted by this licence, through the mitigation measures prescribed, will avoid any negative impact on the local bat population. The derogation licence applied for 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.