

Supporting Information for Regulation 54 Derogation Application

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2. Introduction

A Derogation Licence is required for an office building roof repair to commence, in Killarney, Co. Kerry.

The repair works are needed by the ESB Networks on their office building at Tiernaboul, due to structural damage that has led to water ingress and ceiling collapse in Office 7.

The repairs are needed urgently as the structure is declining in condition.

Following roof repair works, the ESB has plans to replace the water tank and insulation, and to install mechanical and electrical (M&E) services, including cabling and ducting, in the attic.

Bat presence was confirmed during pre-construction surveys and mitigation measures have been outlined to safeguard roosting bats.

If mitigation of bat tile is adopted, both phases of repair to the attic will have minimum effect on the bats present.

Name, Qualifications and Experience of Scientific Staff:

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2. Background to Proposed Activity

The ESB Networks depot is located on the outskirts of Killarney, adjacent to Pike Wood and close to the Woodford River, within an area of prime bat habitat. Structural damage at the south end of the main building has resulted in water ingress and ceiling collapse in Office 7.

Given the confirmed roosting bats in the attic and the legal protections afforded under the Wildlife Acts and Habitats Directive, a derogation is required to undertake repair works while safeguarding the roost.

- Location: ESB Networks Depot, Tiernaboul, Killarney, Co. Kerry
- Ownership: ESB Networks
- Proposed Activity: Roof repairs to office buildings, replacement of attic utility components.
- Planning History: Repairs urgently required due to structural damage; survey triggered by discovery of deceased bat and droppings.
- Policy Context: Compliance with Wildlife Act and EU Habitats Directive
- Zoning: Industrial zone near Killarney National Park, adjacent to Pike Wood and Woodford River

4. Full Details of Proposed Activity

Repair to damage to southern end of the main North-South aligned building, specifically Office 7 and roof tiles.

Works include roof repair, structural reinforcement, internal ceiling restoration, and implementation of bat access mitigation (Plates 26-30 in Bat Survey Report).

Essential refurbishment of insulation, wiring and water tank.

The attic space is used by bats, with roosting evidence also concentrated at southern end, the works need to commence with care to the bat's environment.

5. Ecological Survey and Site Assessment

a. Pre-existing information on species:

Review of local bat records within 10km radius confirmed presence of 9 Irish species; five roosts recorded locally.

b. Status of species locally:

Confirmed presence of Soprano pipistrelle, Leisler's bat, and brown long-eared bat roosting in attic; nearby known roosts in Flesk Castle.

c. Objective of survey:

To assess presence of bats and propose mitigation to avoid disturbance during necessary structural repairs and renovations.

d. Description of survey area:

Attic and surrounding building; site bordered by woodland and near river, ideal foraging and commuting habitat.

e. Survey methodology:

Visual inspection of building, detector survey using Magenta 5, emergence and re-entry monitoring, desk study using BCIreland and NPWS records.

Bat droppings of varying age were recorded in the attic, with visual confirmation of species including *Pipistrellus pygmaeus*, *Plecotus auritus*, and *Nyctalus leisleri*. Emergence and re-entry surveys confirmed roosting by small numbers of brown long-eared bats, Leisler's bats, and soprano pipistrelles. No maternity roosts detected; roosts are day roosts and potentially hibernation sites. Roosts are concentrated in the southern end of the attic where roof damage was noted.

g. Population size class assessment:

Based on emergence and re-entry surveys conducted in in July 2025, the following observations were recorded:

Brown long-eared bats (*Plecotus auritus*):

Maximum count: 2 individuals emerging from the southern end of the attic (Office 7 area).

Roost type: Day roost, no maternity behaviour observed.

Leisler's bats (*Nyctalus leisleri*):

Maximum count: 1–2 individuals observed commuting near eaves; occasional use of attic space inferred from droppings.

Roost type: Transient day roost, likely individual males.

Soprano pipistrelles (*Pipistrellus pygmaeus*):

Maximum count: 2–3 individuals observed entering through fascia board gaps on southern gable end.

Roost type: Likely crevice roosts within roof tiles; no maternity behaviour recorded.

Other species (*Pipistrellus pipistrellus*, *Nyctalus leisleri*):

Evidence (droppings, echolocation frequency) present, but no direct emergence observed during surveys.

Total number of bats using the structure at the time of survey: 5–7 individuals, based on emergence counts and physical signs (droppings, roost locations).

Droppings suggest numbers up to 15 in the open areas and many crevices were hidden from inspection. 15 is the max. number given for the roost.

Roost classification:

The attic space is currently used as a composite day roost with low bat numbers.

No maternity roosts or large aggregations were identified.

The structure may provide occasional hibernation potential due to stable internal temperatures and seclusion, but this remains unconfirmed pending winter survey.

6. Evidence to Support the Derogation Tests

This application qualifies under Regulation 54(2)(a) – *in the interests of protecting wild fauna and conserving natural habitats*.

- **Test 1 - Reason for Derogation:**

Urgent repairs are required at the ESB Networks office building in Tiernaboul, Killarney, due to water ingress, roof damage and ceiling collapse. These conditions present a serious public health and safety risk to staff, contractors and visitors, as the structure is unstable and unsafe for occupation.

A derogation licence is required because bats are confirmed roosting in the attic space, including soprano pipistrelle (*Pipistrellus pygmaeus*), Leisler's bat (*Nyctalus leisleri*) and brown long-eared bat (*Plecotus auritus*). Works cannot proceed legally without derogation as they would disturb and potentially exclude Annex IV protected species.

By granting a derogation, the building can be made structurally safe while also safeguarding the bat roost. Mitigation measures include timing works outside sensitive breeding/hibernation seasons, provision of a permanent bat access tile, and ecological supervision during works. This ensures that urgent health and safety repairs can be carried out without compromising the conservation status of the bats.

- **Test 2 - Absence of Alternative Solutions:**

Alternative 1 – Do Nothing:

- Not feasible. The building is unsafe, with water damage and falling ceilings. Leaving the structure unrepaired would continue to endanger staff and visitors.
- Roof decay will result in eventual loss of roost.

Alternative 2 – Standard roof repair without mitigation:

- Would seal bat entry points, causing roost abandonment.
- High risk of bat injury or entrapment during works.

Alternative 3 – Full roof replacement:

- Greater disturbance than targeted repair.
- Would require longer works period, increasing risk to bats and people.

Solution: Targeted repair with designed bat access points and timing works outside maternity season. This is the only viable option that ensures public safety, preserves the roost, and complies with legislation.

There is no satisfactory alternative that would both address the building's urgent structural issues and protect the bat roost.

- **Test 3 - Conservation Status Impact:**

With mitigation, the works will have **nil to minimal short-term impact** and will be beneficial in the long term.

Mitigation measures:

- Permanent bat access installed.
- Works outside sensitive breeding season.
- Bat-safe timber treatments used.
- Lighting avoided near roost entrances.
- Pre-works check by ecologist to confirm roost status.

Evidence of success:

Bat access doors have proven effective in maintaining roost use post-repair at other sites, including Clifden House, Co. Galway. Based on survey data and mitigation measures, the roost will continue to support the same species at current or increased levels, maintaining favourable conservation status in the region. The expected post-works roost usage will be equal to or greater than pre-works usage.

7. Monitoring the Impacts of the Derogations

- **Monitoring Plan:**

Follow-up survey prior to works to confirm roost status, including emergence and dawn re-entry surveys. Site inspections during construction by bat ecologist.

- **Reporting to NPWS:**

Adhere to NPWS guidelines. Final report to include survey results, mitigation implemented, and roost usage data post-construction.

- **Corrective Actions:**

If bats found during works, halt activity and consult ecologist. Adapt mitigation as needed. Maintain photographic records.



The damaged structure 1



Proposed Mitigation - Bat Friendly Access tile

References

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