



Wildlife Licensing Unit,
Department of Housing, Local Government and Heritage,
National Parks and Wildlife Service,
Wildlife Licensing Unit, R. 2.03,
90 North King Street,
Smithfield,
Dublin 7,
D07 N7CV.

Date: 30/10/2025
Re: Bat derogation licence
Subject: Licence application

Dear Wildlife Licensing Unit,

This letter supports the Application Form submitted by Twin Oak Tree Care Ltd and is pursuant to a Derogation Licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011). The application is supported by John Walsh, John has completed a 1 day course with Dun Laoghaire Rathdown County Council on the inspection of trees for bats and their roosts.

Introduction:

Twin Oak Tree Care carries out a range of tree felling & maintenance services on behalf of Public Bodies such as OPW & Dublin City Council.

In order to assist with fully determine the likely impact of the works, it is important to identify the presence or absence of bat roosts prior to commencing. This licence will be used to carry out routine inspections on potential bat roost features in trees and built structures in Ireland.

To this end, I, Síofra Sealy, seek to submit an application for a licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 47 of 2011) to undertake examinations of potential bat roosts.

Methodology

For the duration of the licence only, if granted, identification of potential roost features in trees and built structures will involve inspection at ground level. Where required access to the higher areas will be using a ladder or MEWP.

Inspection will in the first instance involve unobtrusive visual inspection only; and if required, the use of a torch; or, if the full extent of the feature is inaccessible, the use of a Rigid CA300 Endoscope. Where features are inaccessible, or a full characterisation of the entire feature cannot be ascertained, emergence and re-entry surveys will be conducted following best practice guidelines.

Actions permitted under the Licence sought in this application will not be detrimental to the maintenance of bat species populations 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.

At all times during surveying, the derogation licence will be kept in our possession and available for inspection by any member of An Garda Síochána or any person authorised by Regulation 4 of the Habitats Regulations.

Where a bat roost has been confirmed and may be impacted by a development, appropriate mitigation measures will be prescribed according to best practice guidance documents:

Need for the Derogation

This application qualifies under Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations as it is 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.

Works undertaken by Twin Oak Tree Care Ltd generally involve improvements, which may be required for health and safety or development for the purposes of social and economic nature.

1. Proposed mitigation & compensation (what must be done)

Mitigation must follow the established hierarchy: **avoid** → **minimise/mitigate** → **compensate**. Key, evidence-based measures that should be committed to in writing, implemented before impact, and monitored are:

Avoidance & timing

- Schedule works outside sensitive periods (maternity: species-specific; hibernation) where avoidance is possible.

Soft-avoidance and working methods

- Supervised soft-stripping, hand-removal of materials, and toolbox talks for contractors. Seeking to avoid at all times roost disturbance or damage.

Roost protection, exclusion and retention

- Retain existing roosts where practicable. Where works are unavoidable, use exclusion/one-way exits supervised by an ecologist and only when bats are absent. Provide temporary roosts if needed.

Roost creation / compensation

- Provide permanent replacement roosts designed for the target species (in-building modifications, purpose-built lofts, or, where species accept, bat boxes). For some species (e.g., horseshoe bats) bat boxes are often unsuitable—species-specific designs are required. Replacement roosts should be in place before loss of the original roost.

Habitat measures

- Retain and enhance foraging/commuting habitat (hedgerows, woodland-edge, wetlands). Create habitat links and buffer zones and avoid or mitigate lit corridors (use lighting plans that limit horizontal and vertical lux).

Long-term management & legal/contractual safeguards

- Secure long-term management and legal protection for compensation sites, with a clear custodian and maintenance plan. Monitoring and adaptive management must be contractually required.

2. Evidence that such mitigation has worked elsewhere

- Modified roosts and in-building mitigation show higher rates of continued use than simple provision of bat boxes. Reviews and field studies have found that modified roosts (e.g., roofs modified but remaining in situ) retain bats at higher rates than newly created lofts or external boxes. This indicates that, where possible, retaining and adapting the original structure is the most effective approach.
- Bat Conservation Trust case studies demonstrate successful outcomes for schemes that combined careful timing, bespoke roost design, pre-installation of replacement roosts, and multi-year monitoring (examples include restored roosts used by horseshoe and pipistrelle species). These case studies highlight the importance of species-specific design and follow-up monitoring.
- Project-level evaluations (e.g., Bat Roost Mitigation Project / Conservation Evidence work) have collated evidence that well-designed mitigation plus monitoring increases the likelihood of maintaining local populations, while poor design (e.g., sole reliance on generic bat boxes, no monitoring, delayed installation) has a much lower success rate.

3. How to demonstrate the derogation will *not* be detrimental (required tests & recommended success criteria)

Under the Habitats Directive and its guidance, the competent authority must be satisfied that the three derogation tests/conditions (where relevant) are met (e.g., no satisfactory alternative, imperative reasons of overriding public interest where applicable, and no detriment to favourable conservation status). To support that finding you must provide:

a) Clear baseline and population context.

- Current status of the local bat population (species present, roost types, occupancy rates, emergence counts, maternity colony size, local population trend data from national monitoring where available). Use NBMP or national/local monitoring to place local numbers in wider context.

b) Quantified impact assessment.

- Estimate the number of roosts and likely individuals affected, the role of those roosts (maternity/hibernation/seasonal), and model likely demographic impacts (e.g., loss of X maternity roosts = potential loss of Y pups/year) or provide reasoned qualitative assessment if numbers are small and species are widespread.

c) Robust, evidence-based mitigation and compensation package.

- Commit to specific measures (see section 2), with timing (install replacement roosts *before* removal), design details (species-specific), legal protection and long-term management, and an explicit monitoring and adaptive management plan with thresholds for remedial action. Include references to best practice guidance (CIEEM/NE/BCT) to demonstrate alignment with recognised standards.

d) Clear, measurable success criteria

- Examples of quantitative success triggers you should commit to:
 - Replacement roost(s) occupied by target species within 1–3 years and emergence counts within X% of baseline by year 5 (species and context dependent).

- No statistically significant decline in local emergence counts or maternity colony size over a defined monitoring period.
- Foraging activity (detected by acoustic surveys) restored to $\geq$ baseline levels within agreed period.
- These numbers must be tailored to the species, the size of the colony and baseline data.

e) Adaptive contingency

- If monitoring shows failure to meet criteria, the plan must include immediate remedial measures (e.g., additional roost provision or habitat creation, further exclusion or restoration works) and an implementation schedule.

f) Evidence of no net harm at relevant scale

- Show, using local and regional data, that the loss (if any) will not decline the national/biogeographical favourable conservation status. This usually means demonstrating that displaced individuals have access to equivalent roosting and foraging resources and that local breeding and survival rates will be sustained. If the site supports nationally important numbers, compensatory measures must be proportionally more robust.

Alternatives:

The following is a list of alternatives considered to carrying out roost inspection surveys:

1. Do nothing

The do-nothing scenario would be to not carry out any roost inspection surveys at any potential roost sites. Then any potential roost sites would not be adequately surveyed to inform an Ecological Impact Assessment for a planning application and it would not be possible to prescribe appropriate mitigation. Without complete survey data, impact assessment and mitigation, it could result in damage to the bat roost.

2. Emergence Surveys with no inspection surveys

If this licence is not granted, then it would not be permitted to carry out inspection of a roost with an endoscope. The alternative is to carry out dusk emergence surveys with night vision aids of any potential roost features. While bats may be detected in some settings, not all settings can be adequately surveyed using these methods, in particular potential tree roosts.

Trees may contain very dense foliage which can obscure roost features. As per Scenario 1, any potential roost sites would not be adequately surveyed to inform an Ecological Impact Assessment for a planning application, and it would not be possible to prescribe appropriate mitigation. Without complete survey data, impact assessment and mitigation, it could result in the destruction of a bat roost.

The alternatives presented here have the potential to contravene the requirements of Section 54 (2) of the European Communities (Birds and Natural Habitats) Regulations, as they could result in the destruction of bat roosts and negatively impact bat populations.

Therefore, 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.

**Summary**

A derogation licence is sought to comply with the requirements of Section 54 (2) of the European Communities (Birds and Natural Habitats) Regulations. As such, actions permitted under the licence sought in this application will not be detrimental to the favourable conservation status of bats in their natural range.

John Walsh

Director

Twin Oak Tree Care