ecofact
biodiversity + ecology

Wildlife Licensing Unit
National Parks and Wildlife Service (NPWS)
Department of Housing, Local Government and Heritage
90 North King Street
Smithfield
Dublin 7
D07 N7CV
reg54derogations@npws.gov.ie.

17th October 2025

Dear Sir/Madam,

RE: Application for a Bat Derogation Licence – Proposed Housing Development site at Ballymaley and Ballycorey, Gort Road, Ennis, Co Clare (Planning Ref. P24/60667).

On behalf of Custy Construction Ltd., Ecofact Environmental Consultants Ltd. are submitting this application for a Derogation Licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011–2023, in respect of the proposed housing development at Ballymaley and Ballycorey, Gort Road, Ennis, Co. Clare (Planning Ref. P24/60667).

Comprehensive bat surveys undertaken in 2024 and 2025 by Ecofact confirmed the presence of a minor night roost of Lesser Horseshoe Bat (Rhinolophus hipposideros) in a small agricultural shed on the site. The roost is used by a very small number of bats (<5 individuals) and does not function as a maternity or hibernation roost.

Nevertheless, as all bats and their roosts are strictly protected under Article 12 of the Habitats Directive (92/43/EEC) and the Wildlife Acts (1976–2023), a derogation licence is required prior to the removal of this building. The shed lies within the footprint of the proposed housing development and must be removed to allow construction to proceed.

A new purpose-built bat house will be provided to compensate for the loss of this roost. This new structure has been designed in consultation with Ecofact and will offer significantly enhanced roosting conditions suitable for both day and night use.

The proposed works will only proceed if planning permission (P24/60667) is granted. No works will be undertaken during 2025, and the derogation licence will therefore be renewed in 2026 prior to commencement of construction.

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EcoFact Environmental Consultants Ltd
Directors: W O'Connor, P Prachumchai
Vat: 8298405N **Reg No**. 2988405

Summary of the Proposed Works and Mitigation

The licence application covers:

- The removal of the existing farm building containing the Lesser Horseshoe Bat night roost.
- The construction of a new purpose-built bat house within the same landholding, designed in consultation with Ecofact and shown in the planning drawings prepared by Brian Foudy & Associates (see Appendix 1 of the Bat Report).
- Provision of landscaping and light management measures to maintain commuting corridors and protect foraging habitats, as detailed in the submitted Bat Survey Report (Ecofact, 2025).
- The new bat house has been specifically designed to meet the roosting requirements of the Lesser Horseshoe Bat and will provide superior, long-term roosting opportunities, suitable for both day and night use. The replacement roost is expected to result in a net ecological gain for this species within the Ennis area.

Timing and Planning Context

- As set out in Item 6 of Clare County Council's Further Information Request, the planning authority has requested that a derogation licence application be prepared in advance of any planning decision. However, the proposed roost removal and construction of the new bat house will only proceed if planning permission for the development (P24/60667) is granted.
- It is further noted that no works will be undertaken during 2025. Should the development proceed, the derogation licence will be renewed in 2026 prior to commencement of any site clearance or construction activities.

Compliance with the Habitats Directive

This derogation application satisfies the three licensing tests under Regulation 54:

- Purpose: The works are required for imperative reasons of overriding public interest and to enable a housing development of social and economic importance to proceed in accordance with planning legislation.
- No satisfactory alternative: The roost cannot be retained in situ due to its location within the footprint of the proposed development. The provision of a new purpose-built bat house represents the only practicable means of retaining roosting opportunities for the species.
- Favourable conservation status: The proposed mitigation (bat house, landscaping, and lighting controls) ensures that the local conservation status of the Lesser Horseshoe Bat population will not be adversely affected and that the new roost will enhance available habitat in the area.

Test 1: Purpose of the Derogation – Imperative Reasons of Overriding Public Interest

The project is being advanced for imperative reasons of overriding public interest of a social and economic nature, in accordance with Regulation 54(2)(c) of the European Communities (Birds and Natural Habitats) Regulations 2011–2023.

The proposed development forms part of the strategic delivery of new housing in Ennis, as identified in the Clare County Development Plan 2023–2029 and the National Planning Framework (Project Ireland 2040).

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The scheme will address local housing need, promote compact growth within a serviced area, and provide social and economic benefits through job creation, infrastructure provision, and community investment.

From an environmental standpoint, the project will deliver beneficial consequences of primary importance for the environment through the inclusion of a new purpose-built bat house, the creation of ecological buffers, and the implementation of dark corridor lighting design. These measures ensure that the conservation status of the Lesser Horseshoe Bat is maintained or enhanced.

Test 2: No Satisfactory Alternative

All feasible alternatives were considered during the design process. The following table summarises the options assessed and the reasons each was deemed unsatisfactory:

Alternative Solution	Reasons for "Unsatisfactory"
Retain the existing farm building in situ within the development layout	The structure lies within the footprint of proposed housing plots and essential infrastructure. Retention would sterilise potential development lands. The building is structurally poor and unsuitable for inclusion in a residential scheme. Also, Lesser Horseshoe bats would be very unlikely to continue to use the building if the surrounding area was further developed.
Exclude the building from the development boundary and fence it off as a retained roost	Exclusion would create an isolated, unmanaged parcel of land within the housing estate, and again bats would be very unlikely to continue to use the building if the surrounding area was further developed.
Retain and retrofit the existing shed as a permanent bat roost	The structure is already used by livestock. It is already affected by light spill and is near a road and one-off houses. It is suboptimal for Lesser Horseshoe Bats and can't really be improved. Any further development is likely to result in the bats stopping using this roost, and there is already disturbance.
Relocate the housing layout elsewhere within the site	Physical constraints, existing boundaries, and servicing limits prevent reconfiguration without undermining the viability of the scheme and compromising ecological buffers elsewhere.
Delay demolition until after construction	Retaining the shed during construction would result in unavoidable disturbance to bats, and loss of the roost. The new bat house will be built prior to works commencing on the site.
"Do Nothing" – Leave the site undeveloped	The "do nothing" option would not deliver the permitted housing or meet policy objectives for sustainable development in Ennis. The existing shed is suboptimal for bats and lies adjacent to a public road and one-off housing. It is already at risk from agricultural use and deterioration, and it is likely that bats would cease using it in the near future. No long-term conservation benefit would result, while the social and economic benefits of the project would be lost.

Conclusion:

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No satisfactory alternative exists that would allow the development to proceed without affecting the minor night roost. The construction of a new, purpose-built bat house provides the only practicable and ecologically beneficial solution, ensuring compliance with Regulation 54 and long-term maintenance of roosting opportunities for Lesser Horseshoe Bats. The new bat roost will be built prior to any other construction commencing on the site.

Test 3: Impact of the Derogation on Conservation Status

The proposed derogation will not be detrimental to the maintenance of the Lesser Horseshoe Bat population at favourable conservation status in its natural range. Surveys confirmed that the existing roost is a minor night roost used by fewer than five individuals, with no evidence of maternity or hibernation use. The structure is of low ecological value and lies within a landscape that supports multiple secure roosts.

A suite of mitigation and compensation measures will be implemented, including:

- Construction of a new, purpose-built bat house within the same landholding, designed for both day and night roosting.
- Implementation of lighting controls to maintain dark commuting corridors.
- Native landscaping and buffer planting to enhance foraging connectivity.
- Post-construction monitoring by a qualified ecologist to confirm use of the new roost.

These measures will result in a net gain for the species, providing superior roosting conditions to the existing suboptimal shed. Accordingly, the proposal will maintain or improve the conservation status of the Lesser Horseshoe Bat locally and will not have any negative implications for the species at population level.

Supporting Documentation

The following documents are submitted in support of this application:

1. Completed NPWS Derogation Licence Application Form.
2. Ecofact (2025). “Bat Survey Report: Ballymaley and Ballycorey, Gort Road, Ennis, Co. Clare.”
3. Proposed bat house design and site plan (Brian Foudy & Associates; Appendix 1 of the Bat Report).
4. Lighting and landscaping mitigation details (included in the Ecofact 2025 Bat Report).

Should you require any additional information or clarifications, please do not hesitate to contact me directly at william.oconnor@ecofact.ie or (061) 526712.

Yours sincerely,

For ECOFACT Environmental Consultants Ltd

Dr. Will O’ Connor
PhD, MSc, BSc, CBiol, CEnv, MCIEEM, FRSB
Fellow of the Royal Society of Biology
Chartered Biologist
Chartered Environmentalist

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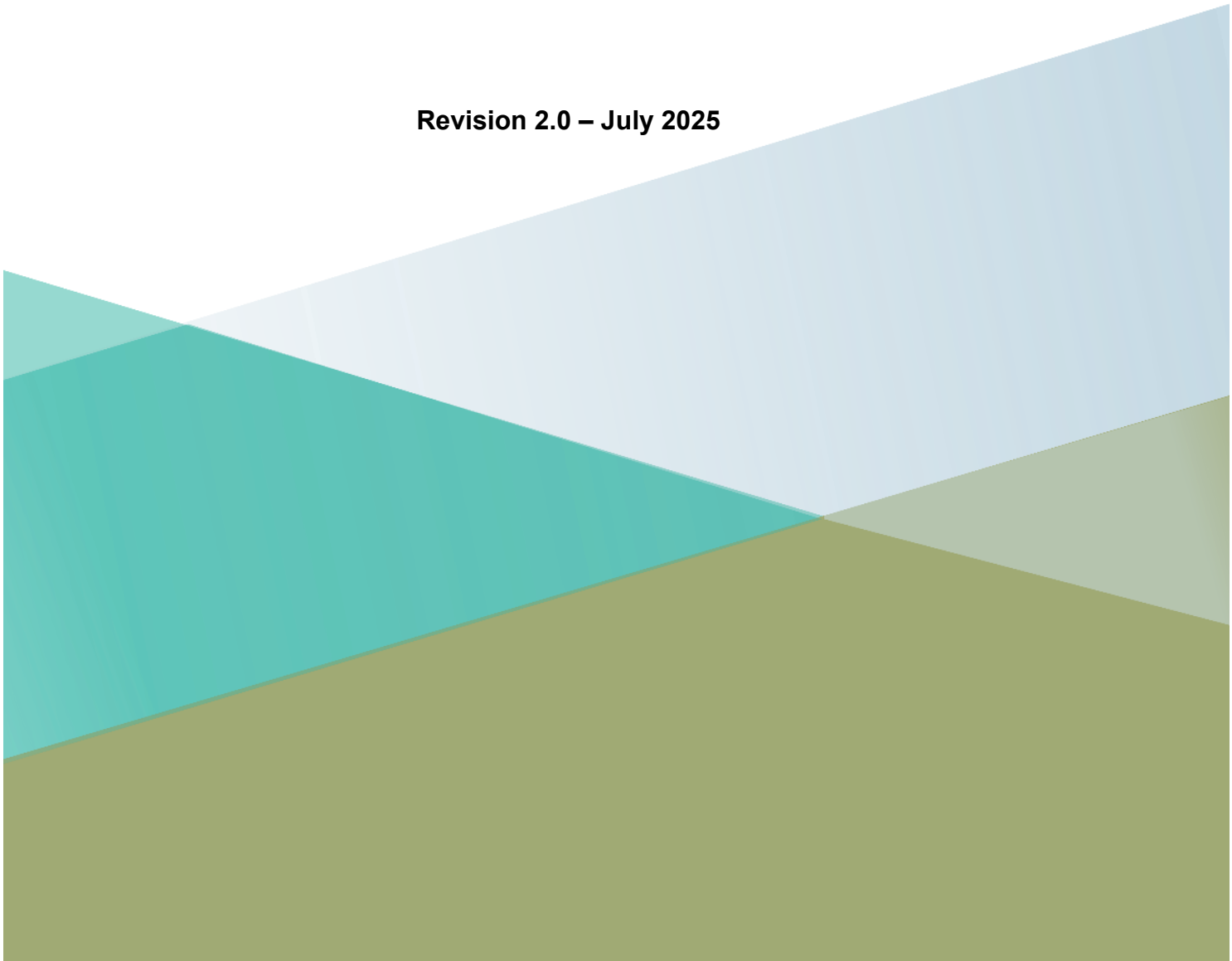
NPWS
An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Application for Derogation

Under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended

Revision 2.0 – July 2025



- This form can be used by any individual or Company applying for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 ("the Regulations") **or** any individual applying on behalf of the Minister for Housing, Local Government and Heritage under Regulation 54(A) of the Regulations.

- Note this application form is not for Domestic Dwelling Derogations (bats within private homes) which can be found here > (3D Application Form)

- Please ensure that you answer questions fully in order to avoid delays and/or your application being rejected on the basis that it does not contain sufficient information and detail for the application to be considered further.

- Please read and familiarise yourself with the NPWS Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants

- Please read and familiarise yourself with the European Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive

- Please also note that the responses to these questions are supplementary to the documentation required for the NPWS to be in a position to consider your application. A complete application should include both the application form and an associated report. Failure to supply either will result in your application being returned and/or refused.

- In circumstances in which a derogation is given on foot of this application, the Applicant is responsible for ensuring compliance with the conditions of any such derogation, even though they may employ another person to act on their behalf. To carry out any activity without, or not in accordance with, a derogation granted under regulation 54 or 54A of the Regulations constitutes a criminal offence, subject to prosecution.

- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit: reg54derogations@npws.gov.ie

- Please note – applications, associated reports and derogations will be published on the NPWS website and/or the Department's Open Data website.

- Where any applicant is applying for a derogation to carry out surveys, please ensure to list all qualified ecologists and trainees under their supervision. See section 1(c) of Part A.

Part A: The Applicant - Personal Details

These questions relate to the person responsible for any proposed works and who will be the **Applicant**.
If this application is being submitted on behalf of a third party, please also complete Part B below.

1. (a) Name of Applicant

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
	Dermot	Custy
(b) Company Name, if applicable	Custy Construction Ltd.	
(c) Address Line 1	Block G Riverside	
Address Line 2	Quin Road Business Park,	
Town	Ennis	
County	Co Clare	
Eircode		
(d) Contact number	065-6119909	
(e) Email address	dermot@custycon.ie	
(f) Address where works are to be carried out if different from (b) above.		
Address Line 1	Proposed Housing Development site at Ballymaley and Ballycorey, Gort Road, Ennis, Co Clare Planning Reference P24/60667	
Address Line 2		
Town		
County		
Eircode		

Details of Person Submitting Application on Behalf of Applicant/Derogation Holder

Information relating to the person (e.g. ecologist) responsible for submitting the application on behalf of the applicant should be entered below:

1. (b) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
Dr.	Will	O'Connor
(b) Company Name	Ecofact	
Address Line 1	Tait Business Centre	
Address Line 2	Dominic Street	
Town	Limerick	
County		
Eircode		
(c) Contact number	087-2605574	

(d) Email address	William.oconnor@ecofact.ie
(e) Relationship to Applicant	Ecological Consultant

For Survey Derogations Only

1. (c) Please Indicate the Names to Appear on the Derogation Along with the Position Held e.g. Supervisor/Trainee

Forename(s)	Surname	Supervisor or Trainee

Part B: Species covered by the Derogation

1. **Species of Animal:** Please indicate which species is/are the subject of the application:

• Bat	☒
• Otter	☐
• Kerry Slug	☐
• Natterjack Toad	☐
• Dolphin	☐
• Whale	☐
• Turtle	☐
• Porpoise	☐

2. Please detail the exact species (scientific name): *Rhinolophus hipposideros*

3. Please provide the maximum number of individuals affected* 5

4. Please provide the maximum number of breeding or resting sites affected* 1

5. Please provide the maximum number of eggs to be taken* n/a

6. Please provide the maximum number of eggs to be destroyed* n/a

*If no figures can be provided for the maximum number of individuals, breeding sites, resting places and eggs to be covered by the derogation please provide reasons why.

7. **Species of Plant:** Please indicate which species is/are the subject of the application:

• Killarney Fern	☐
• Slender Naiad	☐
• Marsh Saxifrage	☐

8. If you previously received a derogation for any species of animal or plant, please state derogation number and confirm that you have made a return to NPWS on the numbers actually affected by that derogation.

9. **Proposed Dates for Activities:** Please indicate the timeframe that you propose to carry out the activities. Dates set by NPWS may differ from dates proposed here. *A derogation will only be issued with a start and end date within a calendar year.*

Start Date:	15/11/25
End Date:	31/12/25

Part C: Nature of the Derogation.

1. Please tick which prohibition(s) the application for a derogation relates to:

Regulation 51	
Deliberately capture or kill any specimen of the relevant species in the wild	☐
Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☐
Deliberately take or destroy eggs of the relevant species in the wild	☐
Damage or destroy a breeding or resting place of such an animal, or	☒
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	☐
Regulation 52	
Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	☐

Further information should be provided in the format set out in Part E: Template for Supporting Information

Part D: Derogation Tests

Note: The following <u>summary</u> information must be provided by the applicant in all cases, and will be used to determine if a derogation can be provided. Further information must be provided in the format set out in Part E: Template for Supporting Information

Test 1: Reason for the Derogation

1. Please tick which reason(s) below explains how this application qualifies under Regulation 54(2)(a-e) or Regulation 54A(2)(a-e) of the European Communities (Birds and Natural Habitats) Regulations: Please provide a summary of how the application meets the 3 conditions required to provide a derogation. Note that in all cases additional information must be provided (see Part E).

a.	In the interests of protecting wild flora and fauna and conserving natural habitats **(proceed to 2a)**	☐
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property **(proceed to 2b)**	☐
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 **(proceed to 2c)**	☒
d.	For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants **(proceed to 2d)**	☐
e.	To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule **(proceed to 2e)**	☐

2a. In the interests of protecting wild flora and fauna and conserving natural habitats:

i) Please state the wild flora, fauna or habitats that require protection and /or conservation.

ii) Please summarise how the interests of protection and conservation of the species/habitat concerned justify affecting another species under strict protection.

2b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property:

i) Please summarise the nature of the potential damage, why it is considered “serious” and how this outweighs the conservation interest of the species under strict protection.

2c) 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:

i) Where the reason is for public health and public safety, summarise the evidence provided to support this reason (e.g. documentary evidence of the risk from a chartered structural engineer, tree surgeon, Garda Síochána, qualified health professional etc.)

The proposed works form part of a planned housing development at Ballymaley and Ballycorey, Gort Road, Ennis, Co. Clare (Planning Ref. P24/60667), promoted by Custy Construction Ltd. to address the current housing demand within Ennis and the wider Clare region. The development is located within the serviced development boundary of Ennis, in an area zoned for residential use under the Clare County Development Plan 2023–2029.

The works necessitating this derogation relate to the removal of a small, structurally substandard agricultural shed currently used as a minor night roost by a small number of Lesser Horseshoe Bats. The building is in poor condition, with degraded roofing materials, open gaps, and evidence of livestock use, making it unsuitable for retention within a modern housing layout. Its removal is required both for public safety reasons—as it cannot be safely retained adjacent to proposed residential plots—and to facilitate the development of safe, compliant housing infrastructure.

A new purpose-built bat house will be constructed within the same landholding, in accordance with NPWS guidance and designed in consultation with a chartered ecologist (Dr. Will O'Connor, Ecofact Environmental Consultants Ltd.), ensuring full compensation for the existing roost.

Accordingly, the derogation is sought in the interests of public safety and for imperative reasons of overriding public interest associated with the provision of new housing that will deliver social, economic, and environmental benefits, consistent with the objectives of the National Planning Framework and Clare County Development Plan.

ii) Where the reason is 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", summarise the nature of the public interest and how this outweighs the conservation interest of the species under strict protection.

The proposed development at Ballymaley and Ballycorey, Gort Road, Ennis, Co. Clare (Planning Ref. P24/60667) is being advanced for imperative reasons of overriding public interest of a social and economic nature, consistent with Regulation 54(2)(c) of the European Communities (Birds and Natural Habitats) Regulations 2011–2023.

The project will deliver new residential housing within the serviced development boundary of Ennis, addressing the acute housing need identified in the Clare County Development Plan 2023–2029 and the National Planning Framework (Project Ireland 2040). The development represents a sustainable, plan-led expansion of Ennis in a location already supported by existing transport, water, and wastewater infrastructure. By facilitating compact urban growth and efficient land use, the project will contribute to the economic vitality and social cohesion of the local community, while supporting local employment and investment during both the construction and operational phases.

From an environmental perspective, the development will deliver beneficial consequences of primary importance for the environment through the inclusion of a new, purpose-built bat house designed in consultation with Ecofact Environmental Consultants Ltd., and the implementation of enhanced landscaping, ecological buffers, and lighting controls. These measures will maintain or improve the favourable conservation status of the Lesser Horseshoe Bat (Rhinolophus hipposideros) within the local area, replacing a suboptimal roost with a high-quality, long-term structure and ensuring the continued ecological functionality of the site.

Accordingly, the works are justified on the grounds of imperative social and economic need, public benefit, and environmental enhancement, and fully meet the requirements of Regulation 54(2)(c) of the European Communities (Birds and Natural Habitats) Regulations 2011–2023.

2d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants:

i) Please summarise the objective(s) of the proposed activities making reference to those listed above and how the the purpose of such activities overrides the interests of strict protection of the species. [1]

2e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule

i) Please clearly state the objective of the activity and verify that this reason is being chosen as the objective of the activity does not match reasons a-d listed above.

ii) Please summarise how the activity will result in the taking or keeping of limited numbers of specimens of the species, how it will be applied on a selective basis and to a limited extent, and how it will be done under strictly supervised conditions.

Test 2: Absence of Alternative solutions

2. Please summarise the alternative solutions that have been considered and why these solutions are deemed unsatisfactory. This must include the option of the "do-nothing" alternative and evidence should be objective and robust. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Alternative Solution	Reasons for "Unsatisfactory"
Do-Nothing	*The "do nothing" option would not deliver the permitted housing or meet policy objectives for sustainable development in Ennis. The existing shed is suboptimal for bats and lies adjacent to a public road and one-off housing. It is already at risk from agricultural use and deterioration, and it is likely that bats would cease using it in the near future. No long-term conservation benefit would result, while the social and economic benefits of the project would be lost*

[1] Note that this reason may be appropriate for when research involves surveys that may cause disturbance of species under strict protection. But the sole purpose of the surveys should be for research and education or the other reasons listed above under 1d.

Retain the existing farm building in situ within the development layout	*The structure lies within the footprint of proposed housing plots and essential infrastructure. Retention would sterilise potential development lands. The building is structurally poor and unsuitable for inclusion in a residential scheme. Also, Lesser Horseshoe bats would be very unlikely to continue to use the building if the surrounding area was further developed..*
Exclude the building from the development boundary and fence it off as a retained roost	*Exclusion would create an isolated, unmanaged parcel of land within the housing estate, and again bats would be very unlikely to continue to use the building if the surrounding area was further developed.*
Retain and retrofit the existing shed as a permanent bat roost	*The structure is already used by livestock. It is already affected by light spill and is near a road and one-off houses. It is suboptimal for Lesser Horseshoe Bats and can't really be improved. Any further development is likely to result in the bats stopping using this roost, and there is already disturbance.*
Relocate the housing layout elsewhere within the site to avoid the structure	*Retaining the shed during construction would result in unavoidable disturbance to bats, and loss of the roost. The new bat house will be built prior to works commencing on the site.*

* Please insert additional rows above if needed

Test 3: Impact of a Derogation on Conservation Status

3. Please summarise the possible impacts on the population of the species that is subject to this application, taking into account all the mitigation and/or compensation measures that are to be undertaken. Evidence that such mitigation has been successful elsewhere should be provided where relevant. Mitigation measures being relied upon must ensure that the 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. Note that in all cases further information must be provided in the format set out in Part E: Template for Supporting Information.

Evidence that the derogation will not be detrimental to the maintenance of the population of the species at favourable conservation status in its natural range

The proposed derogation will not be detrimental to the conservation status of the Lesser Horseshoe Bat (Rhinolophus hipposideros), either locally or within its wider natural range.

Surveys undertaken by Ecofact Environmental Consultants Ltd. during 2024 and 2025 confirmed that only a small number of individuals (<5 bats) are using the existing farm shed on the site as a night roost. No evidence of maternity, hibernation, or regular day roosting was recorded. The roost is therefore of low ecological significance, being used intermittently and opportunistically as part of a wider network of night roosts.

The species remains widespread and stable in County Clare, supported by numerous designated roosts in nearby Special Areas of Conservation (SACs), including Dromore Woods and Loughs SAC (000032) and Toonagh Estate SAC (002247), both of which support large, secure breeding colonies. The small number of bats using the subject site are almost certainly commuting from one or more of these established roosts.

To ensure no adverse effects on the conservation status of the species, a suite of mitigation and compensation measures will be implemented as part of the derogation licence, including:

Construction of a new purpose-built bat house within the same landholding, designed specifically for the Lesser Horseshoe Bat and located in a dark, sheltered position that will remain undisturbed.

Implementation of lighting design controls to maintain dark commuting corridors to and from the new roost.

Native planting and ecological buffers to reinforce connectivity and foraging habitat adjacent to the bat house.

Post-construction monitoring by a qualified ecologist to confirm usage of the new roost.

These measures will deliver a net ecological gain by replacing a suboptimal, temporary night roost with a secure, permanent structure suitable for both day and night roosting. The development will therefore maintain — and is likely to enhance — the availability of suitable roosting and foraging habitat for the species in the Ennis area.

Accordingly, the derogation will not be detrimental to the maintenance of the Lesser Horseshoe Bat at favourable conservation status in its natural range, satisfying the third test under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011–2023.

Part E: Template for Supporting Information

This application form should provide a summary of the evidence that the applicant has provided. In all cases, it is necessary to provide separate supporting information so that the assessment of the application can be undertaken in a robust and comprehensive manner. Applicants should refer to guidance provided by the NPWS and the European Commission whilst preparing this application form and the supporting information.

It is essential that supporting information is prepared in a consistent manner using the template below so that NPWS officials assessing the application can locate the relevant evidence to determine if the three Tests can be met. Failure to provide sufficient evidence will result in the application being refused.

The structure of the Supporting Information should be as follows:

1) Table of Contents

2) Introduction
    a. Objective of the proposed works (for example, as part of construction of a national road, repair of roofing, undertaking surveys etc.)
    b. Name, qualifications and relevant experience of scientific staff, including trainees, (e.g. ecologist) involved in the preparation of the application and those responsible for carrying out the proposed activity.
    c. If this application is for the carrying out of surveys that may cause disturbance, qualifications of all involved must be provided and trainees must be clearly identified.

3) Background to proposed activity including location, ownership, type of and need for the proposed activity, planning history, policy context, zoning in relevant Development plan (or equivalent), etc.

4) Full details of proposed activity to be covered by the derogation (including a site plan). The site may be inspected by an NPWS representative, so the details given should clearly reflect the extent of the project. This information will be used to compare site conditions with the Method Statement.

5) Ecological Survey and site assessment (Not required for applications to carry out surveys)
    a. Pre-existing information on species at location and environs.
    b. Status of the species in the local/regional area (relevant to the consideration of the impact on the population at the relevant geographic scale (Test 3))
    c. Objective(s) of survey
    d. Description of Surveys Area
    e. Survey methodology (including evidence as to how the methodology represents best practice and is appropriate to the Objective). Methodology should include survey maps, details of timing, climate, equipment used and identify any uncertainties or difficulties encountered.
    f. Survey results including raw data, any processed or aggregated data, and negative results as appropriate. Photographs and maps must be provided where site-specific features are referred.
    g. Population size class assessment.

6) Evidence to support the Derogation Tests

    a. Test 1 - Reason for Derogation:
        i. There should be a clear explanation as to why a specific reason(s) has been selected in the application form.

        ii. Applicants are advised to read the guidance published by the NPWS 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.1.
    b. Test 2 - Absence of Alternative Solutions
        i. Applicants must list the alternatives to the proposed activity that have been considered, including the do-nothing alternatives in a clear and objective manner. A basic requirement is that these alternatives should be compared in terms of their impact on the species subject to strict protection. It should be clear to NPWS officials as to why the chosen approach has been selected.
        ii. Applicants are advised to read the guidance published by 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.2.
    c. Test 3 - Impact of a derogation on Conservation Status

i. Applicants should include details of the population at the appropriate geographic scale and an evaluation of how the proposed activity will affect the conservation status both before and after mitigation measures have been applied.
ii. Full and detailed descriptions of proposed mitigation measures that are relevant to the potential impact on the target species. Evidence that such mitigation has been successful elsewhere should be provided, where available.
iii. Applicants are advised to read the guidance published 'Guidance on Applications for Regulation 54 Derogations for Annex IV species: Guidance for Applicants" with specific reference to Section 3.3.

7) Monitoring the impacts of the derogations
   a. Applicants must include details of how they propose to verify whether the derogations have been implemented correctly and whether they achieved their objective, using scientifically based evidence, and, if necessary, how the applicant will take corrective measures where required.
   b. Applicants should provide details of proposed reports to be submitted to the NPWS including the results of monitoring.
   c. Applicants are advised to read the guidance published by the European Commission "Guidance document on the strict protection of animal species of Community interest under the Habitats Directive" with specific reference to Section 3.4.

Part F. Declaration

I declare that all of the foregoing particulars are, to the best of my knowledge and belief, true and correct. I understand that the deliberate killing, injuring, capturing or disturbing of protected species, or damage or destruction of their breeding sites or resting places or the deliberate taking or destroying of eggs is an offence without a derogation and that it is a legal requirement to comply with the conditions of any derogation I may be granted following this application. I understand that NPWS may visit to check compliance with a derogation.

Please note that under Regulation 5 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 an authorised officer may enter and inspect any land or premises for the purposes of performing any of their functions under these Regulations or for obtaining any information which they may require for such purposes.

Signature of the Applicant  **Date** 17/11/25

On behalf of Dermot Custy

Name in BLOCK LETTERS Dermot Custy

npws.ie

Department of Housing, Local Government and Heritage

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Proposed Housing Development site at Ballymaley and Ballycorey, Gort Road, Ennis, Co Clare

(Planning Reference P24/60667)

BAT SURVEYS (2024-24)

Version: 17th October 2025

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SUMMARY

This report presents the findings of a bat survey carried out on a proposed housing development site at Ballymaley and Ballycorey, Gort Road, Ennis, Co Clare. The survey was completed to ascertain the level of usage of the site by bats. It was undertaken during the summers of 2024 and 2025, at the peak of the bat activity season. The surveys completed included daytime habitat surveys, emergence surveys, and extended activity surveys.

A desk study of bat records in the area was undertaken, followed by a daytime walkover survey to assess bat habitats on the site. Extensive bat survey work over two seasons was then conducted. The desk study and survey work included the site and the immediate surrounding areas.

The site consists of improved grassland areas, along with hedgerows and treelines. The site is currently being used for cattle grazing. There is a small farm building on the subject lands. The site is bordered to the north by the R458 road, where there has been linear development of housing and industrial units. The areas to the south and east of the site are undeveloped. Lough Girroga is located 250m to the south. This lake is included within the Ballyallia Lake Special Area of Conservation (SAC).

There are previous records of Annex II Lesser Horseshoe Bats in the area, and the overall bat landscape suitability rating of the site is relatively high. A total of six species of bats were recorded using the site during the current survey. These were Soprano Pipistrelle, Common Pipistrelle, Leisler's Bat, Brown Long-eared Bat, Lesser Horseshoe Bat, and Myotis bats (species unidentified). These bat species are using the site mainly for foraging and commuting. Lesser Horseshoe Bats were confirmed to be roosting on the site in the old farm building, which is being used as a night roost. This is a place where bats rest or shelter during the night but are rarely found during the day. The number of bats using this building is low. However, this is a very rare bat species, and the presence of this roost is significant. Likely minor tree roosts were also identified on the site. No bats were found roosting in any of the trees on the subject lands during the current survey. However, several of the trees on the site have bat roosting potential.

The Lesser Horseshoe Bat is a species considered to be very sensitive to impacts from developments, particularly those involving the loss of foraging and commuting habitat between its roost sites. This species is very sensitive to light and will avoid illuminated areas. It forages mainly in woodland habitats and relies on mature treelines to connect fragmented habitats in the landscape. This bat is confined to six western counties, including the Ennis area. This species was recorded at all detector sites during the activity survey, and on every survey night. Therefore, it is concluded that Lesser Horseshoe Bats regularly use the site. They depend on a network of roost sites and are potentially commuting from these SACs to the development site.

Developing the site would result in the loss of foraging, commuting, and roosting habitat for several bat species. Most notably, the development would lead to the loss of a night roost used by Lesser Horseshoe Bats and add to the habitat fragmentation that has affected this species in the Ennis area. Light spill from the proposed development could also potentially affect bat foraging and commuting areas located outside the site boundary. Mitigation will need to be provided to offset the likely impacts.

Bats and their resting places are strictly protected, and any works interfering with bats, especially their roosts, may only be carried out under a Derogation Licence granted by the National Parks and Wildlife Service (NPWS) pursuant to Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, which transposed the EU Habitats Directive into Irish law.

Mitigation proposed for bats will include minimising light spill and careful landscaping around the boundary of the site to provide a well-defined buffer and foraging/commuting corridor for bats. A bat house will be provided to offset the loss of the night roost and other potential bat roosting habitats on the site. Providing a bat house would provide a net biodiversity gain and ensure that the conservation status of Lesser Horseshoe Bats in this general area is maintained. The current farm building on the site is suboptimal for these bats, and it is only being used as a night roost by a small number a bats. The provision of a new purpose built bat house nearby which will have a net benefit for bats.

The proposed bat house is located in an ideal location and has been designed in consultation with Ecofact. This proposed artificial bat roost would be significantly better than the shed the bats are currently using. Bats would be able to use this for both day and night roosting.

With the proposed mitigation measures in place, it is concluded that the derogation application will meet the requirements of the Habitats Directive and associated national legislation. The conservation status of bats in the area will not be adversely affected, and the bat house and bat box scheme will improve roosting and foraging resources available to bats in the long term.

Dr. Will O' Connor
PhD, MSc, BSc, CBiol, CEnv, MCIEEM, FRSB
Fellow of the Royal Society of Biology
Chartered Biologist
Chartered Environmentalist

Date 17th October 2025

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1. INTRODUCTION

This report provides the results of bat surveys completed during the 2024 and 2025 seasons at the site of a proposed housing development site at Ballymaley and Ballycorey, Gort Road, Ennis, Co Clare.

The surveys were undertaken during June 2024 and July/August 2025 at the peak of the bat activity season. The survey included daytime habitat surveys, emergence surveys, and activity surveys. The location of the proposed development site is shown in Figures 1 and 2.

The results of the 2024 surveys were previously submitted in a report (Ecofact, 2024a) as part of the planning application (Planning Reference P24/60667). The reports submitted also included a Screening for Appropriate Assessment (Ecofact, 2024a) and a Natura Impact Statement (Ecofact, 2024b).

The current report was updated following the receipt of a Further Information Request (FIR) from Clare County Council. The purpose of the report is also to support an application for a derogation licence.

A derogation licence for bats is a legal permit issued by the National Parks and Wildlife Service (NPWS) that allows works to proceed which would otherwise be unlawful under the strict protection afforded to bats and their roosts by the Habitats Directive and Wildlife Acts. Developing the subject site would require the removal and loss of a minor bat roost used by Lesser Horseshoe bat (*Rhinolophus hipposideros*). All bats and their roosts are ***strictly protected*** in Ireland and listed under Annex IV of the EU Habitats Directive. The EU Habitats Directive has been transposed into Irish law with the *European Communities (Birds and Natural Habitats) Regulations* (2011) (S.I. No. 477/2011). All bat species are also protected under the *Wildlife Act* (1976) and *Wildlife (Amendment) Act* (2000) (S.I. No. 38 of 2000).

Item 6 of the FIR is as follows: -

> *6. The Planning Authority have noted gaps in the Natura Impact Statement (NIS) and Bat Report provided with the planning application. Noting the location of the site in proximity to Lough Girroga and the indirect connections to a number of European Sites, along with the findings of Lesser Horseshoe Bats on the site and the lack of evidence of a Derogation Licence for Lesser Horseshoe Bats on site being applied for and granted in accordance with the findings of the recent Court of Justice of the European Union (CJEU) judgement (Hellfire Massey C166/22), the Planning Authority have outstanding concerns that this proposed development has not fully addressed the impacts of the proposed development on the receiving environment and the nearby European Sites. As such it is not possible to conclude as to whether the proposed development is/is not likely to have significant effects on European Sites in view of their conservation objectives. Therefore, the applicant is requested to provide the following information:*
>
> *Provide a copy of the Lesser Horseshoe Bat Derogation licence granted from the NPWS together with design drawings and site location maps which have been informed by a suitably qualified ecologist.*
>
> *Provide a revised NIS which fully assesses the proposed development including consideration of the construction proposals tied to the full CEMP, the findings of the Hydrology Report which include the site as having a direct hydrological link to Lough Girroga, the proposed Street Lighting Plan, Landscaping Plan Wastewater Treatment and water quality, and all other technical reporting and assessments,*
>
> *Provide revised versions of any and all technical reporting and assessments required to be amended as a result of the full Further Information request,*

A Screening for Appropriate Assessment (Ecofact, 2024b) has already been prepared by Ecofact (2024) and this report identified that the proposed development has the potential to have significant effects on European Sites in view of their conservation objectives. This is why a Natura Impact Statement was prepared. The purpose of an NIS is to examine whether a project, with all mitigation measures considered, would adversely affect the integrity of any Natura 2000 site. Screening for Appropriate Assessment applies the test of whether a plan or project *may have a significant effect* on a Natura 2000 site. A Natura Impact Statement / Appropriate Assessment applies the test of whether it will *adversely affect the integrity* of the site. Therefore, it has already been concluded that the proposed development is likely to have significant effects on European Sites in view of their conservation objectives.

The Ecofact (2024) screening concluded that it is not possible to rule out significant adverse on the following Natura 2000 sites: Ballyallia Lake Special Area of Conservation (SAC), Ballyallia Lough SPA, and Lower River Shannon SAC. The NIS also identified that there are several Lesser Horseshoe Bat SACs in the wider area and small numbers of this rare and strictly protected bat species were recorded using the site for foraging, commuting, and roosting during the 2024 surveys.

The proposed development site is located outside the Core Sustenance Zone (CSZ) of the local SACs designated for Lesser Horseshoe bats. The two closest SACs designated for the protection of Lesser Horseshoe Bats are the Dromroe Woods and Loughs SAC and the Toonagh Estate SAC, located 3.2km north and 4km north-west respectively. These are the only two SACs within 5km of the proposed development site. Both of these SACs are designated for the protection of summer roost sites.

Lesser Horseshoe Bats have been recorded roosting, foraging, and commuting on the proposed development site. Therefore, impacts on this Annex II species are likely to occur as a result of the development of this site. Lesser Horseshoe Bats depend on a network of roost sites and a full understanding of the role the site plays in relation to habitat connectivity for this species is not known. A precautionary approach is fundamental in relation to assessments of impacts under the habitats Directive. Therefore, impacts on Lesser Horseshoe Bats were assessed in a Natura Impact Statement (Ecofact, 2024).

A Derogation licence had not been applied for at the time preparing the Bat survey and NIS submitted for planning. Both reports identified the requirement for this licence, and the current report has been submitted to NPWS in support of a Derogation License application.

Item 7 of the FIR from Clare County Council I as follows and contains additional references to bats: -

> *7. While proposed Landscaping Layouts and Street Lighting Layouts have been included in this application, the Planning Authority has concerns these landscaping and lighting plans are not sufficient to address the mitigation required as set out in the submitted Natura Impact Statement and to ensure protected species can commute through the site. In considering this, the Planning Authority note that the landscaping/biodiversity plan should be required to retain and supplement the southern boundary with native species, consider potential future development of adjoining lands, include buffers zones and set back areas from the river as outlined in the NIS and demonstrate continuous connectivity of treelines and hedgerows to the proposed bat house. Such a Landscaping/Biodiversity Plan must be accompanied by a report within which these buffer zones are identified or discussed and where all of the identified mitigation or appropriate operational phase maintenance measures as outlined in the NIS are discussed, and must be informed by a suitable qualified ecologist and in conjunction with the design and application for a Derogation Licence to NPWS with respect to the bat house. Further, the proposed Street Lighting Plan provides no directional or sensored lighting and results in strong lighting which spills outside of the proposed public realm and subject site, and has not been designed with respect to the receiving environment or residential amenity. Therefore, the applicant is requested to provide the following:*

A detailed Landscaping Plan and accompanying Landscaping Report which is informed by a suitably qualified ecologist, and is designed in conjunction with the design and application for a Derogation Licence to NPWS with respect to the bat house and the mitigation requirements set out in the NIS.

A revised Street Lighting Plan which is informed by a suitably qualified ecologist, the mitigation requirements set out in the NIS and Bat Report and is designed in accordance with BCI Ireland Guidelines for lighting together with the Bat Conservation Trust Guidance Note 08/23 Bats and artificial lighting in the UK and not the earlier version of 08/18. The lighting should also be designed with the view of obtaining a low negative impact through the use of narrow spectrum lights with no UV content, low pressure sodium and warm white LED bulbs together with directional down lights which illuminate below the horizontal plane which avoid trespass into the environment, and the Lighting Plan should clearly outline how the requirement for a warm light source of 2,700K or less can be achieved across the site in line with the Bat Conservation Trust Guidance.

The revised Lighting Plan should also include details of the intended use in terms of duration (time/months etc) to allow the Local Authority as the Competent Authority in relation to Article 6(3) of the Habitats Directive to be satisfied that the proposed works will not cause any disturbance or displacement to this species in terms of foraging areas, and should provide an indication of the proposed usage of the lighting across the year (i.e., winter/summer months etc.).

It is not expected that Lesser Horseshoe bats will continue to use the site following development. The mitigation stated in the NIS is that the lighting and landscaping plans for the proposed development will be designed to ensure light and noise spill into adjacent lands is minimised. The aim is to ensure that Lesser Horseshoe bats will continue to be able to use the lands to the south of the proposed development and these areas will be protected by providing a planted boundary buffer area and ensuring that there is no light spill into the adjoining lands.

Developing the site will result in the permanent loss of a night roost on the site, and the permanent loss of commuting and foraging habitat on the site. Lesser Horseshoe bat is a light sensitive species, and it will not be possible to develop the site and accommodate continued use by this species. However, the habitats on the site are suboptimal for Lesser Horseshoe Bats. The habitats have been affected by encroachment from other developments, including one-off houses and the R518 road. Small numbers of Lesser Horseshoe Bats are using the site for roosting, commuting, and foraging. It is considered that they are using the small building on the site as a night roost due to the absence of other structures like this in the area.

The proposed development therefore has three key mitigation measures for Lesser Horseshoe Bats (1) a new purpose built bat house will be provided that will be superior and more secure that the suboptimal shed that the bats are currently using, (2) the boundaries of the site will be planted to provide screening and vegetation corridor that bats can commute and forage along, and (3) light spill from the site will be minished and there will be no light spill into the adjoining lands.

It is considered that the new purpose built bat house, and associate landscaping around the proposed development, will deliver a net benefit for bats and will meet the requirements to allow a Derogation License to be granted. The design of a proposed bat house was included in the planning application and was shown in a drawing prepared by Brian Foudy and Associates (See Appendix 1). This is a suitable location for the bat house, and it has been designed in consultation with Ecofact. This proposed artificial bat roost would be significantly better than what the bats are currently using. Bats would be able to use this for both day and night roosting. This proposed design will be submitted along with a derogation licence application to NPWS.

No other known bat roosts would be affected as a result of the development of the site. However, as developing the site would result in the loss of a number of trees with Potential Bat Roost Features (BRFs) the removal of trees will also be included in the derogation licence application as a precaution. There would be a minor loss of foraging and commuting habitat for Pipistrelle species. These are common and adaptable species, and they will also be expected to continue to use the site post development. Mitigation for these bat species are also included in this report. However, no derogation licence will be required for any species other than Lesser Horseshoe bat.

The current report has been updated to include the extended surveys completed during the summer of 2025, and the report also takes into account the design updates that were prepared in response to the FIR. This report was prepared with regard to the 'Bat Mitigation Guidelines for Ireland v2' by Marnell et al., (2022). An updated NIS is also now required and will be prepared separately.

1.1 Bat species in Ireland

There are eleven recorded bat species in Ireland, nine of which are considered resident on the island. Eight resident bat species and one of the vagrant bat species are members of the Vespertilionidae family. The ninth resident species is the Lesser Horseshoe Bat *Rhinolophus hipposideros*, which belongs to the Rhinolophidae family.

The resident Irish bat species are:

- Daubenton's bat (*Myotis daubentionii*)
- Whiskered bat (*Myotis mystacinus*)
- Natterer's bat (*Myotis nattereri*)
- Leisler's bat (*Nyctalus leisleri*)
- Nathusius' Pipistrelle (*Pipistrellus nathusii*)
- Common Pipistrelle (*Pipistrellus pipistrellus*)
- Soprano Pipistrelle (*Pipistrellus pygmaeus*)
- Brown Long-eared bat (*Plecotus auritus*)
- Lesser Horseshoe Bat (*Rhinolophus hipposideros)*

Other bat species (vagrants) recorded are:

- Brandt's bat (*Myotis brandtii*)
- Greater horseshoe bat (*Rhinolophus ferrumequinum*)

1.2 Legislation Relating to Bats

Bats are strictly protected under both national and international law. The purpose of this legislation is to maintain and restore bat populations within their natural range. This implies that the habitats on which they rely, and the ecology of their life cycles should not be compromised by human activities. Where activities have the potential to compromise bat populations, measures are required to be put in place to avoid impacts or compensate and mitigate for those impacts. The key legislation which provides protection to bats is outlined below.

All bats and their roosts are ***strictly protected*** in Ireland and listed under Annex IV of the EU Habitats Directive. The EU Habitats Directive has been transposed into Irish law with the *European Communities (Birds and Natural Habitats) Regulations* (2011) (S.I. No. 477/2011). All bat species are also protected here under the *Wildlife Act* (1976) and *Wildlife (Amendment) Act* (2000) (S.I. No. 38 of 2000). Impacts

on bats may also be the subject of claims under the *European Communities (Environmental Liability) Regulations* (2008) (S.I. No. 547/2008) where bat and their roosts may have been adversely affected by unauthorised activities.

1.2.1 Wildlife Act 1976

In the Republic of Ireland, all bats and their roosts are protected under Schedule 5 of the *Wildlife Act 1976* (amended 2000). It is unlawful to disturb either without the appropriate Licence.

1.2.2 EU Habitats Directive

In addition to domestic legislation bats are also protected under the *EC Directive on the Conservation of Natural habitats and of Wild Fauna and Flora* (Habitats Directive 1992). This Directive seeks to protect rare species, including bats, and their habitats and requires that appropriate monitoring of populations be undertaken. All bat species are protected under Annex IV of the EU Habitats Directive, while the lesser horseshoe bat (*Rhinolophus hipposideros*) is listed under Annex II. Member states are required to designate Special Areas of Conservation for all species listed under Annex II in order to protect them. The EU Habitats Directive has been transposed into Irish law with the European Communities (Birds and Natural Habitats) Regulations 2011.

A total of 41 SACs have been designated for the Annex II species lesser horseshoe bat (1303), of which nine have also been selected for the Annex I habitat 'Caves not open to the public' (8310).

1.2.3 Bern and Bonn Conventions

Ireland has also ratified two international conventions which afford protection to bats amongst other fauna. These are known as the 'Bern' and 'Bonn' Conventions. *The Convention on the Conservation of European Wildlife and Natural Habitats* (Bern Convention 1982), in relation to bats, exists to conserve all species and their habitats. *The Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention 1979, enacted 1983) was instigated to protect migrant species across all European boundaries, which covers certain species of bat.

1.2.4 Derogation licences

All bat species are strictly protected under Annex IV of the EU Habitats Directive, while the Lesser Horseshoe Bat is listed under Annex II of the Directive. A derogation license will therefore be required under Regulation 54 European Communities (Birds and Natural Habitats) Regulations 2011 – 2021 before any development works on the site can take place. Disturbance of a known bat roost is a notifiable action under current national and European legislation.

It is an offence, under Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011 ('the 2011 Regulations') to:

1. Deliberately capture or kill a bat in the wild;
2. Deliberately disturb a bat particularly during the period of breeding, rearing, hibernation and migration;
3. Damage or destroy a bat's breeding site or resting place, or;
4. (Keep, transport, sell, exchange, offer for sale or offer for exchange any bat taken in the wild, other than those taken legally before the Habitats Directive before the Habitats Directive was implemented.

A person may apply to the Minister under Regulation 54 of the 2011 Regulations for a derogation licence to carry out one or more of these prohibited activities. But, the Minister may only grant such a derogation licence if three criteria are met.

Firstly the Minister may only grant a derogation licence if it is for one of the following specified reasons listed in Regulation 54:

1. In the interests of protecting wild fauna and flora and conserving natural habitats;
2. To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;
3. 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 the beneficial consequences of primary importance for the environment;
4. For the purpose of research and education, of repopulating and introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plats, or;
5. To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of bats.

Secondly, the Minister may only issue a derogation if there is no alternative to carrying out the prohibited activity. The first aim of the developer, whether from a private company or a public authority, working with professional advice, should be to entirely avoid any potential impact of a proposed development on bats and their breeding and resting places. Alternatives may involve redesigning a development so that bat roosts, and associated commuting routes and feeding areas are kept intact and that bats are not disturbed, for example by inappropriate lighting. It should be noted that the European Commission has a specific understanding of satisfactory alternative solution. "*An alternative solution cannot be deemed unsatisfactory merely because it would cause greater inconvenience or compel a change in behaviour*" (European Commission, 2021, page 13)2. Decisions about what solution is satisfactory must be science-based and should solve the problem of how to strictly protect the bats in light of the development.

Thirdly the Minister may only grant a derogation if it is not detrimental to the maintenance of the populations of bats at a favourable conservation status (FCS) in their natural range. There is case law from the Court of Justice of the European Union (CJEU) to back this up. One example is the Finnish Wolf Case C-674/17. The ruling establishes that the Member State must "*clearly and precisely*" identify in the derogation what the objectives of the derogation are. It must also establish that the derogation is capable of achieving those objectives and demonstrate that there is no satisfactory alternative.

Cumulative effects of derogations must be taken into account when issuing derogations. The maximum number of all derogations must not be detrimental to the maintenance or restoration of the population at FCS. Consideration must be given to other human causes of mortality. Any risk to FCS must be ruled out by detailed conditions based on the level of population, its conservation status and its biological characteristics. The conditions must be precisely defined, and they must be monitored to ensure they are implemented. If any of these three criteria are not satisfied, the Minister cannot issue a derogation licence. It must never be assumed that a derogation licence will automatically be granted.

In summary, it is clear that a developer must first look to avoid all impacts on bats. This may mean looking at alternative solutions and redesigning the project accordingly. If this is not possible, the developer needs to check whether there are grounds to apply for a derogation licence, based on the reasons given in Regulation 54 of the Habitats Regulations. When applying for a derogation licence the developer must clearly state the reason and describe in detail all alternative solutions which were given serious consideration. Any mitigation intended to ensure that there is no impact or minimal impact on the bats must be clearly described in detail, giving examples of how it worked in other places.

If a derogation licence has been refused by the Minister, any aspect of the development for which the derogation licence was sought, must not go ahead, no matter what other permissions are in place.

The Court of Justice of the European Union (CJEU) judgement (Hellfire Massey C166/22) held that derogation licences should be applied for and granted if needed, before planning consent is considered so that the planning consent reflects the need to comply with Article 12 of the Habitats Directive 92/43/EEC.

Figure 1 Location of Proposed Development Site at Ballymaley and Ballycorey, Gort Road, Ennis, Co Clare.

2. METHODOLOGY

2.1 Guidelines

The survey and assessment had regard to the methodology outlined in:

- *Bat Mitigation Guidelines for Ireland v2* by Marnell *et al*., (2022)
- *Bat Tree Habitat Key (BTHK)* by Andrews, H (2018).
- *Bat Surveys for Professional Ecologists: Best Practice Guidelines 3rd Edition* by Collins (2016)
- *Guidance on the strict protection of certain animal and plant species under the Habitats Directive in Ireland* by NPWS (2021)
- *Bat Workers' Manual 3rd Edition* by JNCC (2004) and
- *British Bat Calls: A Guide to Species Identification* (Russ, 2012).

Table 1 Definition of bat roost types adapted from Collins (2016).

Roost Type	Definition
Day Roost	A place where individual bats, or small groups of males, rest or shelter in the day but are rarely found by night in the summer.
Night Roost	A place where bats rest or shelter in the night but are rarely found in the day. May be used by a single individual on occasion or it could be used regularly by the whole colony.
Feeding Roost	A place where individual bats or a few individuals rest or feed during the night but are rarely present by day.
Transitional/occasional Roost	Used by a few individuals or occasionally small groups for generally short periods of time on waking from hibernation or in the period prior to hibernation.
Swarming Site	Where large numbers of males and females gather during late summer to autumn. Appear to be important mating sites.
Mating Sites	Where mating takes place from late summer and can continue through winter.
Maternity Roost	Where female bats give birth and raise their young to independence.
Hibernation Roost	Where bats may be found individually or together during winter. They have a constant cool temperature and high humidity.
Satellite Roost	An alternative roost found in close proximity to the main nursery colony used by a few individual breeding females to small groups of breeding females throughout the breeding season.

2.2 Desktop review

A desk study was undertaken to gather existing information on bats and bat habitats within the study area and wider landscape context. This involved a review of relevant databases, published sources, and previous survey data.

The bat suitability of habitats in the study area was assessed using the National Biodiversity Data Centre (NBDC) habitat suitability index for Irish bat species. This mapping provides a broad-scale picture of geographic patterns of occurrence and potential roosting habitat. The habitat suitability index ranges from 0 to 100, with 0 being least favourable and 100 most favourable for bats (Lundy *et al*., 2011).

The NBDC online National Bat Database of Ireland was also accessed to review bat records within and around the study area. In addition, records held by Bat Conservation Ireland were consulted. Previous bat surveys undertaken at the site and in the wider area were also reviewed to provide additional context.

The desk study results were used to identify potential bat roosting, commuting, and foraging habitats within the study area, to highlight data gaps, and to inform the scope of subsequent field surveys. A full list of data sources consulted is provided in the references section of this report.

2.3 Field Surveys

2.3.1 2024 surveys

The was visited on the 20th of May 2024 for an initial survey. The site was visited again on the 2nd of June 2024, and a detailed daytime inspection of the site was completed. The surveys involved considering the potential bat habitats on the site, looking for evidence of roosting bats, and also planning the emergence / activity survey. The activity survey scheduled for this week was postponed due to unseasonably cold conditions.

An emergence and activity survey was then undertaken on the 18th to 19th June 2024 under optimal dry, warm, calm conditions. The emergence survey extended from 30 mins before dusk to 2 hours after. The survey was completed on the first night by two ecologists and involved the use of handheld bat detectors (Elekon Batscanner, Echo Meter Touch Pro 2). Bat detectors with ultrasonic microphones are used as the ultrasonic calls produced by bats cannot be heard by human hearing. Bat species emerging from the trees and the outhouses on the site and also building and trees outside of the site were assessed.

A static detector survey was also completed. This involved the use of three static bat detectors that were deployed on the site for three full nights (18th June to 21st June 2024). The survey was timed to coincide with optimal bat activity conditions. This type of survey involves leaving static bat detector units (Anabat Express units with ultrasonic microphones) in a specific location and set to record for a specified period of time. Bats which pass near enough to the monitoring unit are recorded and their calls are stored for analysis post surveying. The Anabat Express units were retrieved on the 21st of June 2024. An additional walkover survey of the site was also completed on this day.

2.3.2 2025 surveys

The was visited on the 28th of July 2025 and a new walkover survey was completed. The farm building was checked for daytime presence of Lesser Horseshoe bats.

The activity survey involved the use of four static bat detectors that were deployed on the site for three full nights (28th July to 31st July 2025). The static detector survey was completed using Anabat units (Express and Chorus models). The Anabat units were retrieved on the 31st of June 2025. An additional walkover survey of the site was also completed on this day, including checking the farm building for daytime presence of Lesser Horseshoe bats.

An additional site visit was then completed on the 14th of August 2025. A static detector was again installed in the small farm building (Site NR), and it was left on site for the period 14th August 2025 to 1st September 2025 (19 nights). The detector was retrieved on the 1st of September 2024. The building was again checked for daytime presence of Lesser Horseshoe bats on both of these days.

2.4 Data analyses

Data recorded on the bat detectors was downloaded and analysed using Anabat Insight software. Bat Calls were identified to species level (where possible) with reference to *British Bat Calls: A Guide to*

Species Identification (Russ, 2012). Audio files are a maximum of 15 seconds long and each audio file is taken as a bat pass for each bat species recorded within the audio file. Each bat pass does not equate to the number of individuals of bats flying in vicinity of the recording device but is representative of bat activity levels. Some species such as the pipistrelles will continuously fly around a habitat and therefore it is likely that a series of bat passes within a similar time frame (i.e. separate audio files within a small time frame) is one individual bat. On the other hand, Leisler's bats tend to travel through an area quickly and therefore an individual sequence of echolocation calls, or bat pass is more likely to be indicative of individual bats.

2.4 Limitations

The survey was timed to coincide with optimal bat activity conditions. The surveys completed were considered to be appropriate for the site and included habitat surveys and activity surveys co9mpleted over two seasons. Extended monitoring of the Lesser Horseshoe Bat roost was undertaken.

This level of survey work is in line with the recommended guidelines. The weather conditions were ideal for all the surveys completed. The surveys were also undertaken during the recommended bat activity survey seasons. No significant limitations were recorded in relation to the surveys and full site could be accessed.

The site was being used by cattle at the time of the 2024 survey, and this limited the areas where static detectors could be placed. Ground in investigations, including archaeological works, were also underway on the site at the time of 2024 survey. The cattle were also using the farm shed during the 2024 survey and this (along with swallows using the building) caused a lot of interference on the detector. These were not significant issues during the 2025 survey as cattle were not using the shed, and the numbers of swallows present was lower.

Figure 2 Location of the static detectors installed on the site to inform the current assessment. Static detector site A was not used in 2024.

3. RESULTS

3.1 Desk study

The proposed development site is located in the townlands of Ballymaley and Ballycorey on the outskirts of Ennis, County Clare. The location of the subject site showing the surrounding landscape is given in Figure 2. The consists of agricultural grassland areas, along with hedgerows and treelines. It is bordered to the north by the R458 road, where there has been linear development of housing and industrial units. The areas to the south and east of the site are undeveloped. Lough Girroga is located 250m to the south. This lake is included within the Ballyallia Lake Special Area of Conservation (SAC).

There are extensive undeveloped areas to the south and west of the proposed development site that have habitats that are considered potentially suitable for use by Lesser Horseshoe Bat roosts. The areas around Ballyallia Lake to the northwest in particular are considered to be ideal. It is very important to maintain regional connectivity between these Lesser Horseshoe Bat habitats.

The National Biodiversity Data Centre (NBDC) maps landscape suitability for bats based on Lundy *et al.,* (2011). The maps are a visualisation of the results of the analyses based on a 'habitat suitability' index. The index ranges from 0 to 100, with 0 being least favourable and 100 most favourable for bats. Table 3 below gives the suitability of the study area for the bat species found in Ireland (based on NBDC) along with their Irish Red List Status (from Marnell *et al.* 2009). The overall assessment of bat habitats for the current study area is given as 50.33, which is considered to be moderate to high. The habitat rating index for Lesser Horseshoe Bats is 58 and this is considered to be a very high rating.

Table 1 Suitability of the study area for the bat species previously recorded in the study area (based on the NBDC data). Irish Red list status also indicated (based on Marnell *et al.* 2009).

Common name	Scientific name	Suitability index	Irish red list status
All bats	-	50.33	
Soprano pipistrelle	*Pipistrellus pygmaeus*	51	Least Concern
Brown long-eared bat	*Plecotus auritus*	73	Least Concern
Common pipistrelle	*Pipistrellus pipistrellus*	53	Least Concern
Lesser horseshoe bat	*Rhinolophus hipposideros*	58	Least Concern
Leisler's bat	*Nyctalus leisleri*	59	Near Threatened
Whiskered bat	*Myotis mystacinus*	45	Least Concern
Daubenton's bat	*Myotis daubentonii*	49	Least Concern
Nathusiius's pipistrelle	*Pipistrellus nauthusii*	6	Least Concern
Natterer's bat	*Myotis nattererii*	59	Least Concern

3.1.1 Previous Records

There are previous records of Lesser Horseshoe bats in the Ennis area with some connected to nearby SACs. Data provided by NPWS indicates that there are at least three known roosts for Lesser Horseshoe Bat located within 2.5km of the proposed development site, and another six within a 3km radius. It is noted that other roosts may be present, and bats are generally under recorded in Ireland. The locations of the known roost sites are provided in Figure 3.

Ecofact have also undertaken bat surveys at a site to the north and directly across Gort Road (Ecofact, 2022). This included a winter daytime habitat inspection, an updated daytime survey during the summer months, as well as an activity survey and static detector surveys during July 2021. In relation to the Lesser Horseshoe bat, the surveys did not find any Lesser Horseshoe Bats roosting on the site, but they were recorded foraging purposes. Over two nights of static detector surveys (one night with two

static detectors, a second night with 3 static detectors), a total of 24 Lesser Horseshoe Bats passes were recorded (Ecofact, 2022).

In 2008 McCarthy, Keville and O' Sullivan (formerly Keville and O' Sullivan) carried out a bat survey on the current proposed development site which recorded Lesser Horseshoe bats with 6 recorded along the central hedge (Keville & O' Sullivan Associates Ltd., 2008).

Lesser Horseshoe Bats are the only Annex II protected bat species on the island of Ireland, meaning they are protected under this Annex of the EU Habitats Directive, while all other species of bats are protected under Annex IV of this directive. This species is considered to be very sensitive to impacts from developments, particularly those involving the loss of foraging and commuting habitat between its roost sites. These bats forage mainly in woodland habitats and rely on mature treelines to connect fragmented habitats in the landscape. They are confined to six western counties, including the Ennis area of Clare (NPWS & VWT, 2022).

County Clare supports an internationally important Lesser Horseshoe Bat population due to abundant karst caves and suitable traditional buildings. The species is described as "common in Clare" relative to its very restricted national range.

3.1.2 Lesser Horseshoe Bat SACs

The closest Special Area of Conservation designated for the protection of the Annex II Lesser Horseshoe bat is Dromore Woods and Loughs SAC (000032), which is located c. 3.2km north of the site. In the Conservation Objectives document for this state that the roost in the SAC must maintain the roost count of 261 bats for the summer roost site in Dromore Woods and Loughs SAC. This is noted to be an internationally important roost site for LHBs and there should be no decline in the condition of the summer roost or indeed the number and condition of auxiliary roosts. The conservation objectives further note that there should be no significant decline of potential foraging habitat within 2.5km of the roost, nor a decline in linear features or an increase in light pollution within 2.5km of the roost site (NPWS, 2018).

Table 2 below gives a breakdown of SACs within 15km of the proposed development site that are designated for the presence of Lesser Horseshoe bats.

Dromore Woods and Loughs SAC (000032) is located c. 3.2km North of the proposed development site. This SAC is very diverse and contains a mosaic of different habitats: limestone pavement, scrub, dry broadleaved woodland, mixed woodland, lakes, rivers, grasslands, cut-away bog, fen, freshwater marsh and reedbeds. The site supports a nursery roost for a population (more than 400 individuals) of Lesser Horseshoe Bat. This nursery colony is one of the biggest in the country and of international importance. The roost is owned and managed by the Heritage Council.

The Toonagh Estate SAC consists of part of a former estate and is located 5 km north-west of Ennis, Co. Clare. A stable provides a nursery roost for the Lesser Horseshoe Bat. At Toonagh Estate SAC the Lesser Horseshoe Bats roost in the roof space and gain access through gaps in the lower sections of the building. The population size has been increasing since the upper storey windows of the building were blocked. Approximately 100 individuals have been counted in recent years. An area of parkland which contains some mature trees and hedgerows is included in the site as this provides ideal foraging habitat for the bats. This site is c. 4km north-west of the proposed development site.

The conservation objectives of each SAC vary based on which roost type is designated in the SAC. The conservation objective attributes range from population per roost, condition of summer roosts, condition of winter roosts, number and condition of auxiliary roosts, extent of potential foraging habitat, linear features, and light pollution.

Bat Conservation Trust *Core Sustenance Zones: Determining Zone Size* (2016) lists the core sustenance zone (CSZ) for each bat species found in the UK and Ireland, which is the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost. For Lesser Horseshoe Bats, the weighted average foraging range is given as 2.02km and the CSZ is given as 2km. This calculation was based on 4 studies with a reasonable sample size from multiple colonies. As this document also notes that for Annex II species there is some justification for increasing the CSZ zone size, and some research has shown that Lesser Horseshoe Bats may forage up to 2.5km from a roost, NPWS have considered 2.5km an appropriate foraging distance for Lesser Horseshoe Bats.

Table 2 Lesser Horseshoe Bat SACs within 15km of the proposed development site.

Natura 2000 Site	Site Code	Distance from the Site
Dromroe Woods and Loughs SAC	000032	3.2km North
Toonagh Estate SAC	002247	4km North-west
Newhall and Edenvale Complex SAC	002091	5.8km South
Pouldatig Cave SAC	000037	6km South-west
Old farm Buildings Ballymacrogan SAC	002245	6.3km North
Old Domestic Building Keevagh SAC	002010	7km South-east
Ballycullinan Old Domestic Building SAC	002246	7km North-west
East Burren Complex SAC	001926	7.4km North
Moyree River System SAC	000057	7.5km North
Old domestic Buildings Rylane SAC	002314	8.5km East
Newgrove House SAC	002157	9.2km East
Poulnagordon Cave Quin SAC	000064	9.8km South-east
Knockanira House SAC	002318	11.1km South-west

The proposed development site boundary is shown on aerial photography in Figure 3.

The location of the proposed development site in relation to known NPWS records of Lesser Horseshoe bat roosts is given in Figure 4. This is a 2021 dataset, and not all bat roosts are likely to be recorded.

In Figure 5 the NPWS potential foraging habitat for Lesser Horseshoe Bats is shown. These are the habitats associated with the local SACs for these species. Not all the habitats used by Lesser Horseshoe bats in the area are likely to be mapped. The location of the proposed development site in relation to designated Natura 2000 sites is shown in Figure 6.

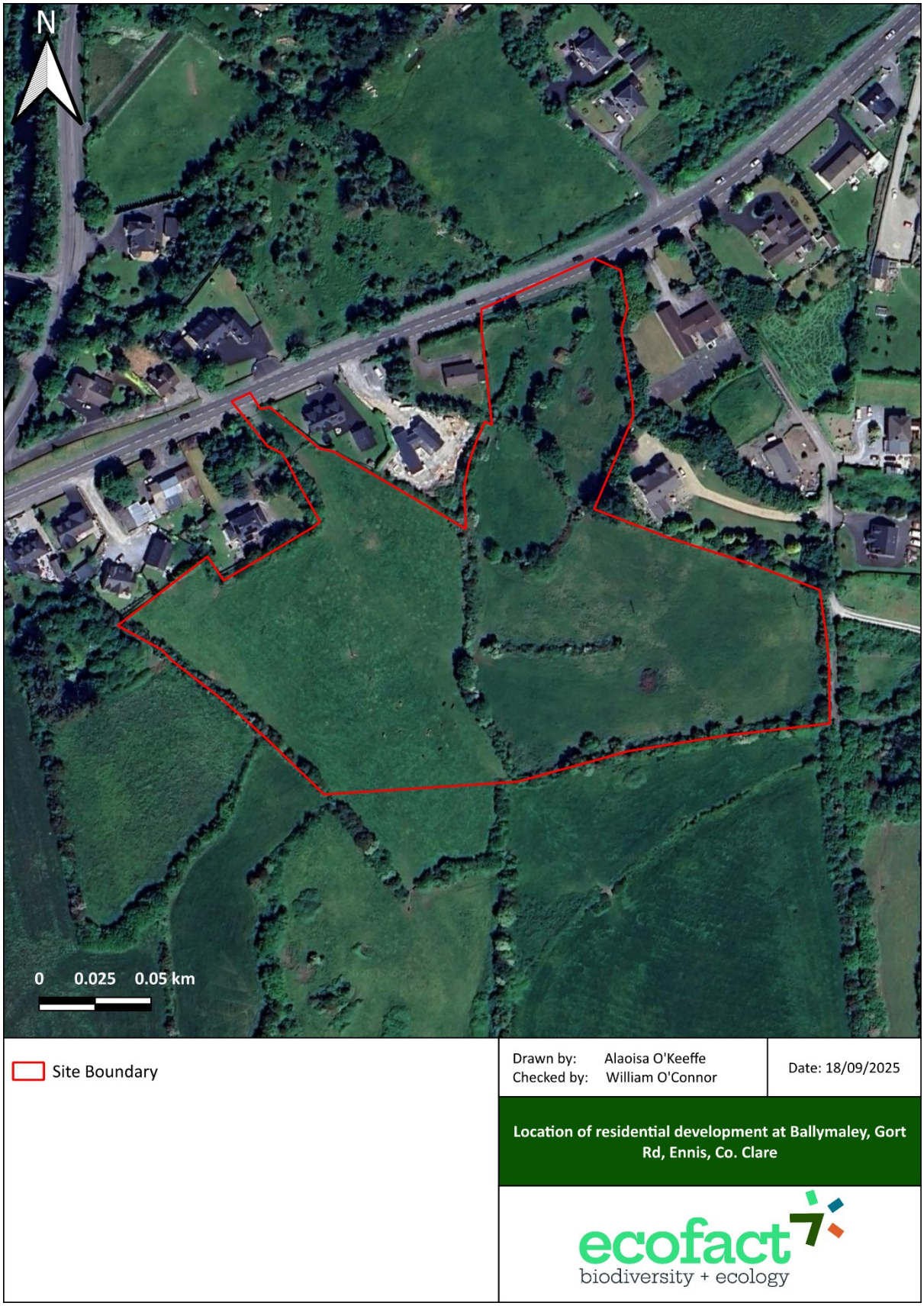

Figure 3 Location of Proposed Development Site at Ballymaley and Ballycorey, Gort Road, Ennis, Co Clare.

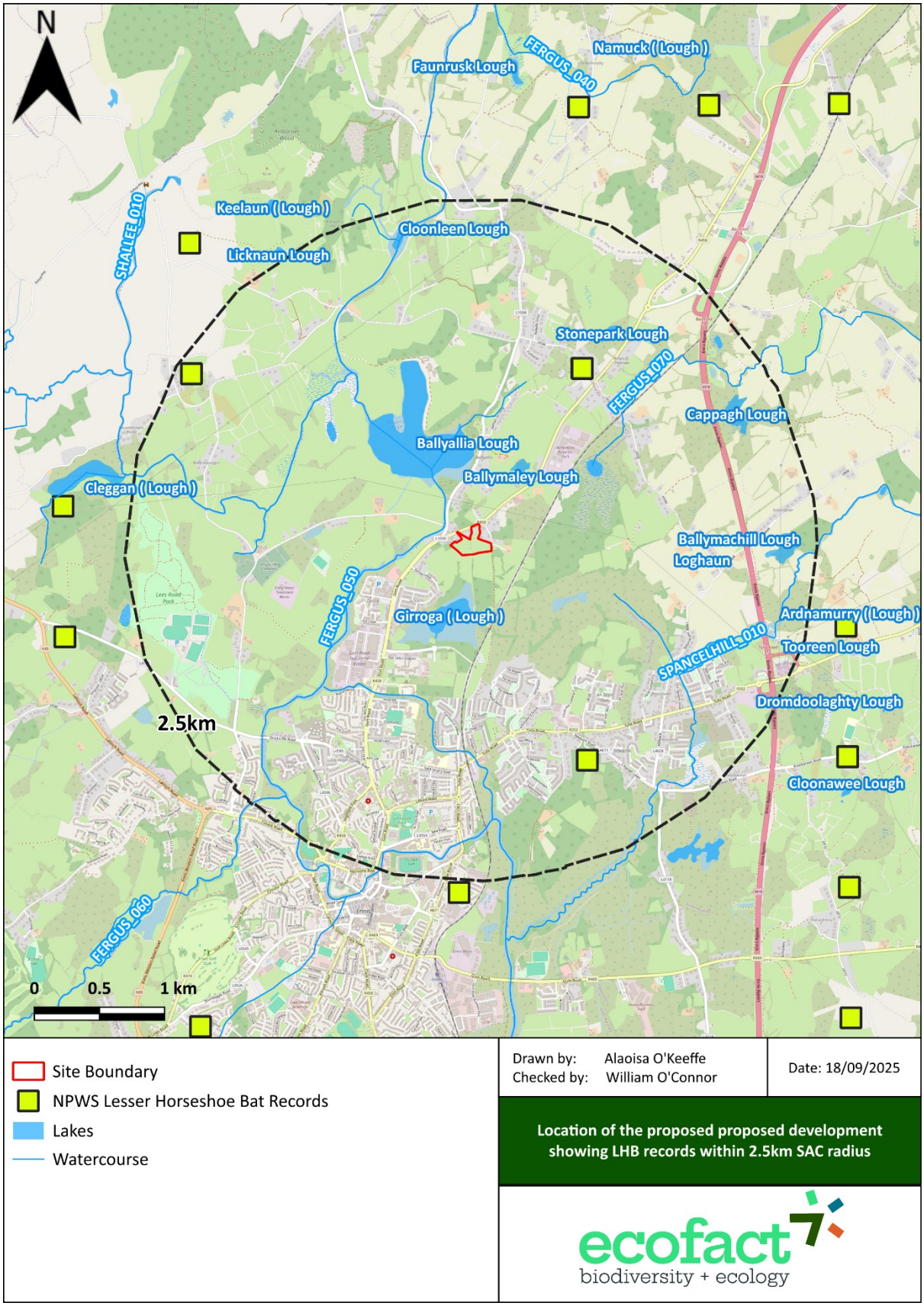

Figure 4 The location of the proposed development site in relation to known NPWS records of Lesser Horseshoe bat roosts.

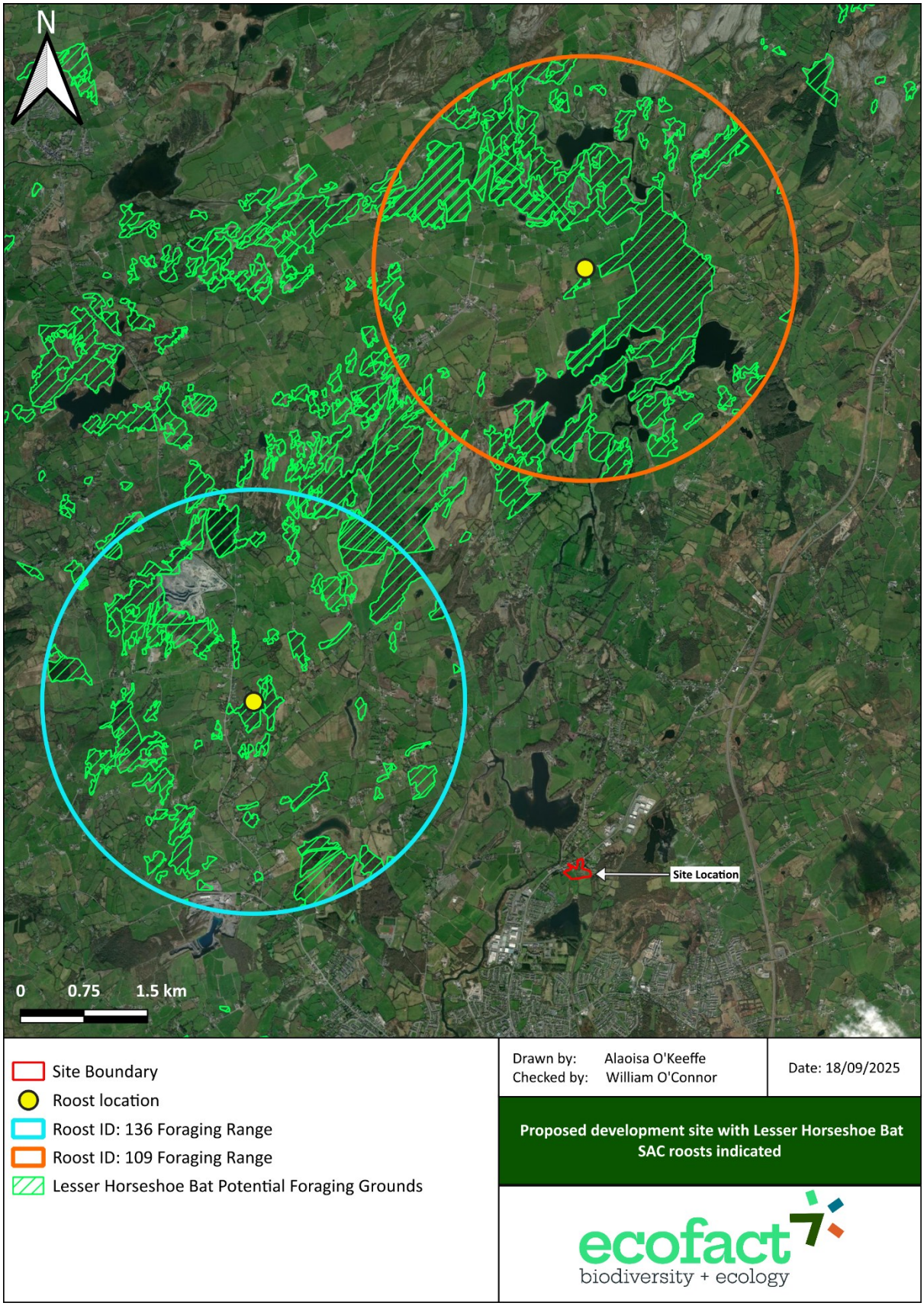

Figure 5 Location of proposed development site in relation to potential foraging habitat for Lesser Horseshoe Bats (NPWS data).

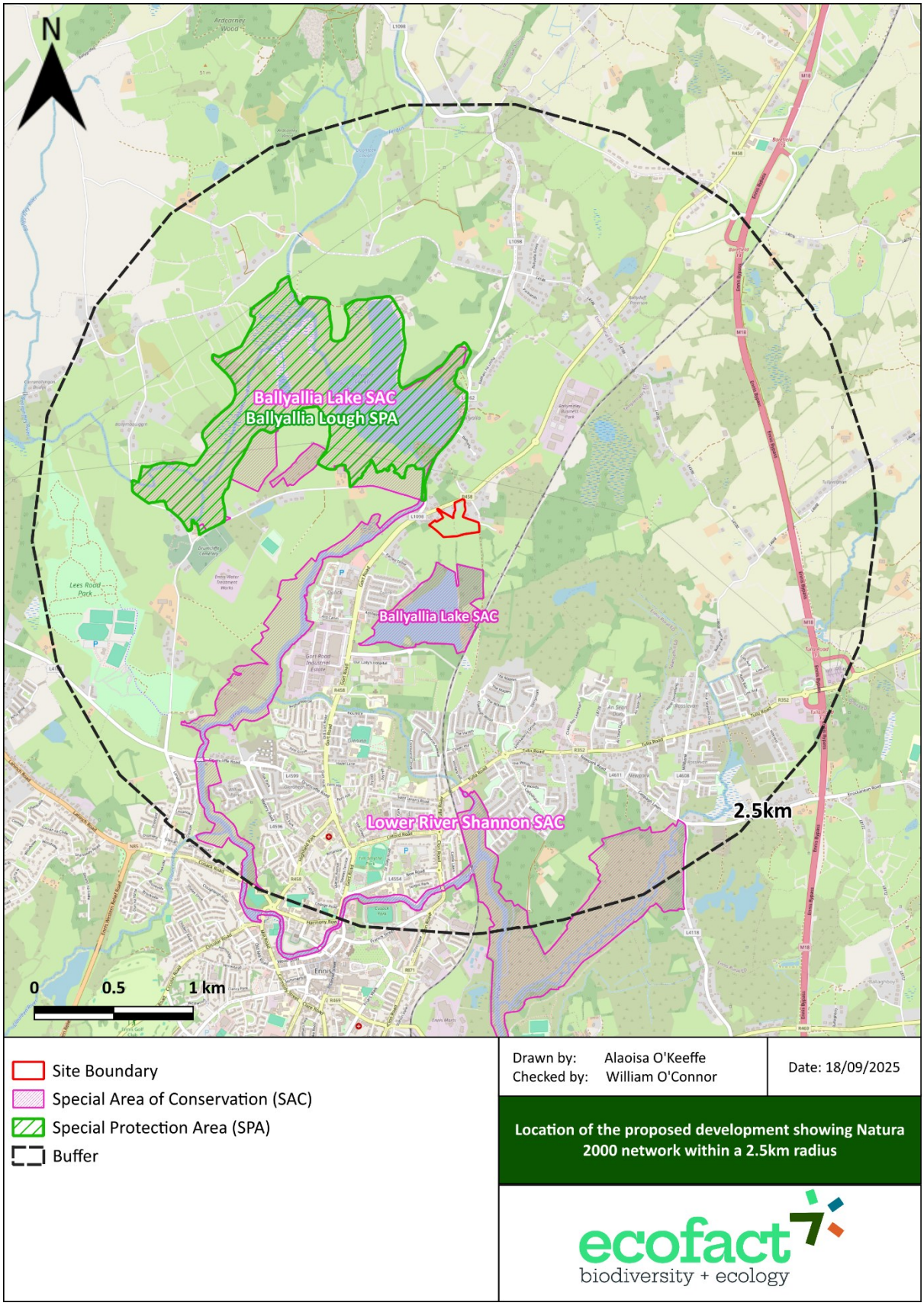

Figure 6 Location of proposed development site in relation to designated Natura 2000 sites.

3.2 Field surveys

3.2.1 Daytime Inspections (2024-25)

The proposed development site is located just south-west of Ballyalla Lake, north of Ennis town in Co. Clare. The site comprises of fields separated by treelines and is bounded on the northern side by the R458 road. There are residential houses along this road which border the site.

The site itself comprises of grazed grassland, and cattle were present on site during the 2024 surveys. The land is not intensively grazed and was not being grazed during the 2025 surveys. Ground in investigations, including archaeological works, were underway on the site at the time of 2024 survey. The site was undisturbed during the 2025 surveys. Overall, there were no significant changes on the site between the 2024 and 2025 surveys.

The small shed is located on the northern end of the site. This is discussed in Section 3.2.1.1 below. There are no other buildings on the proposed development site.

The site was considered to provide foraging habitat for bats as it is not intensively managed. There are linear hedgerows and tree lines on the site. Lough Girroga is located to the southwest of the site and there is some woodland in this area. This lake is included within the Ballyallia Lake Special Area of Conservation (SAC). The treelines on the site include some mature trees, and many had Potential Roost Features (PRFs). The treelines are also suitable for use as foraging / commuting routes for bats.

Overall, the site was considered to have good potential foraging and commuting habitat for bats.

3.2.1.1 Daytime Inspections of roost site

The small shed is located on the northern end of the site and is used for agricultural purposes. It was suspected from the first site visit in 2024 that Lesser Horseshoe Bats were present and using the shed as a night roost. No Lesser Horseshoe Bats were recorded in the shed during the day during the 2024 and 2025 surveys.

There is small shed in the northeast side of the site and active Swallow nests were present during the 2204 and 2025 surveys. Bat droppings were found in this shed. No bats were recorded, and the site was surveyed during the day on several occasions during both the 2024 and 2025 seasons. The shed is brought inside during the day due to light intrusion through the windows.

This shed is being use by cattle for shelter and cattle were recorded inside the shed during the 2024 season. The works on the site had also caused some disturbance around this building at the time of the 2024 survey. No cattle were present in this field during the 2025 survey.

Due to the presence of a window and the general condition of the stonework/roof mean that quite a bit of daylight enters the space. For Lesser Horseshoe Bats, which prefer dark, stable, and sheltered day roosts, this level of brightness would usually make it unsuitable for sustained daytime occupation.

The corrugated roof, gaps, and open feel are typical of a shed. These can work well as night roosts (shelter between foraging bouts), but they usually don't offer the constant darkness, stable microclimate, and protection from disturbance needed for a maternity or hibernation roost.

There are crevices and some vegetation around the roof beams and wall tops. It's conceivable that a single bat could tuck into a shaded recess and remain there during the day occasionally, but these niches are not extensive or reliably dark.

The floor of building has mixed animal waste and mud, but there were no piles of bat droppings that you'd expect from a day or maternity roost. A few bat droppings were however recorded on the stonework.

The building is well suited as a night roost: sheltered, semi-enclosed, with flight access and partial cover. It is considered too bright and open for consistent day roosting, especially for a light-averse species like the Lesser Horseshoe Bat. Occasional day use by a single bat isn't impossible (if one finds a dark crevice), but the structure overall is not appropriate for a true daytime roost.

3.2.2 Activity Surveys 2024

3.2.2.1 Active detector surveys

The activity survey commenced 30 minutes before dusk on the 18th of June 2024 and continued until 2 hours after dusk. Two ecologists surveyed the site. Three Anabat Static Detectors were also erected on site at the start of this survey and remained on site for three full nights.

The first bat recorded was a Soprano pipistrelle approximately 10 minutes before dusk and was observed coming from the east of the site. Following this both Soprano and Common pipistrelles were recorded entering the site and foraging along the tree lines in the northeastern end of the site.

More Soprano pipistrelles were then observed foraging along the treelines in the middle of the site. It was not possible to identify whether the bats emerged from trees on the site, but it was considered possible that at least a small number of Pipistrelle bats were roosting on the site. Any tree with potential Bat Roost Features (BRFs) could be used by a bat on any given night. There are no known tree roosts on the site. The impact on trees with potential BFRs will be considered in the impacts section and mitigation will be provided.

Around dusk, Common pipistrelles and Soprano pipistrelle activity was also noted all around the site and the activity levels were considered to be moderate. Leisler's bats were recorded after dusk and with occasional passes overhead. It is not though that the bats were roosting on the site. Around 30 minutes after dusk a call which was thought to be a Lesser Horseshoe bat was picked up on the southern side of the site. Bat activity for the remainder of the survey was moderate, with the main species recorded being Common pipistrelles and Soprano pipistrelles. These bats were foraging around the boundaries of the site and also using treelines and hedgerows the site.

3.2.2.1 Static detector surveys

The static direct survey involved the use of three static bat detectors that were deployed on the site for three full nights (18th June to 21st June 2024). The survey was timed to coincide with optimal bat activity conditions. A total of six species of bats were recorded using the site during the current survey. These were Soprano Pipistrelle, Common Pipistrelle, Leisler's Bat, Brown Long-eared Bat, Lesser Horseshoe Bat, and *Myotis* bats (species unidentified). These bat species are using the site mainly for foraging and commuting. The results were obtained were in line with the results of the walkover surveys. The overall levels of bat activity were considered to be moderate.

Anabat Unit NR was placed inside the farm building on the site, so the records are for bats that entered this building. The only species recorded was Lesser Horseshoe Bat and there were coming to the building in the night and using the building as a night roost.

A significant number of the sonograms could not be identified, and this is likely due to the confined nature of the building, and the fact that the microphone had to be placed out of sight and away from cattle.

The records do not mean that this number of bats used the building in each night. This is the number of passes that were recorded. But even a small number of Lesser Horseshoe Bats using a building is very significant as this is a rare and strictly protected species. Lesser Horseshoe Bats were confirmed to be roosting on the site in the old farm building, which is being used as a night roost. Lesser Horseshoe Bats were recorded on all three detectors on all three nights of the survey. This shows that this rare species is regularly present on the site.

On Anabat B between 18th and 21st June 2024, bat passes were recorded across three nights. The Soprano Pipistrelle was the most common species each night, consistently accounting for the majority of the total passes. Common Pipistrelle were also frequent and had a notable increase in the second night. Leisler's Bat were regularly recorded on the two detectors over the three nights. Lesser Horseshoe Bats were recorded in low numbers. There were also a few unidentified passes and a minimal presence of Brown long-eared bats and Myotis species across all nights.

On Anabat C, between 18th and 21st June 2024, regular bat passes were recorded across three nights. Soprano Pipistrelle was the dominant species each night. The Common Pipistrelle again showed a notable increase in numbers, particularly on the second and third nights. Leisler's Bat had a higher presence on the first night but decreased over the following nights. Lesser Horseshoe Bats, unidentified species, Brown long-eared bats, and *Myotis* species were recorded in smaller numbers throughout the period, with minor variations in their counts across the three nights.

The results of the static detector surveys completed during June 2024 at the Lesser Horseshoe Night Roost (Site NR) are given in Table 3. It is notable that Lesser Horseshoe bats were recorded on each night of the survey. This shows consistent use of the roost by this species. The number of passes does not equate to the numbers of bats. A single bat could for example fly into the building, fly around, perch, and then fly out again and this would be recorded as several passes on the detector. The unidentified bat passes were due to interference in the small space which was also being used by Swallows and cattle. It is likely that the number of bats using the roost was probably only 1-2 individual bats and was certainly <5 bats each night.

The results of the static detector surveys completed during June 2024 at Sites B and C and given in Tables 4 and 5 respectively.

The figures represent total numbers of passes and provide an index of activity rather than absolute abundance. The number of passes recorded is likely to be greater than the numbers of bats that generated them. Bats will frequently fly over and back along short sections of habitat if prey is readily available while foraging. However, the numbers of calls recorded are a reliable indicator of the levels of bat activity at a particular site and provide a good indication of the relative abundance of different species.

Table 3 Results of the static detector surveys completed during June 2024 at the Lesser Horseshoe Night Roost (Site NR).

Date (start)	LHB Passes	Other species
18th June 2024	6	Unidentified n=11
19th June 2024	7	Unidentified n=10
20th June 2024	8	Unidentified n=8
Total	**21**	

Table 4 Results of the static detector surveys completed during June 2024 (Site B).

Anabat B	18th to 19th June 2024		19th to 20th June 2024		20th to 21st June 2024	
Species	**N**	**%**	**N**	**%**	**N**	**%**
Soprano Pipistrelle	236	74.21	237	255	236	74.21
Common Pipistrelle	16	5.03	61	52	16	5.03
Leisler's Bat	24	7.55	26	31	24	7.55
Lesser Horseshoe bat	13	4.09	16	19	13	4.09
No ID	23	7.23	18	20	23	7.23
Brown long-eared bat	1	0.31	1	2	1	0.31
Myotis sp	5	1.57	3	5	5	1.57
Total	**318**		**362**		**318**	

Table 5 Results of the static detector surveys completed during June 2024 (Site C).

Anabat C	18th to 19th June 2024		19th to 20th June 2024		20th to 21st June 2024	
Species	**N**	**%**	**N**	**%**	**N**	**%**
Soprano Pipistrelle	121	63.02	234	63.59	315	68.63
Common Pipistrelle	15	7.81	66	17.93	71	15.47
Leisler's Bat	33	17.19	30	8.15	28	6.10
Lesser Horseshoe bat	10	5.21	17	4.62	22	4.79
No ID	9	4.69	17	4.62	15	3.27
Brown long-eared bat	2	1.04	3	0.82	4	0.87
Myotis sp	2	1.04	1	0.27	4	0.87
Total	**192**		**368**		**459**	

3.2.2 Activity Surveys 2025

The 2025 activity survey involved the use of four static bat detectors that were deployed on the site for three full nights (28th July to 31st July 2025). The Anabat units were retrieved on the 31st of June 2025. The detector data was analysed, and it was confirmed that Lesser Horseshoe Bats were continuing to use the small farm building. An additional site visit was completed on the 14th of August 2025. A static detector was again installed in the small farm building (Site NR), and it was left on site for the period 14th August 2025 to 1st September 2025 (19 nights).

A total of six species of bats were recorded using the site during the 2025 survey. These were Soprano Pipistrelle, Common Pipistrelle, Leisler's Bat, Brown Long-eared Bat, Lesser Horseshoe Bat, and *Myotis* bats (species unidentified). These bat species are using the site mainly for foraging and

commuting. The results were obtained were in line with the results of the 2024 surveys. The overall levels of bat activity were considered to be moderate.

The results of Lesser Horseshoe bat monitoring of the night roost building during July 2025 are given in Table 6. The results of Lesser Horseshoe bat monitoring of the night roost building during August 2025 are given in Table 7. These are the total numbers of passes and are an index of bat activity only.

Table 6 Results of the Lesser Horseshoe bat monitoring of the night roost building during July 2025. Monitoring completed using an Anabat Chorus Detector.

Date (start)	LHB Passes	First pass	Last pass	Other species
13/08/2025	12	21:49	04:39	SP, CP.
14/08/2025	23	22:10	03:33	SP, CP.
15/08/2025	16	22:06	03:50	SP, CP, M.
Total	**51**			

Table 7 Results of the Lesser Horseshoe bat monitoring of the night roost building during August 2025. Monitoring completed using an Anabat Chorus Detector.

Date (start)	LHB Passes	First pass	Last pass	Other species
13/08/2025	13	21:52	03:43	SP, CP.
14/08/2025	22	21:50	02:37	SP, CP.
15/08/2025	8	21:47	04:28	SP, CP.
16/08/2025	8	21:41	00:52	SP, CP.
17/08/2025	15	21:41	05:04	SP, CP.
18/08/2025	29	21:33	04:03	SP, CP.
19/08/2025	44	21:49	05:00	SP, CP.
20/08/2025	12	21:38	04:53	SP, CP.
21/08/2025	16	22:06	03:50	SP, CP, M.
22/08/2025	44	21:42	04:42	SP, CP.
23/08/2025	11	23:35	03:16	SP, CP.
24/08/2025	16	21:37	03:58	SP, CP.
25/08/2025	13	22:22	04:57	SP, CP, M.
26/08/2025	84	21:18	03:49	SP, CP.
27/08/2025	47	21:15	05:00	SP, CP, M.
28/08/2025	31	21:09	04:47	SP, CP, M.
29/08/2025	18	21:05	05:05	SP, CP.
30/08/2025	6	21:06	04:10	SP, CP.
31/08/2025	24	20:59	03:46	SP, CP.
Total	**461**			

The number of bat passes recorded during the 2025 survey in the shed were consistently higher than the records from the 2024 survey. There were no cattle using the shed during the 2025 survey and this may have resulted in higher usage. Monitoring during the 2025 season was also completed using an Anabat Chorus Detector. This is a more advanced detector than the Express unit used in 2024, but it is thought that this resulted in more detections. It is considered that Lesser Horseshoe bats were probably less likely to enter the shed when it was it was being disturbed by cattle.

Lesser Horseshoe Bats generally emerge 20–40 minutes after sunset, sometimes earlier on warm evenings. If a building is a day roost (maternity, transitional, or satellite), you'd expect the first detections each night to cluster tightly around sunset, with relatively consistent emergence timing across nights. If

it's a night roost, the first detections can happen much later in the night, often well after sunset, because bats are arriving from elsewhere after feeding bouts.

This is what is observed in the data collected in the current survey which indicates the use of the shed as a night roost rather than a day roost. However, there is consistent use of the shed by Lesser Horseshoe bats, and they were recorded every singly night of the survey. The bats arrived at the roost relatively early most nights also which was unexpected. It is not clear where the bats were coming from. Internal inspections during the day did not detect any daytime use. However, the last passes were consistently recorded well before dusk.

This supports the conclusion that the building is not a day roost. The first detections are often too late to represent emergence. The pattern is inconsistent with typical roost emergence. The relatively low number of passes per night and the fact that passes are often spread out suggest individual bats coming and going briefly, which is classic night roost behaviour.

The bats using this building are likely foraging elsewhere after dusk, then stopping in here to rest, digest prey, or shelter between bouts. The site forms part of a network of night roosts supporting foraging activity in the area. This explains why you see activity every night but not at the time or intensity consistent with a day roost.

If even a single Lesser Horseshoe Bat stayed in the roost during the day, we might expect very early morning activity (last detections close to dawn, followed by silence during the day, then a new emergence after sunset). We would also see continuous presence signals, e.g. calls detected outside the "night window". It would also be expected to see regular dawn returns close to sunrise (rather than sporadic late-night passes).

The last detections often occur well before dawn. That's consistent with bats leaving to return to a true day roost elsewhere before dawn. The first detections are variable – some nights close to dusk, but many are later. That suggests bats are arriving to use the site temporarily, not emerging from a day roost. Again importantly, there are no detections during the day period.

The evidence is also supported by the fact that no Lesser Horseshoe bats were seen in the building when it was visited during the day. The building is very bright during the day and is considered generally unsuitable for a use as day roost. However, the possibility that a single bay could sometimes spend the day there is not being ruled out.

The results of the static detector surveys completed during July 2025 are given in Tables 8-10. The results are similar to the 2024 surveys. The activity levels are higher, but this may be related to weather conditions and the fact that the 2025 surveys were completed a month later into the activity season. Small numbers of Lesser Horseshoe Bats were recorded on the detectors each night showing how this species does use the site for foraging and commuting.

Soprano Pipistrelle was the dominant species each night. Common Pipistrelle was the second most frequent species. Leisler's Bat were recorded regularly over the summer but in lower numbers than the pipistrelle.

Activity of *Myotis* spp. bats were also recorded on all three detectors. The results indicated a low level of foraging use without evidence of a local roost. The exact species present could not be determined due to the difficulty in separating calls from this group.

Overall, the results moderate usage of the site by at least six bat species. The key result is the ongoing use of the site for roosting, foraging, and commuting by Lesser Horseshoe bats. records of Lesser Horseshoe Bat, although limited, are of particular conservation importance given that the species is listed under both Annex II and IV of the Habitats Directive and is a Qualifying Interest of a number of local SACs.

Table 8 Results of the static detector surveys completed during July 2025 (Site A).

Anabat B	18th to 19th June 2024		19th to 20th June 2024		20th to 21st June 2024	
Species	**N**	**%**	**N**	**%**	**N**	**%**
Soprano Pipistrelle	244	64.2	299	74.4	330	77.10
Common Pipistrelle	66	17.4	48	11.9	46	10.75
Leisler's Bat	23	6.1	30	7.5	19	4.44
Lesser Horseshoe bat	2	0.5	5	1.2	4	0.93
No ID	39	10.2	18	4.5	23	5.37
Brown long-eared bat	0	0.0	0	0.0	1	0.23
Myotis sp	6	1.6	2	0.5	5	1.17
Total	380		402		428	

Table 9 Results of the static detector surveys completed during July 2025 (Site A).

Anabat B	18th to 19th June 2024		19th to 20th June 2024		20th to 21st June 2024	
Species	**N**	**%**	**N**	**%**	**N**	**%**
Soprano Pipistrelle	299	63.7	198	54.7	177	50.86
Common Pipistrelle	86	18.3	99	27.3	110	31.61
Leisler's Bat	30	6.3	30	8.3	23	6.61
Lesser Horseshoe bat	10	2.1	13	3.6	9	2.59
No ID	39	8.3	18	5.0	23	6.61
Brown long-eared bat	0	0.0	2	0.6	1	0.29
Myotis sp	6	1.3	2	0.6	5	1.44
Total	469		362		348	

Table 10 Results of the static detector surveys completed during July 2025 (Site A).

Anabat B	18th to 19th June 2024		19th to 20th June 2024		20th to 21st June 2024	
Species	**N**	**%**	**N**	**%**	**N**	**%**
Soprano Pipistrelle	306	67.3	219	55.6	374	73.48
Common Pipistrelle	77	16.9	110	28.0	59	11.59
Leisler's Bat	40	8.8	33	8.5	29	5.70
Lesser Horseshoe bat	12	2.6	9	2.3	8	1.57
No ID	20	4.4	20	5.1	30	5.89
Brown long-eared bat	0	0.0	0	0.0	3	0.59
Myotis sp	0	0.0	2	0.6	6	1.18
Total	455		393		509	

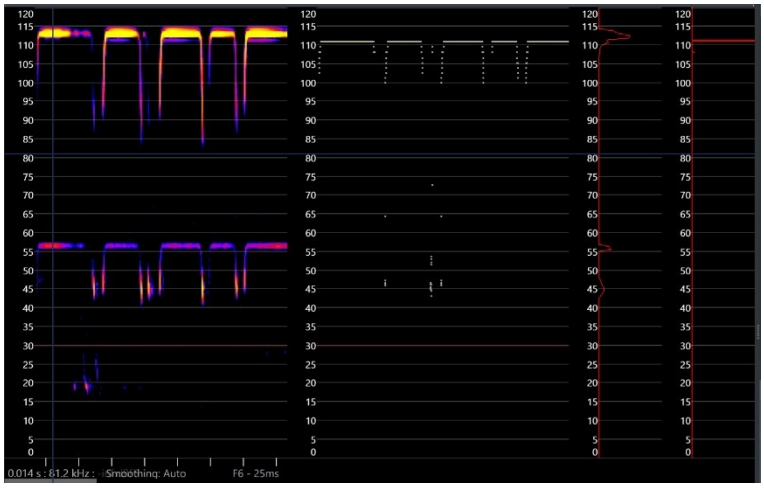

Figure 7 Sonogram of a Lesser Horseshoe bat from the current survey.

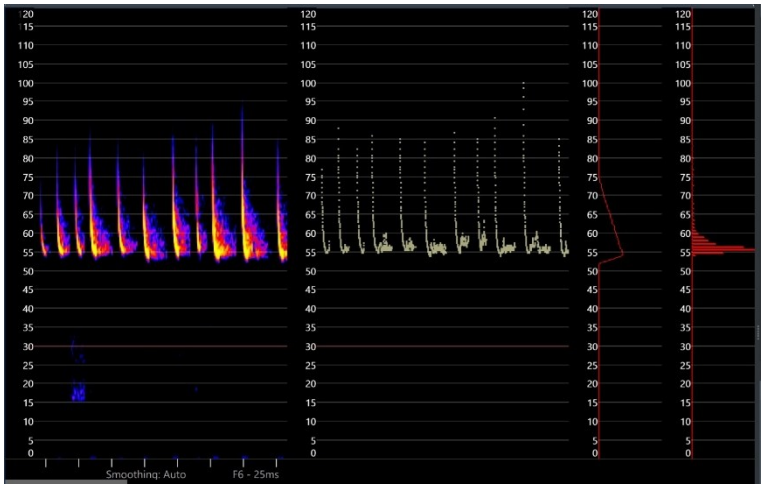

Figure 8 Sonogram of a Soprano Pipistrelle from the current survey.

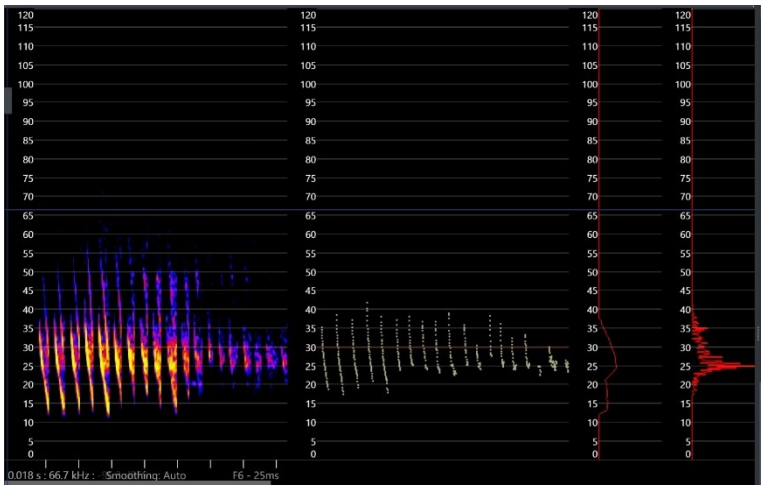

Figure 9 Sonogram of a Leisler's bat from the current survey.

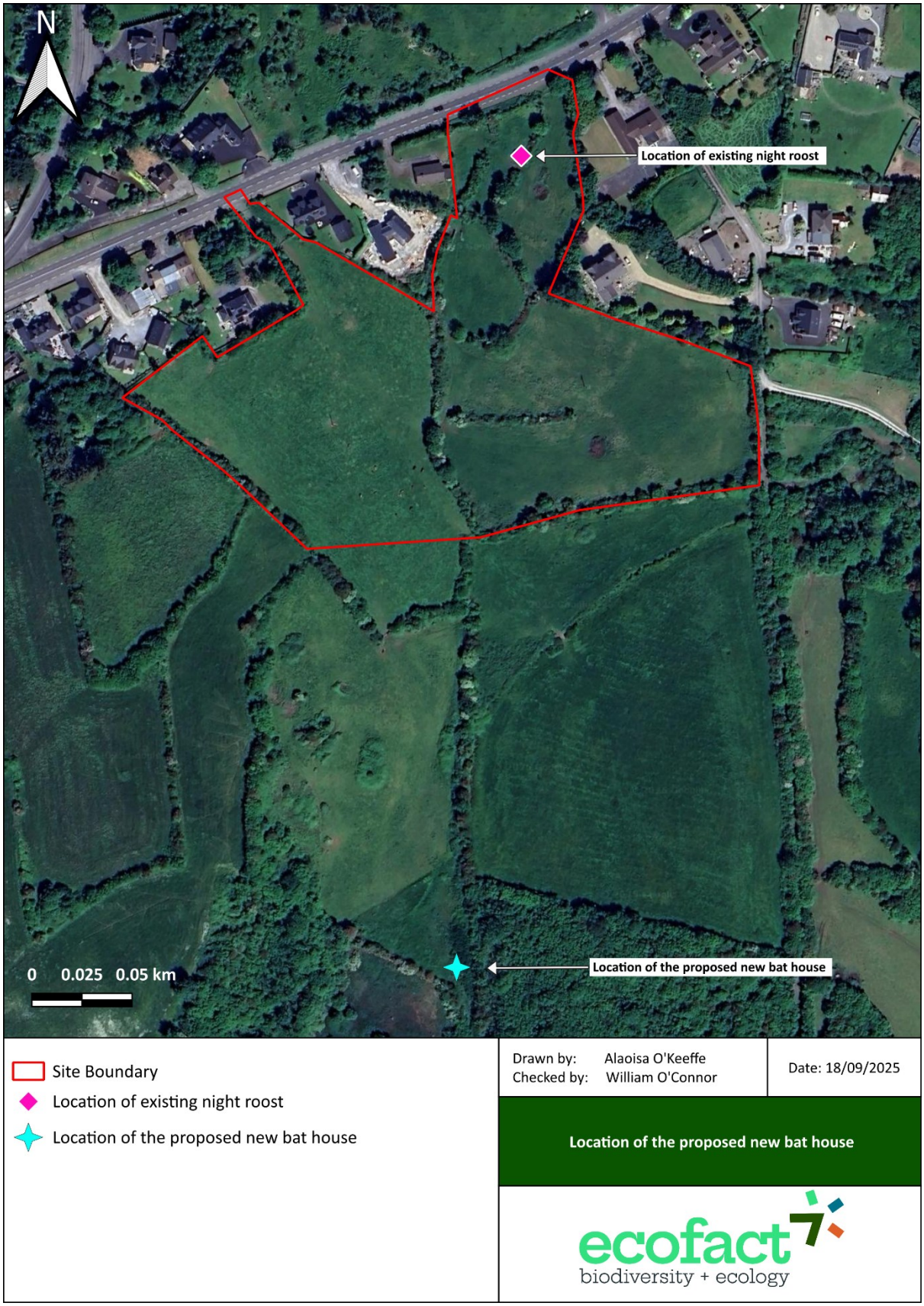

Figure 10 Location of the existing night roost and proposed new bat house.

4. IMPACTS

4.1 Introduction

Small numbers of Annex II Lesser Horseshoe bats are using the proposed development site for foraging, commuting, and roosting. This species has been identified to use the site, and as this is an Annex II/IV strictly protected species under the EU Habitats Directive. Mitigation outlined below is required for all bat species using the site.

Any works interfering with bats and especially their roosts, may only be carried out under a Derogation Licence granted by National Parks and Wildlife Service (NPWS) pursuant to Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (which transposed the EU Habitats Directive into Irish law).

4.1 Roost Habitat Loss

Small numbers of Annex II Lesser Horseshoe bats are using the proposed development site for foraging, commuting, and roosting. The small farm building at the northeast side of the site is being used as a night roost. Mitigation in the form of alternative roosting accommodation will need to be provided.

Some of the trees on the site are likely to be used as roosts by common bat species. Common and Soprano pipistrelles are some of Ireland's most common species due to their adaptability and their ability to forage and roost in a variety of habitats. Any tree with potential bat roost features can be used at any time by bats. Therefore, mitigation and a derogation licence for felling any trees on the site will be required. As numbers here are not considered to be large and the species are common, the impact of roost habitat loss is not considered to be significant. Mitigation such as timing of tree felling and providing bat boxes will be required.

4.2 Foraging / Commuting Habitat Loss

At least six species were recorded foraging and commuting on the proposed development site. In decreasing order these were Soprano Pipistrelle, Common Pipistrelle, Leisler's bat, *Myotis* sp., Lesser horseshoe bat and Brown long-eared bats. These species were recorded commuting and foraging on the site. Most of the site provides good foraging and commuting habitat. There is minimal light spill on the site, and hedgerows/trees/grasslands will also provide insect production.

Lesser Horseshoe bat was recorded at all static detector sites on all nights. Therefore, it is concluded that Lesser horseshoe bats regularly use the site.

Developing the site will result in the loss of all Lesser Horseshoe bat habitat on the site. This species would be highly unlikely to use the site again when houses and lighting are present. This cannot be mitigated on the actual site.

If there is significant light spill along commuting and foraging corridors, Lesser Horseshoe bats will no longer use these areas. This species is very sensitive to light pollution. This would lead to potential knock-on effects relating to habitat loss and habitat fragmentation, which is known to greatly affect the clusters of subpopulations of this species (NPWS & VWT, 2022). Other bat species will be similarly potentially affected by habitat removal and lighting. The most common species on the site were common

bat species typically found in the Irish landscape. Nonetheless, mitigation will need to be provided to minimise impacts on these species.
Treelines and hedgerows on the site are used by bats for both for foraging and commuting. The proposed development on this site will result in a loss of foraging / commuting habitat. This habitat is used by at least six species of bat locally and is likely to be a commuting route from areas to the south to gain access to areas north of here like Ballyalla lake. The most frequently encountered species on the site are common and therefore this impact is likely to be moderately negative. With mitigation the impact of this loss can be reduced in scale.

Lesser Horseshoe Bats are an Annex II species and loss of roosting, commuting, and foraging habitat is a potential significant impact. The impact on Lesser Horseshoe Bats therefore must be assessed in a Natura Impact Statement and a Derogation Licence for this species will be required.

There are extensive undeveloped areas to the south and west of the proposed development site known to be used by Lesser Horseshoe Bat roosts. The areas around Ballyallia Lake to the northwest are also used by this species. It is very important to maintain regional connectivity between these Lesser Horseshoe Bat habitats. At present, it seems likely that bats are crossing the R458 road by traveling through the site and also resting in the old farm building on the site to take breaks during the night. It is almost certain that they use other crossing points as well, but the requirements of Lesser Horseshoe Bats in the wider geographical area need to be considered.

4.3 Disturbance

If site clearance works are undertaken during the active bat season, there is the potential for disturbance impacts to arise. Bats roosting on the site and using the site during dark hours could be significantly disturbed during the works. Mortality impacts could also arise in the absence of any mitigation measures. The felling of trees could lead to mortality and / or disturbance of roosting bats. Mitigation for this will, be required. Development of the site would also result in the disturbance of a Lesser Horseshoe Bat roost. The impact on Lesser Horseshoe Bats therefore must be assessed in a Natura Impact Statement and a Derogation Licence for this species will be required.

4.4 Lighting

Lighting can result in displacement, disturbance and loss of foraging / commuting habitat for bats the utilise the site and the surrounding areas. In the absence of mitigation, lighting impacts could be significant. However, mitigation can be provided to minimise light spill.

Lesser Horseshoe Bats are an Annex II species and an increase in artificial lighting within foraging ranges is a significant impact. This species forages on the site. The impact on Lesser Horseshoe Bats therefore must be assessed in a Natura Impact Statement and a Derogation Licence for this species will be required.

5. MITIGATION

The fact that there is a Lesser Horseshoe Bat roost on the site means that this development cannot proceed without a derogation license. To obtain the derogation license, it will need to be shown that compensatory habitats for Lesser Horseshoe Bats will be provided.

Mitigation options for the development of the site will include minimizing light spill and careful landscaping around the boundary of the site to provide a well-defined buffer and foraging/commuting corridor for bats. The undeveloped lands to the south and east of the site are likely to be used extensively by Lesser Horseshoe Bats. There are many opportunities for providing habitat restoration for bats in this area, particularly on lands already owned by the developer.

A bat house will be provided to secure the future of Lesser Horseshoe Bats in this general area. In this context, developing the site for residential housing with associated conservation measures could deliver important benefits for Lesser Horseshoe Bats and other bat species in this part of Ennis.

A bat house with associated landscaping would provide a net biodiversity gain and ensure that the conservation status of Lesser Horseshoe Bats in this general area is maintained. The current farm building on the site is suboptimal for these bats, and it is only being used as a night roost by a small number of bats. Following consultation with the developer a design for this proposed bat house has now been provided.

It is noted that the habitats on the site are suboptimal for Lesser Horseshoe Bats. The habitats have been affected by encroachment from other developments, but small numbers of Lesser Horseshoe Bats are using the site for roosting, commuting, and foraging. Bat habitats in this area have already been fragmented and impacted. The current project will need to deliver mitigation measures that can demonstrate, beyond reasonable doubt, that the Lesser Horseshoe Bat population in the area will be no worse off as a result of the proposed development - and ideally better off, following the Biodiversity Net Gain principle.

5.1 License Requirements

The development of the site will result in the disturbance of bat roosts. Therefore, a derogation license will be required for the proposed development. This derogation licence is required under Regulation 25 of the European Communities (Natural Habitats) Regulations 1997 and will be obtained from the National Parks and Wildlife Service. Disturbance of a known bat roost is a notifiable action under current national and European legislation.

5.2 Site Ecologist

A site ecologist should be present on the site during site clearance and tree felling works. A pre-construction survey should be undertaken prior to the commencement of tree felling due to the time likely to have elapsed between the current survey and the site clearance works. The site ecologist will monitor the tree felling and adherence to guidelines given below.

5.3 Avoidance Mitigation

Any site clearance works, or tree pruning / felling should be undertaken outside of the active bat survey season, and outside the bird nesting season. Any site clearance or tree felling works must follow the National Roads Authority's *'Guidelines for the Treatment of Bats during the Construction of National Road Schemes'* (NRA, 2006). Tree-felling should be undertaken in the period late August to late

October/early November when bats (young and old) are capable of flight but not yet in hibernation. No heavy plant machinery should be in operation in times of darkness as a mitigation measure for foraging bats. Trees will be checked in advance by a site ecologist.

5.4 Alternative Roosts

Alternative roosting accommodation will be provided for the tree roosts for Common and Soprano pipistrelles that will be lost as a result of the proposed development. It is proposed that 10 1FF Schwegler Bat Boxes and 10 2F Schwegler Bat boxes should be provided. These bat boxes should be erected on mature trees at the boundary of the site vicinity away from artificial lighting and along suitable buffer zones from the development. An ecologist will advise on the location and orientation of these bat boxes based on the relevant guidelines.

Impacts and suitable mitigation for the Lesser Horseshoe bat are provided in the Natura Impact Statement, as this is an Annex II species (Ecofact, 2024). These mitigation measures are provided here for clarity.

A new artificial roost, better than the suboptimal one the bats are currently using, will be provided. This will be located on other lands owned by the developer. It is considered that the provision of a new, purpose-built bat house with integrated landscaping would improve conditions for these rare bats in the wider area. The design of a proposed the bat house has been included in the planning application and is shown in a drawing prepared by Brian Foudy and Associates (See Appendix 1). This is a suitable location for the bat house, and it has been designed in consultation with Ecofact. This proposed artificial bat roost would be significantly better than the shed the bats are currently using. Bats would be able to use this for both day and night roosting.

A purpose built bat house, and associate landscaping will deliver a net benefit for bats and will meet the requirements to allow a Derogation License to be granted.

5.5 Lighting

Lighting design should have regard to the Bat Conservation Ireland's *Bats & Lighting: Guidance Notes for Planners, Engineers, Architects and Developers* (2010). Light columns should be kept as low as possible. Some light restrictions may be considered during dark hours. Light spill should be minimised by using shields, masking or louvres. Directional and controllable Light Emitting Diodes (LEDs) of warmer colour temperatures (2700ºK or less) have a lower risk of impact and therefore would be preferred (Bat Conservation Trust and LIP, 2018). There should also be no light spill on the proposed location of the roost for Lesser Horseshoe bats. There should be no light spill on the bat box locations once erected.

5.6 Landscaping

A landscaping plan has been prepared. Any additional planting or landscaping will use native species. A planted buffer zone should be considered. It is noted that the southern boundary hedgerow and trees will be retained. This should be enhanced with further nature planting, and no light spill should affect these areas. This may provide connectivity between foraging to minimise fragmentation impacts for common species. Night-scented plants in dark areas of the development would provide insect production for foraging bats in the area. Trees on the site should only be felled where necessary for the design and the proposed development should endeavour to retain as many trees as possible. NRA guidelines should be followed for felling and site clearance works as mentioned previously.

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PLATES

Plate 1 The proposed development site, July 2025 (aerial view).

Plate 2 The subject development site, June 2024.

Plate 3 The subject development site is currently being used for agricultural purposes (cattle grazing).

Plate 4 One-off houses adjoining the proposed development site.

Plate 5 Lesser Horseshoe Bats were confirmed to be using this farm building on the site as a night roost.

Plate 6 This farm building was being used by Lesser Horseshoe Bats as a night roost – but it is considered to be a suboptimal roost, and a purpose-built roost would be far superior.

Plate 7 Anabat Express unit set up in the farm building that was being used by Lesser Horseshoe Bats as a night roost.

Plate 8 One of the Anabat Chorus detectors used during the 2025 survey.

Plate 9 Active Swallow (*Hirundo rustica*) nests in the farm building that was being used by Lesser Horseshoe Bats as a night roost.

Plate 10 The farm building area was being disturbed by the archaeological and ground investigation works at the time of the 2024 survey. Cattle were also using the shed during 2024.

Plate 11 The farm building during the 2025 survey.

Plate 12 The habitats adjoining Lough Girroga to the immediate south of the proposed development site are potentially much more important for Lesser Horseshoe bats than the subject site.

Plate 13 Proposed location of the new purpose built bat house.

Plate 14 Proposed development site showing potential bat foraging areas, and also habitat fragmentation due to previous one off house developments.

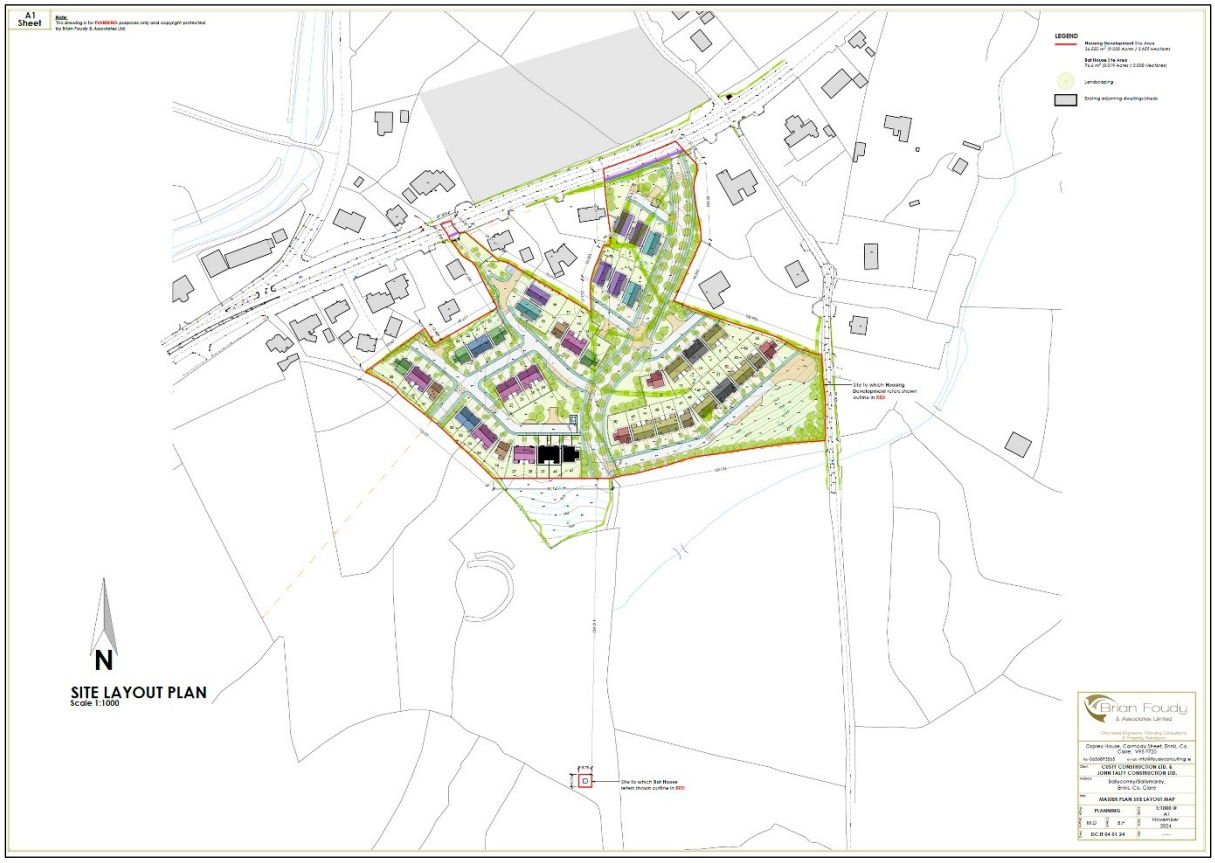
Plate 15 Intact hedgerow habitats to the west of the proposed development site.

Plate 16 Ideal bat foraging habitats to the southwest of the proposed development site (aerial view).

Plate 17 Looking north to the proposed development site, July 2025.

Plate 18 Fragmentation of bat habitats on the proposed development site by one off housing.

APPENDIX 1 PROPOSED BAT HOUSE DESIGN



A3 Sheet

Note:
This drawing is for **PLANNING** purposes only and copyright protected by Brian Foudy & Associates Ltd.

PROPOSED FINISHES

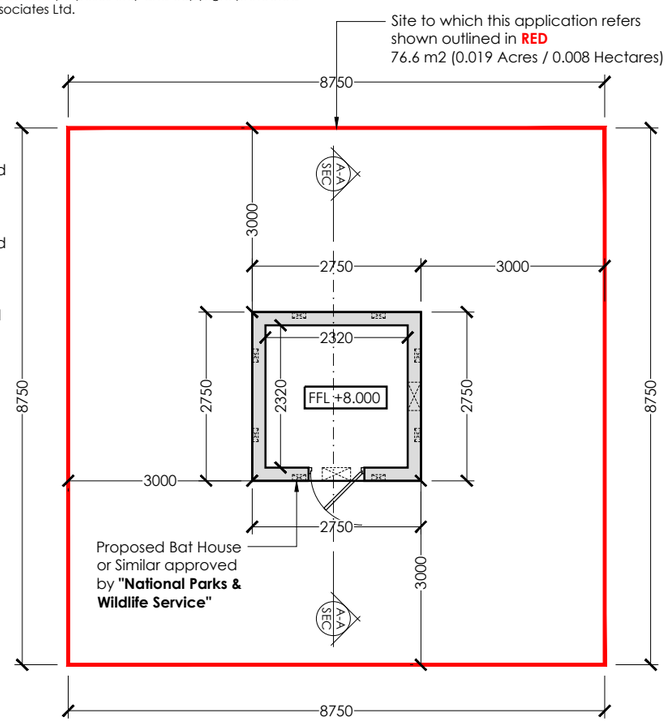
Roof:
- Blue/black slate/tile.

Gutters & Downpipes:
- Aluminium/uPVC to selected colour

Fascia & Soffits:
- Aluminium/uPVC to selected colour

Walls:
- Nap plaster finish to external walls painted to selected colour.

Doors:
- Timber/Aluminium/UPVC



SITE LAYOUT / FLOOR PLAN
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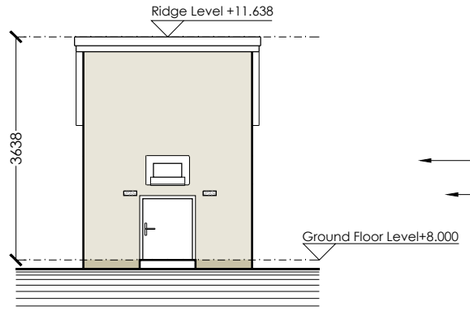

FRONT ELEVATION
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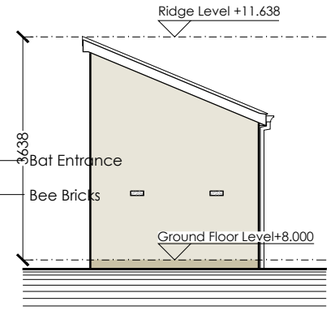

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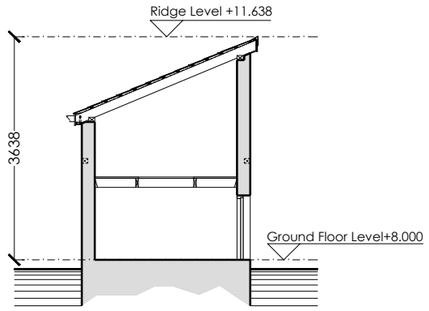

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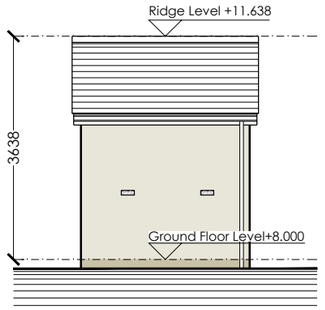
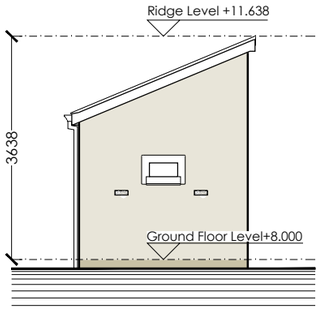


REAR ELEVATION
Scale 1:100



SIDE ELEVATIONS
Scale 1:100

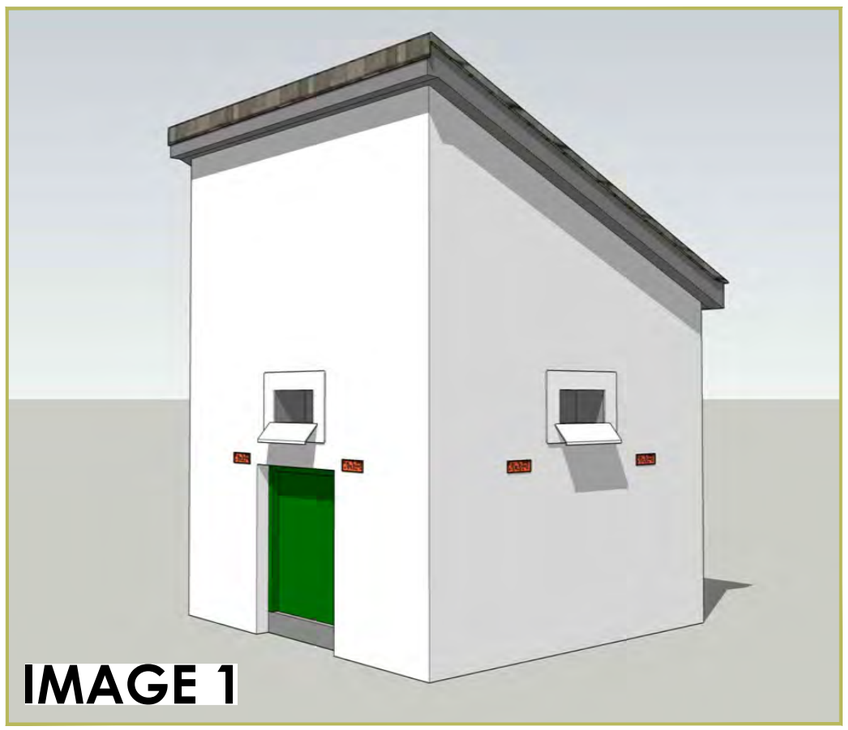


IMAGE 1

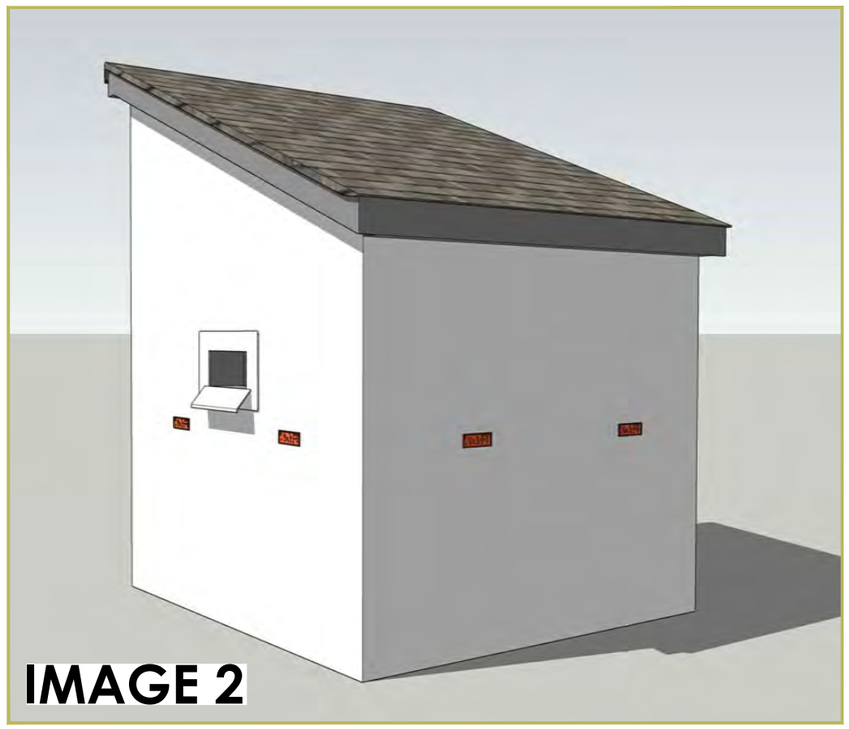


IMAGE 2

Floor Areas		
	M^2	Sq Ft
Ground Floor	5.4	58
TOTAL	**5.4**	**58**

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Client	**CUSTY CONSTRUCTION LTD. & JOHN TALTY CONSTRUCTION LTD.**				
Address:	Ballymaley & Ballycorey Ennis, Co. Clare				
Title:	**BAT HOUSE**				
Stage	**PLANNING**			Scale	**1:100** @ A3
Drawn	M.D	Check	B.F	Date	November 2024
Dwg#	**DCJT 03 18 24**			Rev:	--