



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

Application for Derogation Licence

Under the European Communities (Birds and Natural Habitats) Regulations 2011 – 2021

Prepared by the Department of Housing, Local Government and Heritage

npws.ie

- This form is to be used by any person applying for a derogation licence under Regulation 54 or by the Minister under Regulation 54(A)
- Please ensure that you answer questions fully in order to avoid delays
- If you experience any problems filling in this form, please contact the Wildlife Licensing Unit;
- Please note – applications/reports received and licences issued under this derogation may be published on the NPWS website and/or the Department's Open Data website

Wildlife Licensing Unit,

Department of Housing, Local Government and Heritage

National Parks and Wildlife Service

Wildlife Licensing Unit, R. 2.03

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Part A. The Applicant: Personal Details

These questions relate to the person responsible for any proposed works and who will be the **named licensee**. As the licensee you will be responsible for ensuring compliance with the licence and its conditions, even though you may employ another person to act on your behalf.

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
Mr	David	Smyth
(b) Address Line 1	Marine and Freshwater Research Centre	
Address Line 2	ATU Galway City, Dublin Road	
Town	Galway City	
County	Galway	
Eircode	H91 T8NW	
(c) Contact number	087-7825556	
(d) Email address	david.smyth@research.atu.ie	
(e) Address where works are to be carried out if different from (b) above.		
Address Line 1		
Address Line 2		
Town		
County		
Eircode		

Part B. Details of Person Submitting Application on Behalf of Applicant/Licensee

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

1. (a) Name of Person/Ecologist

Title (Mr/Mrs/Miss/Ms/Dr)	Forename(s)	Surname
(b) Company Name		
Address Line 1		
Address Line 2		
Town		
County		
Eircode		
(c) Contact number		
(d) Email address		
(e) Relationship to Applicant		

Part C. The Application

1. **Species of Animal:** Please indicate which species is affected by the proposed works:

- 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* See below

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

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.

This derogation is for access to all roost sites in the counties of Cork, Clare, Galway, Kerry, Limerick and Mayo for scientific research purposes

7. **Species of Plant:** Please indicate which species is affected by the proposed works:

- Killarney Fern
- Slender Naiad
- Marsh Saxifrage

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

No previous derogations received

9. **Proposed Dates for Works:** Please indicate the timeframe that you propose to carry out works. Dates set by NPWS may differ from dates proposed here.

Start Date: ASAP
End Date: 31ST AUGUST 2027

10. Please tick which reason below explains How this Application Qualifies under Regulation 54(2)(A-E) of the European Communities (Birds and Natural Habitats) Regulations:

a.	In the interests of protecting wild flora and fauna and conserving natural habitats	<input type="checkbox"/>
b.	To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	<input type="checkbox"/>
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	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>

11. Report Checklist: Please append a detailed report to support this application and ensure that it contains the following information:

11.1	Explanation as to why the derogation licence sought is the only available option for works and no suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations.	<input checked="" type="checkbox"/>
11.2	Evidence that actions permitted by a derogation licence 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 as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations.	<input checked="" type="checkbox"/>
11.3	Details of any mitigation measures planned for the species affected by the derogation at the location, along with evidence that such mitigation has been successful elsewhere.	<input checked="" type="checkbox"/>
	As much information as possible to allow a decision to be made on this application.	<input checked="" type="checkbox"/>

Part D. 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 licence and that it is a legal requirement to comply with the conditions of any licence I may be granted following this application. I understand that NPWS may visit to check compliance with a licence.

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 his or her functions under these Regulations or for obtaining any information which he or she may require for such purposes.

Signature of the Applicant



Date

24 July 24

Name in BLOCK LETTERS

DAVID SMYTH

PRIVACY STATEMENT

Please note that under Data Protection legislation Wildlife Licencing Unit staff may only discuss licence applications with the applicant, and not with any third party. See Privacy Statement at www.npws.ie/licences

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Appendix 1.

11.1 - Explanation as to why the derogation licence sought is the only available option for works and no suitable alternative exists as per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations.

This derogation licence is required to allow collection of faecal samples as part of research based in Atlantic Technological University Galway City. This research forms part of a PhD titled 'Impact of variation in habitat, prey availability & competition in conserving the Lesser Horseshoe Bat' undertaken by David Smyth MSc. This PhD runs from 2023 to 2027, and is funded by the Irish Research Council.

This derogation will allow for the collection of faecal samples without any physical disturbance of bats – no non-invasive alternative exists to research the diet of the Lesser Horseshoe Bat and inform conservation plans in Ireland.

The main purpose of faecal collection is to facilitate non-invasive sampling of the diet of the Lesser Horseshoe Bat, *Rhinolophus hipposideros*. This non-invasive procedure allows for DNA metabarcoding of prey remains in faecal samples, the results of which can inform species conservation plans in the future. Please see Curran et. al. (2022) as an example of this method in application and for results that can be obtained. Collected samples may be tested for additional data collection such as, but not limited to, population relatedness, hormonal levels in faecal samples, sex of individuals etc.

11.2 - Evidence that actions permitted by a derogation licence 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 as is required under Section 54(2) of the European Communities (Birds and Natural Habitats) Regulations.

Collection of faecal samples is a well-established non-invasive practice and has been undertaken for Lesser Horseshoe Bats in Ireland previously.

This is a temporary deployment method that will have no lasting impact to roosts that will not result in loss of structural activity or closure of the Lesser Horseshoe Bat access points.

Access to site will be infrequent and limited to short time periods ensuring no loss of condition of roosts and no detrimental impact to maintenance of populations.

11.3 - Details of any mitigation measures planned for the species affected by the derogation at the location, along with evidence that such mitigation has been successful elsewhere.

A detailed method will be confirmed with local NPWS rangers in each area, using local knowledge and best practice to determine where and when is best to deploy collection sheets. Access to most roost sites is controlled by local NPWS staff so there will be constant communication with staff on ground. Works within or near roosts will only take place when bats are not active, reducing disturbance potential. Roost sites will be evacuated immediately if any activity is detected starting during works. Collection sheets will not be placed below the main roosting location of bats in maternity roosts during the maternity period but will instead be deployed on the internal side of entry / exit points of the roost or another area of a roost where droppings are accumulating.

This will ensure that no impact to species occurs.

Counts are carried out regularly during the year at Lesser Horseshoe Bat sites. If any indication of decline is noted that can be attributed to research work – the work will cease immediately.

Works will be planned and undertaken by David Smyth. David Smyth is an ecologist with experience of carrying out work in ecologically sensitive areas, following best practice and mitigations in place. He has talked with stakeholders working with the Lesser Horseshoe Bat, such as Bat Conservation Ireland and Vincent Wildlife Trust, who have carried out faecal sampling previously in Ireland. He will liaise with them on a regular basis to ensure adherence to best practice at all times.

The NPWS has facilitated faecal sampling of Lesser Horseshoe Bats previously for Biggane (2003) and Harrington (2018) with no impact from sampling. More recent faecal sampling has been authorised for the BCI Bats and Bugs project in UCD (G. Hurpy) and testing of COVID-19 prevalence in Lesser Horseshoe Bat populations in Killarney National Park (Munster Technological University).

References

- Biggane, S. (2003) The lesser horseshoe bat *Rhinolophus hipposideros* (Bechstein 1800) at Dromore, Co. Clare: diet, foraging activity, habitat selection and nocturnal behaviour. *Unpublished Ph.D. Thesis, National University of Ireland, Galway, Ireland.*
- Curran, T.G., Browett, S.S., O'Neill, D., O'Hanlon, A., O'Reilly, C., Harrington, A.P., McDevitt, A.D. and O'Meara, D.B., 2022. One bat's waste is another man's treasure: a DNA metabarcoding approach for the assessment of biodiversity and ecosystem services in Ireland using bat faeces. *Biodiversity and Conservation*, 31(11), pp.2699-2722.
- Harrington, A.P., O'Meara, D.B., Aughney, T., McAneyc, K., Schofield, H., Collins, A., Deenen, H. and O'Reilly, C., 2019. Novel real-time PCR species identification assays for British and Irish bats and their application to a non-invasive survey of bat roosts in Ireland. *Mammalian Biology*, 99(1), pp.109-118.
- Harrington, A.P., O'Reilly, C. and Turner, P., 2018. The development of non-invasive genetic methods for bats of the British Isles. *Unpublished PhD thesis, Waterford Institute of Technology.*
- Kelleher, C. and Marnell, F. (2006) Bat Mitigation Guidelines for Ireland. Irish Wildlife Manual No. 25.v National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin, Ireland.
- Puechmaille, S.J. and Petit, E.J., 2007. Empirical evaluation of non-invasive capture-mark-recapture estimation of population size based on a single sampling session. *Journal of Applied Ecology*, pp.843-852.
- Roche, N., Aughney T. and Langton S. (2015) Lesser horseshoe bat: population trends and status of its roosting resource. Irish Wildlife Manuals, No. 85. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Ireland