

Daniel Simpson (Housing)

From: Jim Minogue <andoire@gmail.com>
Sent: Thursday 30 January 2025 17:00
To: Housing wildlifelicence
Subject: Re: FW: Timeline

Categories: Derogation Mailbox

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Hi Aisling, excuse the delay in responding to your above queries, that storm forced a lot of people to exist in a more elemental way. Still with power returned which is great and the internet back online; which is a mixed blessing, I shall respond to the above.

1. In relation to selecting option (c) in the derogation application , this was selected due to the present cramped living conditions that my Client and her family have endured for a number of years, in an adjoining property which was formally a small forge attached to the nearby estate. To my knowledge there are presently two teenagers and their parents living in a two bedroom house. The structure that is the subject of this application was my Clients original family home, it has not been lived in since 2012, after her last parent died. Due to complications in transferring the estate to her name. The house which is substantially bigger than the present family accommodation was thought to be a better fit for her family. As such the reason for the selection is for economic and social in nature. The conservation interest of preserving a listed building, in a unique setting with a rich historical back story, is also considered important for the heritage value associated with the built history of County Clare.

2. In the original derogation application an alternative solution was outlined, this was considered to keep the Lesser Horse shoe bat Maternity Colony in the attic of the application structure. It was thought that this may reduce disturbance , if the reroofing works were undertaken outside the bat activity season. This was discounted due to the possible disturbance of the colony during works and especially during operation of the building as a fulltime dwelling. The original Further Information Request was for the structure, not for the adjoining sheds. As such this structure was the focus of mitigation. In this original Derogation Application these sheds were mentioned, as they seemed to be possible roosts. Over time it became apparent that these buildings would be more suitable than the attic space.

With the amended Derogation Application and further investigation of the sheds, a decision was made to not consider an enhanced maternity roost in the application structure but to create conditions in these sheds that would be suitable for the long term sustainable formation of a maternity colony of Lesser Horse shoe bats with good access to foraging areas and beside a stretch of riparian woodland.

I hope the above clarifies any outstanding issues.
thanks for your attention in this matter
regards -Jim

On Thu, Jan 23, 2025 at 12:31 PM Housing wildlifelicence <wildlifelicence@npws.gov.ie> wrote:

Dear Jim,

Many thanks for supplying the attached information.

We need some further information in relation to the three tests:

- 1) You have selected option (c) on your form, in order to satisfy Test One we need an explanation in the report for the reason for your derogation – so an elaboration as to how your project fits the criteria of option (c).

- 2) In relation to the second test that applies as part of this assessment, your application does not clearly outline what alternative solutions were examined nor does it set out objective reasons demonstrating why these alternatives are not satisfactory.

There is guidance available on the European Commission website [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_COM:C\(2021\)7301](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_COM:C(2021)7301) [eur-lex.europa.eu] and separate guidance on the NPWS website: <https://www.npws.ie/licensesandconsents/disturbance/application-for-derogation-licence> [npws.ie] on the strict protection of species, where you can find further info if needed.

If you can get that information to us we should be able to progress to the final assessment stage with this application.

Many thanks,

Aisling

From: Jim Minogue <andoire@gmail.com>
Sent: Tuesday 7 January 2025 13:06
To: Housing wildlifelicence <wildlifelicence@npws.gov.ie>
Subject: Re: Timeline

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I include a response to the above concerns regarding an application for a section 54 Derogation application.

I also include the report accompanying this.

regards Jim

On Mon, Nov 11, 2024 at 11:56 AM Housing wildlifelicence <wildlifelicence@npws.gov.ie> wrote:

Dear Mr. Minogue,

We acknowledge receipt of your Section 54 derogation licence application for a dwelling at Clondegad, Ballynacally, Co. Clare. The Department is of the opinion that the report accompanying the application does not adequately address the conservation concerns and mitigation requirements for the annex II species Lesser Horseshoe Bat.

The Department notes the following;

- a static bat detector was left in place for 3 days in late August and a dusk/dawn survey using a hand held monitor by one surveyor took place on August 28th. Evidence of Bat usage was noted within the attic above the stairwell and open windows were observed for access/egress which were opened in May 2024 prior to this access is suspected to have been through a missing pane of glass in the first floor toilet at the rear of the house. 30 Lesser Horseshoe Bats were counted and this was seemingly through an internal count which was limited due to access and visibility. An accurate external exit count was not achieved presumably due to numerous exit points and only one surveyor. It is possible and likely that the number of 30 individual bats is an under estimate.
- The report states the following “with reference to the Bat Mitigation Guidelines the unmitigated effect of the potential impacts associated with the works will represent a certain impact on the Lesser horse shoe bats. It is suggested that these effects could be mitigated against, depending on the outcome of an application for a derogation licence”. This statement is inaccurate, the granting of a regulation 54 derogation licence is dependent on the provision of detailed mitigation measures as part of the application.
- The mitigation measures outlined in paragraph 3.2 propose the creation of a roost location within the existing attic with the installation of a covered entrance on the new roof. It is taken from this that the roof of the existing building is to be replaced and it is proposed that the new roost and access would be in place by Spring 2025 for the Bats to return. Other mitigation measures include landscape measures and lighting.
- The presence of adjoining sheds suitable for Bat roosts is also mentioned. However it is unclear if these buildings were surveyed and if they are suitable for Lesser Horseshoe maternity roosts.

The Department request that the following concerns are addressed;

1. The report mentions that a static survey confirmed bats utilizing the house with 5 species recorded and droppings found throughout. However only Lesser Horseshoe bats are listed on the derogation application.

Clarification is required as to whether any other species were recorded using the building and if so the application and report needs to be updated to reflect this.

2. The report mentions that bat droppings were observed on all 3 floors. The possibility of Bats utilizing the building in the autumn and winter is not addressed and should be considered in line with proposed works on the structure.
3. The building in question is a listed structure and the main mitigation measure refers to the installation of a dormer style opening to allow access for the bats into the new roost in the existing attic. Detailed drawings of the design and location of this access is required and consideration should be given to whether this change is permitted to a listed building.
4. The Bat Mitigation Guidelines with regard to mitigation/compensation for the loss of a maternity roost for a rare species states; *timing constraints, like for like replacement as a minimum and no destruction of former roost until replacement completed and usage demonstrated*. There are very few examples of LHB maternity roosts in occupied houses. The applicant should bear this in mind and develop suitable mitigation plans. They should include evidence that similar mitigation has worked elsewhere. The presence of adjoining sheds with roosting potential is mentioned but with no further details and no pictures.
5. The timing of works regarding the potential disturbance of the species needs to be considered in more detail. This should not only address the replacement roosting location but all construction works on site with the potential to disturb the roost.
6. There are 2 mentions of a “gate lodge” in the report, this appears to be a copy and paste error and should be rectified.

Dan Simpson

Wildlife Licencing Unit

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

An tSeirbhis Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

90 Sráid an Rí Thuaidh, Margadh na Feirme, Baile Átha Cliath 7, D07 N7CV
90 King Street North, Smithfield, Dublin 7, D07 N7CV

From: Housing wildlifelicence <wildlifelicence@npws.gov.ie>
Sent: Thursday 10 October 2024 08:53
To: Daniel Simpson (Housing) <Daniel.Simpson@npws.gov.ie>
Subject: FW: Timeline

From: Mary, Moran <MMoran@sjt.ie>
Sent: Wednesday 9 October 2024 18:05
To: Housing wildlifelicence <wildlifelicence@npws.gov.ie>
Subject: Timeline

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Dear Sir Madam,

On my behalf Jim Minogue (ecologist) has submitted an application for a derogation licence to yourself after carrying out a bat survey on my house.

The house is

" Glebe House"

Clondegad

Ballynacally

Ennis Co

Clare.

As the house is a protected building application for planning has been a long process, with heritage etc and this is the final step of the planning application in response to request from council for further information.

Clare Co Council have requested evidence the derogation licence has been applied for and Jim Minogue was able to furnish them with this but they also requested to know " when" we expect response from yourself in relation to derogation licence

.It would be really helpful if you could let either me or the planning dept of Clare County Council know this to help progress the application.

With thanks

Very Best

Mary Moran

Sent from [Outlook for Android](#)