



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

90 North King Street

Smithfield

Dublin 7 D07 N7CV

Email: wildlifelicence@npws.gov.ie

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	Colm	Clarke
(b) Address Line 1	Scott Cawley Ltd.	
Address Line 2	71-73 Rock Road	
Town	Blackrock	
County	Dublin	
Eircode	A94 F9X9	
(c) Contact number	01 6769815	
(d) Email address	info@scottcawley.com ; cclarke@scottcawley.com	
(e) Address where works are to be carried out if different from (b) above.		
Address Line 1	Unknown at present – entire country	
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
	Carla Scott Ita Amir	Deane Bastow Sherlock Glick
(b) Company Name	Scott Cawley Ltd.	
Address Line 1	71-73 Rock Road,	
Address Line 2	College House	
Town	Blackrock	
County	Dublin	
Eircode	A94 F9X9	
(c) Contact number	01 6769815	
(d) Email address	info@scottcawley.com ; cclarke@scottcawley.com	

(e) Relationship to Applicant

Work colleagues

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): All bat species

3. Please provide the maximum number of individuals affected* Unknown at present

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

5. Please provide the maximum number of eggs to be taken* NA

6. Please provide the maximum number of eggs to be destroyed* NA

*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.

Scott Cawley Ltd. has in the past been granted a general derogation licence, with all employees to be involved in any works listed as either Full Licensees or Trainees under supervision of a named Full Licensee – work is for entry to a known roost (disturbance) or handling/capture of bats. Licence is for:

- (a) Roost disturbance and entry into a known roost;
- (b) To use an endoscope to explore inaccessible locations in structures and trees including roosts
- (c) To photograph bats within roosts for scientific and research purposes (Country-wide)

Used for carrying out inspections of known or suspected roost sites, while separate derogation licences were applied for on a project specific basis where required.

The nominated licensees above have undergone roost inspection training under the supervision and guidance of Colm Clarke in Bohernabreena forest on 13/11/2024.

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

DER/BAT 2024-53

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:
End Date:

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"/>
11.4	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



Recoverable Signature

Date

10/02/2024

X

Colm Clarke

Associate Director, Terrestrial Ecology

Signed by: SC_Client_Certificate

Name in BLOCK LETTERS

Colm Clarke

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

Appendix I – Supplementary Information to Inform Derogation Application

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

Scott Cawley staff have undertaken a variety of bat-related surveys in relation to impact assessments for plans and projects. Some of these surveys require entry into known or suspected bat roosts at various times of year to determine the presence or absence of bats and the status of the roost site. Often new bat roosts are only revealed during surveys and in the absence of a Regulation 54 Derogation, the survey must cease, preventing collection of information that is required to inform ecological assessments. A Regulation 54 Derogation is therefore requested to enter roosts as part of our standard bat surveys. All surveys follow UK and Ireland good practice guidelines. The entry to

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.

All Irish bat species are listed as 'Least Concern' on the Ireland Red List No. 12: Terrestrial Mammals (Marnell et al., 2019) and are not therefore in any threatened category. Scott Cawley Ecologists follow the below protocols which will ensure the minimisation of disturbance to bats and mean that the grant of the derogation will not be detrimental to the maintenance of the populations of any bat species:

1. For unknown roosts

- a. Check with owner/client re presence of bats.
- b. Check with Bat Conservation Ireland to determine roost records.
- c. Survey for external signs of bats and roost entry points. If positive signs then treat as known /suspected roost.
- d. Entry to possible roost should be made cautiously especially if survey is carried out in the winter period when signs of bats may be difficult to find. Should signs of bats be noted then treat as a known/suspected roost.

2. For known/suspected roosts

- a. Generic measures to include:
 - i. Avoid using roost illumination apart from torches.
 - ii. Talking in low tone is preferred to whispering.
 - iii. Bats seen *in situ* should be counted, photographed only if necessary and then left alone.
 - iv. Handling of bats to confirm identification is only used as a last resort. This may be necessary for suspected Whiskered/Brandt's bat roosts.
 - v. Samples of droppings, dead bats etc may be removed to facilitate species identification.
 - vi. Care to be taken to avoid cooling or warming effects as described below.
- b. During potential hibernation season (November-March), only one person will be permitted to enter roost area. If any hibernating bats are seen to be showing signs of waking then the roost survey will be abandoned immediately.
- c. During the breeding season, known breeding roosts will be avoided unless emergency work is required. This will usually be the subject of a separate derogation licence.

3. Photography in roosts:

- a. Photography will not take place in nursery areas of roosts.
- b. Photography will be minimised in roosts and will comprise taking high-resolution photographs using a standard digital camera with flash at a minimum distance of 3 metres from the bats. This will allow images to be zoomed digitally rather than putting the flash close to bats.
- c. No bats will be handled during photography.
- d. Video footage may be taken of bats emerging from roosts or swarming around roosts and stills taken from this footage.

These measures, which have been designed following consultation with the Bat Conservation Trust and Bat Conservation Ireland, and will serve to minimise disturbance of bats in their roosts by taking photographs.

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

Refer to our response above in relation to bat survey protocols. Additionally, all consultants at Scott Cawley undergo induction training in bat roost inspection under the supervision of a suitably qualified, experienced and licensed staff member before being deployed to survey independently.

As much information as possible to allow a decision to be made on this application.

We enclose pen profiles of Scott Cawley Staff for your information. Scott Cawley abide by the Code of Professional Conduct / Code of Practice for the Chartered Institute of Ecology and Environmental Management. Staff CVs can be provided on request.

Colm Clarke, MCIEEM

Colm Clarke is Associate Director, Terrestrial Ecology at Scott Cawley and has over nine year's professional experience in ecological consultancy. He obtained an honours degree in Natural Sciences from Trinity College Dublin, and a Masters in Biodiversity and Conservation from the same institution. Colm is a full member of the CIEEM, a member of Bat Conservation Ireland and Chairperson of the Dublin Bat Group. Colm is Scott Cawley's lead bat ecologist, and regularly prepares derogation licences for bats and their roosts, and oversees the discharge of licence obligations. As part of this work, Colm provides advice on protected species to clients and contractors. He is licensed to conduct roost inspection and to capture bats by hand, hand net and harp trap. Colm is on the CIEEM's EclA Accreditation Working group, which aims to improve the quality of Ecological Impact Assessment (EclA) Reports through an accreditation process, and he is an assessor on the EclA Pilot Accreditation Scheme. Colm is experienced in scoping, preparing, and reviewing EclA (including EIA Biodiversity Chapters) and in the completion of Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS), and has prepared these reports and acted as internal reviewer (as part of Scott Cawley's quality assurance process) on a range of projects from residential to industrial and large-scale infrastructure (e.g. national road and rail projects). Colm also regularly completes technical peer review and has assessed projects for local authority clients and renewable energy developers. As a member of the Irish Environmental Law Association and regular attendee at IELA seminars, Colm stays abreast of developments in environmental law and how these relate to changes to assessment practices.

Amir Glick

Amir Glick is a Senior Ecologist with Scott Cawley Ltd. He obtained an honours degree in Biology and Geography from Tel-Aviv University and a MSc in Ecology from Ben-Gurion University of the Negev. Amir has over eight years in ecological and environmental consultancy in Israel. Amir has undergone in-house training on 13th November 2024 in Scott Cawley on inspection of bat roosts comprising:

- A presentation in relation to the practical aspects of bat roost inspection survey and ground level tree assessment, covering the health, safety and welfare considerations, theory in relation to bat ecology and general approach and limitations associated with surveys. The presentation also instilled the need to avoid and reduce any potential disturbance effects on bats and referred the attendee to the *BCT Guidelines*.
- Demonstration on how to complete a preliminary roost assessment and roost inspection survey at a known *Pipistrellus pygmaeus* roost in the attic of a building at Bohernabreena Reservoir Park, Rathfarnham, Co. Dublin under the supervision of Colm Clarke with DER/BAT 2024-53
- Demonstration on how to use an endoscope device and completion of ground level tree assessment and roost inspection of trees at Marlay Park, including 3 no. *Fagus sylvatica* trees known to host *Nyctalus leisleri* and *Pipistrellus* sp. (no bats encountered) using a RIGID CA-350 endoscope under the supervision of Colm Clarke with DER/BAT 2024-53.

Ita Sherlock

Ita is a Seasonal Bat Ecologist with Scott Cawley Ltd. since April 2024, having previously done worked with a local ecology practice, drafting Appropriate Assessment Screening and Environmental Impact Assessment reports for small projects and performing basic habitat surveys. She obtained a First Class BSc in Environmental Science from the Open University, having transitioned into ecology from a career in tech, working as a product manager. In her previous roles, Ita created complex product strategies and project managed product delivery teams, often across multiple locations, working with a variety of stakeholders, including customers. She managed post-launch product support, ensuring a high level of responsiveness and quality of service. She engaged in data-driven decision making, analysing and interpreting vast volumes of end-user behaviour data in Excel, Looker and Tableau. Ita has volunteered on pollinator surveys at the National Biodiversity Data Centre for three years, and is a volunteer warden for Louth Nature Trust, helping to safeguard little tern nests. She volunteered at the Irish Peatland Conservation Council, performing small heath and marsh fritillary surveys in 2022-2023. At Scott Cawley, she has carried out bat field surveys, including roost emergence, transects and using static devices. Ita is an experienced user of QGIS for both habitat mapping and survey planning tasks, and has conducted bat call analysis on both

BatExplorer and Kaleidoscope Pro. Ita has undergone in-house training on 13th November 2024 in Scott Cawley on inspection of bat roosts comprising:

- A presentation in relation to the practical aspects of bat roost inspection survey and ground level tree assessment, covering the health, safety and welfare considerations, theory in relation to bat ecology and general approach and limitations associated with surveys. The presentation also instilled the need to avoid and reduce any potential disturbance effects on bats and referred the attendee to the *BCT Guidelines*.
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Carla Deane

Carla is a Consultant Ecologist with Scott Cawley Ltd. Since September 2024. Prior to this she worked two Seasonal Bat Consultant seasons, amounting to 1 yr bat ecologist experience. She obtained her master's degree in Marine Biology from University College Cork and her undergraduate degree in Zoology from University College Dublin. Her previous experience consists of a mix of ecological surveying, volunteering and academic research. Carla has experience in population management, assisting with a deer management programme in Phoenix Park, and conducting research on squirrel populations in different urban parks across Dublin. She is MMO certified, and all other experience is marine based and varies from fisheries management, community engagement, coral health, fish population and elasmobranch research. Since joining Scott Cawley Ltd., Carla has worked on bat activity and emergence surveys, static detector deployment, smooth newt surveys, habitat surveys and gained experience in identification of PRFs on buildings and trees. She is adept at acoustic analysis with large data sets using BatExplorer and experienced in data management through GIS. She has also been furthering her experience through in-house training with Scott Cawley on winter bird surveys, mammal surveys and habitat classification. Carla has undergone in-house training on 13th November 2024 in Scott Cawley on inspection of bat roosts comprising:

- A presentation in relation to the practical aspects of bat roost inspection survey and ground level tree assessment, covering the health, safety and welfare considerations, theory in relation to bat ecology and general approach and limitations associated with surveys. The presentation also instilled the need to avoid and reduce any potential disturbance effects on bats and referred the attendee to the *BCT Guidelines*.
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Scott Bastow

Scott is a Consultant Ecologist with Scott Cawley Ltd. since April 2024. He obtained his undergraduate degree in Zoology from Trinity College Dublin. His previous experience consists of a mix of ecological surveying and academic research. During his time at Dublin Zoo Scott lead the Conservation and Research team in conducting invertebrate surveys and was involved with several research projects. During his time in this role, he coauthored an academic paper on the influence of environmental management practices on the foot health of flamingos which was published in the journal *Animals* in 2023. As a Graduate Ornithologist Scott undertook various types of bird surveys on several proposed and active wind farm sites, including species-specific surveys such as hen harrier roost surveys. While in this role Scott also played a key part in his team's management and standardisation of field data. Since joining Scott Cawley Ltd., Scott has carried out ecological surveys for bats and breeding birds. Scott is a capable bat call analyst and is experienced working with large datasets in BatExplorer. He is adept at data management through QGIS and Excel. Scott has experience in bat activity transect surveys and roost presence/absence surveys. Scott has undergone in-house training on 13th November 2024 in Scott Cawley on inspection of bat roosts comprising:

- A presentation in relation to the practical aspects of bat roost inspection survey and ground level tree assessment, covering the health, safety and welfare considerations, theory in relation to bat ecology and general approach and limitations associated with surveys. The presentation also instilled the need to avoid and reduce any potential disturbance effects on bats and referred the attendee to the *BCT Guidelines*.

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