

As per Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, Q. 11 of the application form 11.1 this report is in addition to the application for a derogation licence. It outlines the reason for the derogation, suitable alternatives considered and why they are not feasible. To address Article 16 (section 3.2.A), a set of three tests must be met before granting a derogation:

1) demonstration of one or more of the reasons listed in Article 16(1) (a)-(d)

Article 16 (1) (c) This application qualifies under Regulation 54(2) (A-E) of the European Communities (Birds and Natural Habitats) Regulations:

We selected **(C)** In the interests of imperative reasons of overriding public interest, because there is no satisfactory alternative concerning the surveying for potential bat roosts available and failure to survey for bat presence could have a detrimental impact on bats.

- That proposed activities that may impact bats require ecological baseline conditions which involve assessments of bat presence.
- That the use of an endoscope required to establish bat (s) presence in a potential roost feature may cause a disturbance to bat (s) and a derogation licence to survey under these circumstances is therefore required.
- That all surveying must comply to the most up to date science-based practices that strictly protect bats in light of various developments to ensure compliance with the EU Habitats Directive (92/43/EEC) and, the most recently published guidelines pertaining to bat surveying (as listed in Test 3)

2) absence of a satisfactory alternative

A do-nothing scenario

- Would result in a failure to carry out surveys on bats.
- Additional consequences of not carrying out bat surveys on a building and or site which subsequently proves to be in use by bats can be severe and may include: delays, additional costs and, in exceptional cases, the halting of the project.

If granted permission

- This will allow us to carry out surveys and this result would benefit bats as the aim of ecological survey and assessment work is used 'to inform planning proposals to minimize impacts, and to maximize benefits for biodiversity, as a result of the development'.
- To inform the following steps which can be employed to protect bats and the habitats which support them.
- The "mitigation hierarchy" , is the accepted approach to enabling this to happen: **Avoidance** of any impacts should be the first consideration, the next step is then **mitigation** of any impacts that cannot be avoided, and lastly **compensation** should be used to off-set unavoidable remaining impacts.

3) Assurance that a derogation is not detrimental to the maintenance of populations at a favourable conservation status.

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.

Maintaining a favourable status of the bat population is the backbone of best practice guidelines. To establish baseline and habitat suitability of a proposed development and to describe and facilitate further requirements, should these surveys confirm the presence of bats. It is important to identify any features within the site with the potential to be utilised by bats as breeding sites or high-density feeding features. This will help determine any possible impacts thereby reducing harm to bats and their habitat. Surveys are carried out each season and the survey of potential roost sites.

Only an Ecological Consultant with a valid National Parks and Wildlife Service licence to capture and handle bats are permitted to undertake surveys and it is the responsibility of both the ecologist and the property owner to ensure that legalities in regard to licensing are fully met.

The overarching aim of ecological survey and assessment work used to *'inform planning proposals is to minimize impacts, and to maximize benefits for biodiversity, as a result of the development'*. The "mitigation hierarchy" is the accepted approach to enabling this to happen. **Avoidance** of any impacts should be the first consideration, the next step is then **mitigation** of any impacts that cannot be avoided, and lastly **compensation** should be used to off-set unavoidable remaining impacts.

These guidelines have been developed for Ecological Consultants to standardise both the methodology for survey of structures and the reporting of same. Woodrow APEM Group Ecologists have drawn on a wide range of expertise and believe that the advice given is the best that is currently available. The current surveying methodology performed by Woodrow APEM ecologists employ surveying practices current to relevant guidelines, as listed below:

- Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition). The Bat Conservation Trust, London.
- Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.
- NPWS (2021a). Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland. National Parks & Wildlife Service Guidance Series 1. NPWS, Department of Housing, Local Government and Heritage. Available at: <https://www.npws.ie/sites/default/files/files/strict-protection-of-certain-animal-and-plant-species.pdf>
- NPWS (2021b). Strict Protection of Animal Species. Guidance for Public authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a public authority. Authors: Mullen, E., Marnell, F. & Nelson, B., National Parks and Wildlife Service Guidance Series 2. NPWS, Department of Housing, Local Government and Heritage. Available at: <https://www.npws.ie/sites/default/files/files/article-12-guidance-final.pdf>
- Roche, N., Aughney, T., Marnell, F. & Lundy, M. (2014). Irish Bats in the 21st Century. Bat Conservation Ireland. Cavan, Ireland.

To ensure that no illegal activities are undertaken, a Consultant Ecologist will require a specific licence which will be separately applied for if the survey on the structure to be developed shows that:

- The site in question is a breeding site or resting place for bats
- The proposed activity could result in an offence

Any examples of works that are likely to need a licence because they may result in the destruction of a breeding or resting place and/or disturbance of bats include:

- Demolition of buildings known to be used by bats
- Conversion of barns or other buildings known to be used by bats
- Restoration of ruined or derelict buildings
- Maintenance and preservation of heritage buildings
- Change of use of buildings resulting in increased ongoing disturbance
- Significant alterations to roof voids known to be used by bats