



Wildlife Licencing Unit  
NPWS  
By email  
reg54derogations@npws.gov.ie

Our Ref: 230914-b

11<sup>th</sup> March 2025

**Re: Ulster Canal – Kelly’s Bridge Repairs – Bat derogation licence application**

Dear Sir/Madam,

We are applying for a bat derogation licence, on behalf of Waterways Ireland, in relation to proposed bridge repair works at Kelly’s bridge, Co. Monaghan (IG Ref: H 45347 21884).

**Background**

MKO have been commissioned by Waterways Ireland to carry out bat surveys to determine the presence of roosting bats along the footprint of the proposed restoration of approximately 3.75km of the Ulster Canal between the townlands of Clonoony, Co. Monaghan and Derrynure, Co. Fermanagh. Kelly’s bridge was surveyed as part of this project and a small bat roost was identified. Repair works are proposed on the bridge, including vegetation removal, cleaning and repainting.

A bat habitat appraisal and roost surveys were carried out on the bridge by MKO in 2024. The following points set out the main conclusions following the completion of the surveys:

- The bridge was assessed as having *Moderate* potential to host roosting bats during bat habitat appraisals carried out in January 2024.
- The bridge is located in proximity to suitable foraging and commuting habitats.
- Two emergence surveys were conducted, on the 18<sup>th</sup> June and 19<sup>th</sup> September 2024 and confirmed a small *Myotis* roost, with four and two bats observed emerging, respectively.
- A static detector deployed in proximity of the bridge (D04) recorded high *Myotis* activity, particularly in summer, suggesting the potential presence of a small maternity roost.

Detailed results are provided in the Baseline Bat Report submitted with this application. This derogation application refers exclusively to the proposed repair works of Kelly’s Bridge.

**List of accompanying documents**

- Baseline Bat Report
- Derogation Licence Application Form

**Preconditions Tests**

The NPWS document, *Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland - National Parks and Wildlife Service Guidance Series 1 (2021)*, was reviewed before undertaking this derogation application. Article 16 of the Habitats Directive sets out three pre-conditions, all of which must be met before a derogation from the requirements of Article 12 or Article 13 of the Directive can be granted. These preconditions are also set out in Regulation 54 of the Regulations.

The preconditions are:



1. A reason(s) listed in Regulation 54 (a)-(e) applies
2. No satisfactory alternatives exist
3. Derogation would not be detrimental to the maintenance of a population(s) at a favourable conservation status.

It is believed that the pre-conditions for granting a derogation licence have been met, as follows:

#### **Test 1 – Reasons for Seeking Derogation.**

Regulation 54(2) (a)–(e) states that a derogation licence may be granted for any of the reasons listed (a) to (e). We are of the opinion that the following reasons apply:

- (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.

The bridge is an important feature of the proposed restoration of Ulster Canal. The proposed repair works will ensure structural integrity of the bridge as it will continue to serve as vehicular and pedestrian access, and as it will see the re-establishment of boat traffic along the canal. Without the proposed works the bridge will continue to deteriorate further and provide a public health and safety hazard should no repairs be undertaken.

Residual effects on bats, following mitigations, are not considered significant.

#### **Test 2 – There is no Satisfactory Alternative**

There are no satisfactory alternatives to the proposed repair works.

**Do nothing scenario:** If no repairs are undertaken, the bridge will likely continue to serve as a bat roost. However, the bridge will continue to deteriorate and vegetation will continue to grow, potentially diminishing its value as a roost resource overtime. The bridge will eventually become unsafe for public use.

**Disturbance Avoidance:** Mitigation by avoidance, by carrying out the works during the inactive bat season (November-March) has been considered. However, the proposed repointing works will make use of lime mortar, which requires warm weather to settle properly. The proposed works need to be undertaken outside the frost season and are proposed to be carried out between May and November over the span of two years. Works during the bat activity season cannot be avoided.

**Roost Exclusion:** The option to exclude the roost by blocking the identified crevice during the duration of the works was considered. However, as the works programme is proposed to last a number of months, and potentially over the span of two years, it was considered a disproportionate measure, as it would effectively remove the roost until works are complete, displacing the local population. The roost being retained throughout the proposed programme and potentially disturbed during works which will be temporary in nature and supervised by an ecologist, is considered a better alternative.

**Viable Option:** Vegetation removal, cleaning and repointing of the bridge will be undertaken between the months of May and November. As this work is to be carried out during the bat activity season, a licenced ecologist will be present to oversee all works and to ensure that no work is carried out in proximity to the roost entrance. The roost will be retained. All mitigations described in the Baseline Bat Report will be adhered to. An Ecological Impact Assessment is being prepared to inform the planning application for the proposed Ulster Canal restoration. No significant effects on bats are anticipated once the recommended mitigations are followed.

#### **Test 3 – Favourable Conservation Status**

In order to ensure the protection of bats under Regulation 54 (2) (a) of the Birds and Natural Habitats Directive, we are applying for the licence, in the interest of protecting wild fauna. To ensure no significant effects on bats



occurs during works, a number of mitigation measures will be in place, as outlined in the Baseline Bat Report and reported below:

- As a bat roost was confirmed at Bridge 1 (Kelly's Bridge), a pre-commencement survey is recommended to re-assess the structure prior to any works. The requirement for a pre-commencement survey does not represent a lacuna in the survey assessment but is fully in line with industry best practice. The function of this survey will be to assess any changes in baseline environment since the time of undertaking the surveys in 2024 and to carry out a detailed inspection of the bridge once scaffolding/MEWPs are in place to allow it.
- The roost identified at Bridge 1 will be retained in situ, and although works are required to repaint the bridge arch, the identified roost will not be directly affected by these works. This crevice will be retained and repair / repainting will be around this identified roost.
- Supervision by a qualified ecologist, under licence, is recommended during each work phase (i.e. vegetation removal, arch cleaning, repainting) to monitor roost health and limit disturbance.
- During the pre-commencement bat surveys if additional bat roosts are identified, these will be retained, unless a variation to the derogation licence is required. Furthermore, if potential suitable roosting features are identified (i.e. deep crevices) these will be retained, where structurally possible. Suitable crevices which cannot be retained for structural reasons will be blocked by a qualified ecologist under licence, following the pre-commencement surveys (i.e. with bubble wrap) to ensure no bats are harmed or entombed during works.
- Vegetation treatment on the bridge will occur between October and February inclusive to comply with the Wildlife Act 1976 (Amendment) 2000. The use of herbicide spraying, such as Glyphosate, should be avoided. All vegetation close to the structure should be removed using hand tools.

The licence has been applied for to ensure that, in the event that bats are found to be roosting in the bridge during the works, that they are appropriately cared for, and no potential for detrimental impacts on the local bat population exists. In addition, the current roost resource will be retained and avoided during the works. As a result, it is not anticipated that the works will impact the favourable conservation status of bats present within the site.

I hope that this is satisfactory for you to consider the grant of a derogation licence for these repair and vegetation removal works. Please do not hesitate to contact me for any further clarification.



Sara Fissolo (B.Sc.)  
MKO Project Ecologist

