

MWP

**Derogation Licence Application under
the European Communities (Birds and
Natural Habitats) Regulations
2011 - 2021
Supporting Information**

Issued to Department of Housing, Local Government and Heritage

March 2025

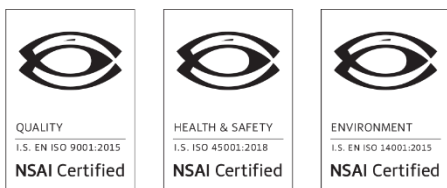
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Appendix 1 – Curriculum Vitae of Applicant

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1. Introduction

This document provides supporting information which has been compiled by the Applicant (Orla van der Noll) to accompany an application for a Derogation Licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011.

The Applicant is an Ecologist (MSc, BSc) at MWP with experience in consultancy since 2021. She is experienced in impact assessment and has strong ecological field survey skills, particularly in ornithology and bats. A copy of the Applicant's Curriculum Vitae, specifically in relation to experience with bat surveys and bat impact assessment, is included for information in **Appendix 1** of this document.

The purpose of this document is to provide sufficient information to the National Parks and Wildlife Service (NPWS) and the Department of Housing, Local Government and Heritage to allow them to make an informed decision regarding the granting of a Derogation Licence to the Applicant to carry out certain bat surveys, where disturbance of bats and/or roosts will/may occur.

As per Section 11 of the 'Application for Derogation Licence' form which is available on the NPWS website and is required to be completed, this supporting document details relevant information in response to the four criteria which are set out, in relation to the level of supporting information required. These are discussed under the following sub-headings.

2. 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.

The Applicant seeks to apply for a Derogation Licence to facilitate specific bat surveys, which are necessary for the effective assessment and management of potential ecological impacts. In particular, the surveys may involve activities that could disturb bats and/or a bat roost, particularly during sensitive periods such as the maternity and hibernation periods as outlined in Regulation 51 of the 2011 Regulations. The primary reason for the application, as specified in Regulation 54 of the 2011 Regulations, is based on option c:

(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 need for the derogation license arises due to the necessity of conducting these surveys in locations where bat roosts are either confirmed or suspected. Such surveys could involve a range of methods, including building/structure and tree inspections (e.g., using endoscopes, mirrors, etc.), presence/absence surveys, roost characterisation surveys, and other established best-practice techniques as detailed in Collins (2023), Marnell et al. (2022), SNH (2021), Collins (2016), and Kelleher & Marnell (2006). These surveys are often a requirement as part of baseline ecological assessments, which in turn inform planning applications for development projects.

It is important to note that various alternatives to the proposed derogation licence have been considered, but they have proven to be unsatisfactory for several reasons. First, non-invasive survey methods that would not disturb bats or roosts are either not feasible or would provide insufficient data to meet the regulatory requirements for assessing ecological impact. For instance, standard observation techniques or use of non-intrusive technologies may not provide the level of detail necessary to determine the presence and or the type of bat roosts, particularly in complex or hard-to-reach areas.

Furthermore, alternative approaches, such as relying solely on external licensed surveyors, would not fully address the timing or scope of the surveys required for compliance. Given the sensitivity of the species and the need for timely, accurate data to inform planning decisions, external licensed surveyors may not always be available within the necessary timeframes, leading to delays in the development process and potentially impacting public interest.

Without the granting of this derogation licence, it would not be possible to undertake the necessary surveys in a timely manner, and essential ecological data would remain uncollected. This would significantly hinder the Applicant's ability to evaluate and mitigate potential impacts on bat populations and their roosts, ultimately preventing developers from fulfilling their obligations under current environmental legislation. The granting of the derogation licence is, therefore, essential to ensure that important survey work can proceed without undue disturbance to the bat population, ensuring that the development proposals are in compliance with both ecological and regulatory standards.

In conclusion, after careful consideration of all available alternatives, it has been determined that the derogation licence is the only viable option to allow these critical surveys to be carried out. The importance of obtaining accurate ecological data to assess the potential impacts of development on bat populations, and the associated risks to public and environmental safety, make the derogation licence the most appropriate and necessary course of action.

3. 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.

As discussed above, the Derogation Licence is being applied for to facilitate general bat survey work carried out as part of the normal role of a professional ecologist (the Applicant), who is adequately qualified and experienced.

There will be no:

- killing, injuring, taking/capturing of any bats
- wilful interference with any breeding/resting places of bats
- damage or destruction of any breeding/resting places of bats
- retaining, selling, transport or exchange of any bats taken in the wild.

The licence is intended to allow for bat surveys to be undertaken where surveys could potentially cause disturbance of bats or their roosts, and/or allow for more comprehensive bat surveys to be undertaken, where roosts are confirmed present.

There will be no physical interference with any bats or roost-sites. All survey work will be undertaken in accordance with current best-practice guidance, as outlined in **Section 2** above, and with any best-practice guidance which may be published within the licence period.

Bearing the above factors in mind, the actions permitted by the Derogation Licence being applied for will not be detrimental to the maintenance of the populations of any bat species at their respective favourable conservation status in their natural ranges, as required under Section 54(2) of the 2011 Regulations.

4. 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.

With regard to survey methods, equipment etc, all survey work will be undertaken in accordance with best-practice guidance, as outlined in **Section 2** above.

All surveys will be carried out in as short a time as possible to allow for the capture of adequate information, while minimising disturbance to bats and roosts.

No specific mitigation measures, over and above what is in line with standard survey methods, are deemed required with regard to any bat species which may be affected.

5. Other Relevant Information

A copy of the Applicant's Curriculum Vitae, specifically in relation to relevant experience with bat surveys and bat impact assessment, is included for information in **Appendix 1** of this document. Further information in relation to the Applicant's general professional ecological experience can be supplied, if required.

6. References

Collins, J. (ed.) (2023). *Bat Surveys for Professional Ecologists: Good Practice Guidelines*, (4th edn). The Bat Conservation Trust, London.

Marnell, F., Kelleher, C. & Mullen, E. (2022). Bat mitigation guidelines for Ireland v2. *Irish Wildlife Manuals*, No. 134. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

SNH, (2021). *Bats and On-shore Wind Turbines: Survey, Assessment and Mitigation*. Version: August 2021. Published by Scottish Natural Heritage.

Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines*, (3rd edn). The Bat Conservation Trust, London.

Kelleher, C. & Marnell, F. (2006) Bat Mitigation Guidelines for Ireland. *Irish Wildlife Manuals*, No. 25. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

Appendix 1
Curriculum Vitae of Applicant

Orla van der Noll
BSc MSc
Ecologist

BSc (Hons) Ecology and Environmental Biology – University College Cork
MSc (1st Class Honours) Marine Biology –Bangor University, Wales
Qualifying Member of The Chartered Institute of Ecology and Environmental Management (CIEEM)

Particular
Expertise

Orla van der Noll has been employed in environmental consultancy since March 2021 and has been working with Malachy Walsh and Partners on a full-time basis since September 2022.

Orla is experienced in field ecology survey techniques and the collation of ecological survey data, where she has engaged in various ecological field surveys, including bats, birds, general mammals, and aquatics around Ireland in line with best practice guidelines.

She has experience with ecological report writing and has completed numerous ecological reports including screening for AA reports, Natura Impact Statements (NIS) and Ecological Impact Assessment (EclA) reports for a range of projects across Ireland.

Employment
History

September 2022 to Present – MWP – Ecologist

March 2021 to Sept 2022 – Inis Environmental Ltd. – Ecologist

Health and
Safety

Safe Pass, MWP In-House Safety Procedures, Preparation of safety statements/risk assessment, Manual handling

CPD

Bat oriented

- Vincent Wildlife Trust – volunteer for lesser horseshoe roost surveys in South Kerry – April to June 2024
- MWP in house training for bat surveying with Dr. Tina Aughney – February 2024
- Bat Conservation Ireland Conference – March 2023

Other CPD

- Certificate in white-clawed crayfish, certificate in freshwater pearl mussel surveys (stage 1 & 2), and certificate in Biological Water Quality Assessment by the Q-value method taught by Pascal Sweeney (May 2024)
 - BTO Licenced trainee bird ringer – Jan 2022 to present – ringing passerines, waterfowl, waders, kingfisher (*Alcedo atthis*), dipper (*Cinclus cinclus*) across Ireland including Killarney National Park and Cape Clear (Oileán Chléire).
 - 15th International Seabird Group Conference, Cork 2022 (The Seabird Group) – Poster presentation on Shag (*Phalacrocorax aristotelis*) survival rates (MSc Thesis).
 - BSBI Botany CPD weekend – May 2023.
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Relevant Experience - Bats

Project Description	<p>Ballinskelligs Hotel Development (April 2023 – Present) This project involves the restoration of a derelict hotel and the development of lands adjacent to expand the tourist offering of the area.</p> <ul style="list-style-type: none"> - Ecology surveys: general walkover, habitats, bat static unit deployment, bat PRA's and tree surveys, bat emergence survey) - Bat data analysis - Bat survey results report for biodiversity chapter
Project Description	<p>Dinis Loop Killarney Lakes Greenway (2024) Dinis loop walkway/cycleway development. Undertaking habitat, invasives, and bat surveys.</p>
Project Description	<p>Inis Cealtra, Co. Clare (Jan 2023 – to August 2024) Tourism project to improve the visitor experience to the island of Inis Celatra on Lough Derg (Shannon).</p> <ul style="list-style-type: none"> - Winter and breeding season bird surveys (transects and waterfowl) - Co-author of the NIS - Bird survey results report writeup - Bat data analysis
Project Description	<p>Cloonmore LRD, Tralee (2023) Large residential housing project in the town of Tralee.</p> <ul style="list-style-type: none"> - Ecology surveys: general walkover, habitats, bat static unit deployment, bat PRA's and tree surveys, bat emergence survey) - Bat data analysis - Author of the Appropriate Assessment Screening Report
Project Description	<p>Port Road, Killarney (Nov 2022 – Present) Residential housing project.</p> <ul style="list-style-type: none"> - Bat surveys for impact assessment on Lesser Horseshoe bat (<i>R. hipposideros</i>). The project lies within 50m of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, which the Lesser Horseshoe bat is a qualifying interest. - Bat data analysis
Project Description	<p>Wind farm Substation and Grid Connection, Ballylongford, Co. Kerry (May – July 2023)</p> <ul style="list-style-type: none"> - EclA - Habitat mapping - Bat data analysis
Project Description	<p>Blackwater Solar, Co. Offaly (March 2023 – Present) Large scale solar farm.</p> <ul style="list-style-type: none"> - Bird data collation, including sensitive bird species - Bird survey report writeup - Bat surveys
Project Description	<p>Kilrush Courthouse, Co. Clare (Dec 2021) Bat surveys (emergence/reentry) for a maternity roost of Natterer's Bat (<i>Myotis nattereri</i>) present in the attic of the OPW building.</p>
