



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

Our Ref: 231014
Your Ref:

27th August 2024

Re: 231014 – MPH Student Accommodation

Dear Sir/Madam,

I am applying for a bat derogation licence, on behalf of McHugh Property Holdings Ltd., in relation to the proposed demolition of two residential dwellings and one derelict dwellings in Coolagh, Co. Galway.

Background

MKO have been commissioned McHugh Property Holdings Ltd to carry out ecological surveys as part of planning application for a proposed residential development proposed to accommodate six new student accommodation buildings and associated amenities. The site of the proposed works area is located in Coolagh, Co. Galway (Grid Ref: M 29862 2722). The development will involve the demolition of three structures within the site boundary. One structure was identified as a bat roost. MKO is applying for a derogation licence on behalf of McHugh Property Holdings Ltd., prior to the planning application submission.

MKO have completed roost inspection and bat activity surveys at the site in May and June 2024. A small number of droppings were found within the attic space of the structure during the inspection. One soprano pipistrelle bat was observed emerging from a three-story house's roof during the roost emergence surveys.

All survey findings support the conclusion that the building likely supports a satellite bat roost, the lowest category of bat roost. No evidence of a large roost (i.e maternity roost) was identified.

The necessary development plans have been designed to minimise any impacts on bats, including their commuting corridors or any other ecological receptors. The proposed development will contain landscape and lighting plans designed with ecological receptors in mind to retain linear features recorded being used by bats. Lighting plans have not yet been finalised, however the recommendations provided by MKO have been included below for your consideration.

A derogation licence is being sought for the proposed demolition works and the removal of the small soprano roost.

Recommendations in place to safeguard bats include:

- *As a bat roost was identified within the three-storey structure, a bat derogation licence must be obtained from NPWS prior to works commencing to account for the destruction of a roost during demolition works. On a highly precautionary basis, although no evidence of active roosting was identified, as small amounts of old droppings were identified in the bungalow, this is also included in the licence application.*



- *Prior to the commencement of any demolition works, a suitably qualified ecologist will provide a toolbox talk to site staff to make them aware of the ecological sensitivities of the site and ensure that they are fully briefed in relation to any bat constraints.*
- *A pre-commencement survey will be carried out by a licenced ecologist, to identify any potential changes in the baseline since these surveys were undertaken in June 2024. This will include the inspection of all structures proposed for demolition.*
- *Demolition works will be undertaken at an appropriate time of year, as agreed with a suitably licenced ecologist.*
- *The lighting plan for the operational phase of the proposed development will be designed with consideration of the following guidelines: Bat Conservation Ireland guidelines; Bat Conservation Ireland (Bats and Lighting: Guidance Notes for Planners, Engineers, Architects and Developers, BCI, 2010) and the Bat Conservation Trust (Guidance Note 08/23 Bats and Artificial Lighting at Night (BCT, 2023), to minimise light spillage, thus reducing any potential disturbance to bats.*
- *Landscaping plans favourable to bats will be designed and involve the retention and enhancement of linear features and/or woodland habitats, where possible.*
- *Alternative roost sites will be provided to compensate for the loss of roosting habitat. Bat boxes will be erected within the site following best practice guidelines (Marnell et al., 2022; NRA 2006). A minimum of 4no. woodcrete bat boxes are recommended for installation. Bat boxes should have a southerly orientation and be positioned at least 3m from the ground, away from artificial lighting from the operational phase of the development. They should be placed adjacent to vegetation features such as treelines and hedgerows to ensure they are close to existing flight paths and can avoid wide open spaces (Collins, 2023). Final bat box locations will be agreed in consultation with a licenced Ecologist. Integrated bat boxes can be considered in the construction of the residential development.*
- *At least one no. bat box will be placed onsite before works commence to allow for relocation of bats potentially found during the works. A Schwegler 2FN Woodcrete bat box, or similar, is recommended for this purpose.*

Preconditions Test

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 site comprises three structures located on a large urban site. Planning permission is sought to allow for new residential development. A small bat roost was found hosting one bat, however a licence is requested to demolish the buildings and effectively remove the roosting place identified.

There is an identified need to add significant additional student accommodation to the existing student accommodation in Galway City to serve the city's three third level institutes: University of Galway, the Atlantic Technological University (ATU) and Galway Technical Institute (GTI). It is expected that the student population will continue to increase over the coming years with CSO projections indicating the 20-24 years cohort will grow to 342,400 by 2026 and 387,000 by 2036. It is forecast that Galway's 20-24 age group will increase by 2,100 by 2026. There is clear recognition that student reliance on the private rental market impacts the availability and supply for mainstream and social housing needs. Therefore, there is an urgent need to meet student accommodation demand through the provision of purpose-built student accommodation. The continued demand for student accommodation is recognised in the Galway City Development Plan 2023-2029 with the stated aim of supporting the provision of new student accommodation in appropriate locations.

The proposed development comprises 586 no. student bedspaces on a greenfield site along the Coolough Road in the north of the city. The proposal would assist in meeting the demand for student accommodation in Galway City over the coming years.

Test 2 – There is no Satisfactory Alternative

There are no satisfactory alternatives to the demolition works to allow for new development.

Do nothing scenario: If the development were to not go ahead, the dwelling would remain in place and likely continue to be used as a low suitability roost. This would result in the lack of provision of student housing as outlined in Test 1.

House retention: This option would encompass the retention of the existing one-off single house on site and the redevelopment of the remainder of the site. This option is not feasible for the following reasons:

- The subject site is zoned 'Residential' in the extant Galway City Development Plan 2023-2029 and is factored into the core strategy housing yield numbers for the City's development up to 2029.
- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended). There is a renewed focus in the 2024 Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Galway, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations.
- The Urban Development and Building Heights Guidelines published by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), are intended to set out national planning policy guidelines on building heights in relation to urban areas. The Guidelines contain Specific Planning Policy Requirements (SPPR) that must be complied with by the relevant planning authority under Section 28 (1c) of the Planning and Development Act 2000 (as amended). The requirement to comply with SPPRs has been established in recent case law following the judgement of *Conway v An Bord Pleanála & Ors* [2023] IEHC 178. It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must



secure: the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000.

Therefore, having regard to the above, the retention of the existing one-off single house on site and the redevelopment of the remainder of the site is not viable as the site would not be in compliance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and the Urban Development and Building Heights Guidelines.

Chosen option: The site does not provide high quality foraging/ commuting habitat as it is located within an urban location, however the landscape and lighting plan have both been designed in collaboration with project ecologists to avoid significant effects on wildlife by design and mitigate any unavoidable impacts. Treelines have been retained with the purpose of maintaining commuting corridors for birds and bats, the loss of the small roost will be mitigated with the provision of bat boxes, lighting has been limited and directed away from suitable bat features wherever possible and 35% of the site will be left as open habitat. The proposed landscaping scheme sensitively responds to the site's environmental and ecological constraints. Options to limit impacts on biodiversity beyond the do nothing scenario have been explored and applied where feasible, in line with safety standards, lighting standards and residential development requirements.

Test 3 – Favourable Conservation Status

Annex IV species must be maintained at Favourable Conservation Status or restored to favourable status if this is not the case at present. The net result of granting a derogation licence must be neutral or positive for the species in question.

One Soprano pipistrelle bat was recorded emerging from one building on the site. A small number of droppings were recorded within the roof of the structure. The bat was recorded exiting a gap in the fascia board positioned below the roof containing bat droppings. The structure does not contain a significant roost (i.e. maternity), it is suspected the roost is an opportunistic roost or satellite roost. A pre-commencement survey will be carried out, to identify any potential changes in the baseline since these surveys were undertaken in June 2024. This will include the inspection of all structures proposed for demolition. Demolition works will commence at an appropriate time of year, as agreed with a suitably licenced ecologist. Implementation of the recommended mitigation within this letter will ensure that there will be no negative impacts to potential roosting bats when works will be undertaken. Alternative roosting locations will be provided which gives roosting opportunity to other bats species also. No significant impacts are anticipated on the local population of Soprano pipistrelle bats.

I hope that this is satisfactory for you to consider the grant of a derogation licence for these proposed works. Please do not hesitate to contact me if you have any further questions.



Laura McEntegart (BSc.)
Ecologist

