

## **Addendum to Derogation Licence Application, Site at Cahervalish, Ballymakegoge, Spa, Tralee, Co. Kerry**

**(Please mark this application for the attention of Aisling in the NPWS who already has an application open under the Applicant's name)**

This document outlines the reasoning behind applying for a Derogation Licence in relation to Common pipistrelle (*Pipistrellus pipistrellus*) and Soprano pipistrelle (*Pipistrellus pygmaeus*) for the application above.

The Dawn-Dusk Bat Survey which took place on the night of the 28<sup>th</sup> August and the morning of the 29<sup>th</sup> August 2024 confirmed Common and/or Soprano pipistrelles (up to 8 individuals) emerging/entering a roost behind the fascia of the roof.

In order to be compliant with Article 16 of the Habitats Directive, three pre-conditions must all met before a derogation from the requirements of Article 12 or Article 13 of the Directive can be granted. The following lists how the proposed development meets these pre-conditions:

1. A reason(s) listed in Regulation 54 (a)-(e) applies

The proposed development meets Regulation 54(2) (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”*.

A report completed by Jim Fitzgerald Consulting Engineers in 2016 examined the building in question and found that the house was in a dilapidated condition. The report stated that the need to remove the floors, inner walls and roof would a set of outer walls that would not be considered stable without further support. The structural integrity of the outer walls were of concern too due to previous flooding and an apparent lack of building standards. The report found that total demolition of the house was necessary.

A subsequent cover letter from October 2024 detailed the findings of an additional survey, which came to the conclusion that the building was unsafe and in need of total demolition and rebuilding.

## 2. No satisfactory alternatives exist

The proposed development of a new residential dwelling is not located on the footprint of the building containing the bat roost in question. However, there are only two access routes to the proposed footprint, one directly in front of the existing building, and one directly behind the rear of the house.

There were three possibilities from the outset: (a) leave the existing building in place (including the bat roost) and construct the new driveway around the rear; (b) refurbish/renovate the existing building to a modern and safe standard; or (c) demolish the building.

Option (a) was discounted as the existing building is deemed unsafe. Option (b) was ruled out on the basis that the engineers report stated that the structural integrity of the building is compromised to the degree that only total demolition will result in a safe outcome.

Having considered two other alternatives in order to leave the bat roost undisturbed, these were ruled out on the basis of public safety.

3. Derogation would not be detrimental to the maintenance of a population(s) at a favourable conservation status.

The entirety of the house was surveyed, finding a single roost of a maximum of eight individuals of Common and/or Soprano pipistrelles. Given the small number of bats recorded, it was considered highly unlikely that it was a maternity roost, given that Common pipistrelles, roost in the summer in groups averaging 75 individuals, and can be up to 200. Soprano pipistrelles gather in even larger groups and can number up to 1,000.

The roost was therefore considered a summer 'resting' roost, as the weather was a prolonged mild spell that would be unlikely to precipitate a search for a hibernation roost. The Bat Mitigation Guidelines for Ireland Version 2 (IWM 134) states that the vast majority of roosts are only used seasonally. This means that works carried out over the winter and early spring would be highly unlikely to encounter live animals.

The species encountered were also two of our most common bat species. They are in fact two of the species with the highest habitat suitability indices (excluding Leisler's bat at 40), at 36 for Common pipistrelle and 35 for Soprano pipistrelle. At the time of survey, multiples of the number of bats found at the roost were recorded flying overhead, utilising the existing treelines and hedgerows.

Finally, a list of mitigations have been recommended and will be implemented with the proposed project. These include the installation of bat boxes appropriately positioned on a stone wall within 20 metres of the existing building, timing the works

over the winter to ensure the absence of live animals, and bat-sensitive lighting which will operate on motion-sensor, short timers.

**From these points, the pre-conditions have been met to ensure the full compliance with Article 16 of the Directive.**

**Signed**

James Whelan

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Project Manager

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25/10/2024