



Wildlife Licencing Unit  
NPWS  
By email

**Our Ref:** 191204  
**Your Ref:**

27<sup>th</sup> of August 2024

**Re: 191204 – GCC Menlo Castle Phase 4 Works**

Dear Sir/Madam,

I am applying for a bat derogation licence, on behalf of Galway City Council, in relation to the Phase 4 erecting of scaffolding and structural repair works on Menlo Castle in Co. Galway. The proposed works will occur outside the bat maternity season.

### **Background**

MKO have been collaborating with 7L Architects and Galway City Council on a phased project to stabilise and conserve the ruins of Menlo Castle. The works are essential to prevent further deterioration and its ultimate collapse (thus reducing or nullifying its potential as a wildlife habitat). The site of the proposed works area is located on the banks of the River Corrib in Galway city (Grid reference: E128479, N227868). MKO have completed a number of ecological surveys and assessments during 2021, 2022, 2023 and 2024 and have consulted extensively with NPWS local staff and Galway City Council. The ruined castle is known to support a roost of lesser horseshoe bats, a barn owl and kestrel nest. Surveys have also revealed a small roost of Soprano pipistrelle and Nathusius' pipistrelle bats located within the castle. The necessary works have been carefully planned to minimise any impacts on these, or any other ecological receptors.

The proposed works involve the stabilisation and conservation of the ruins to prevent their deterioration and collapse. Following the precautionary principle, it has been identified that the Phase 4 works have the potential to cause disturbance to the confirmed pipistrelle species. Whilst no works are proposed on the wall where the main lesser horseshoe roost entrance is located, repointing and stabilisation works are proposed in the vicinity of the main roost and night roosts.

### **Proposed Mitigation Measures:**

1. A precautionary bat derogation licence will be obtained from NPWS prior to works commencing on the structure.
2. A dusk bat survey has been carried out to determine where roosting bats are present and their potential exit points.
3. Prior to the commencement of works, a toolbox talk will be undertaken to ensure that all site staff are fully aware of the sensitivities of the site.
4. No works will be undertaken on the spine wall where the entrance to the Lesser horseshoe roost is located, scaffolding in this area will be designed in such a way as to not block the roost.
5. Following the erection of the scaffolding, a pre-commencement endoscope and visual inspection survey will be carried out by a licenced ecologist, including inspection of all areas where maintenance is



proposed, to search for roosting bats or evidence of roosting bats. Should roosting bats be found, no works will be undertaken in the vicinity to avoid potential disturbance.

6. The loss of potential roosting habitat within the castle will be minimised through the maintenance of as many suitable crevices in the stonework as possible.
7. The confirmed pipistrelle roosts will be retained.
8. All works will be undertaken outside the main period of bat activity (May to August inclusive) and completed before the following maternity season (i.e. May 2025).
9. No lighting options are proposed to illuminate the castle or woodland edge surrounding the works area. Lighting required to facilitate works within the castle will be reasonably managed, with all lighting turned off after working hours. Interior lighting will be directed away from any identified roosts.

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 a sixteenth-century castle (with later additions) in a ruined condition, set alongside the River Corrib. A stable wing is also located adjacent to the site. In the interest of public safety emergency structural repair works are required to maintain the site and to prevent any further damage/deterioration.

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

There are no alternatives to the structural works. The repair works have been designed with specialist architecture and archaeology in mind to retain the remainder of the castle ruin and to prevent any further damage. The current structure has been identified as presenting a high risk and needs to be repaired. If the works are not carried out, the stability of the structure will be compromised and there is a high risk of further damage occurring, if the building were to collapse it would cause damage to the current roosts on site.

### **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.*



This licence is applied for on a precautionary basis. No works are proposed on the main lesser horseshoe bat roost located in the central spine wall. Structural works will commence outside of the main bat maternity season and will conclude before the following season. However, the above listed mitigation measures will be in place to ensure that there are no negative impacts in the event that bats are roosting in any gaps/crevices. Should bats be encountered during the works, the licence will be in place to ensure that any bat is appropriately cared for and no potential for detrimental impacts on the local bat population exists.

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



Kate Greaney (BSc, MSc)  
Ecologist  
MKO

