

A Derogation is sought by Kinwest Ltd. c/o Cooney Carey Consulting Limited, The Courtyard, Carmanhall Road Sandyford Dublin 18 Ireland, Sandyford, Dublin. The contact name for this proposal is Susan McClafferty. The scientific agent is Brian Keeley, Wildlife Surveys Ireland, Deerpark House, Maio, Tierworker, Kells, Meath. The proposal is to allow the exclusion of a Leisler's bat from a beech tree mating perch in the grounds of Auburn House, Dublin Road, Malahide (Irish Grid Reference O 21104 44924). This tree was in use in bat surveys undertaken in 2021 by a single Leisler's bat and will be felled as part of a proposal to construct apartments as listed in the attached report.

1: In order for a derogation licence to be granted, it's purpose must fall under one of the options under Regulation 54 (2) (a-e) of the Birds and Natural Habitats Directive.

(a) In the interests of protecting wild flora and fauna and conserving natural habitats,

(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property

(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,

(d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants, or

(e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule.

The tree is proposed for removal as part of the option (c) in the interests of public health and safety. The site has been identified as one in which housing will be provided for the local and surrounding population. The beech tree has been determined by tree surgeon Andy Worsnop to have a chronic infection of *Ganoderma* with the higher crown in decline and dieback rendering the tree unsafe given the greater increase in human activity within the site that will arise from the move from an estate surrounding the 18th Century house to housing and apartments.

2: Is removal of the tree the only option available and there is a satisfactory alternative.

Regardless of the nature of any proposals within the site, the tree has been identified as being at risk of collapse without warning. If no building were to take place and Auburn House and the other existing houses were to continue as residences for individuals or families, the advice of the tree surgeon is that to retain the tree would create a risk to the residents. The combined design team have taken into account the recommendations from the bat and mammal survey and ecological reports with appropriate lighting design and bat boxes also being provided as part of the landscape design.

Mature and semi-mature trees are being retained during construction and supplemented as part of the design to provide for roosting, foraging and commuting bats as well as screening from light pollution.

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3: A derogation licence is issued with the condition that it is not 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 – (Regulation 54 (2) of the Birds and Natural Habitats Directive). In order for a derogation licence to be issued it must be proven that the actions proposed will not have a detrimental effect on the local bat population. Please provide this information in support of your application.

Mating perches are rarely identified for bats as it appears that they are used during a part of the night but the male does not return to the site prior to sunrise when roosts are most easily

identified. The perch noted is one of four mating perches noted by Wildlife Surveys Ireland in trees in the Dublin area in 2021 (two poplars, an ash and the beech at Auburn House). The tree has considerable rot and the bat may be calling from the entrance to a cavity or may be perched on the open tree bough or limb. It is unknown if mating perches are a limiting factor for Leisler's bats. Given that there are a range of mature trees within the woodland that will not be removed, it is predicted that there may be at most, a short-term or brief disruption to the resident male bat, but given the capacity for the bat to seek alternative trees within the site and the provision of a range of bat boxes within the proposed development, there will be no detrimental effect on the local bat population in the longer term.

The proposed development would commence outside of the breeding season and thus in accordance with the Regulations. The tree would be examined to ensure that no bat is present on or in the tree.

The mitigation proposed for the roost / perch and the site overall are given within the report and include the following:

Checking of the tree perch by a bat specialist for the presence of bats prior to removal

This is best achieved with height access such as a hoist or cherry picker to check the entire tree for suitable cavities. If bats are accessible, they may be removed under licence by the bat specialist. The tree shall be fully examined to identify all cavities, crevices, loose bark etc. that may be used by a bat to determine the features availed of by the bat.

Retention of any resident bats by the bat specialist until the tree is felled and all other suitable roost sites are removed from the site or rendered unusable

Any bats discovered during the examination of the tree shall be removed to safety and retained until all suitable roosts are removed or rendered inaccessible.

Acquisition of a Derogation to allow the removal of bat roosts within stable buildings

A derogation shall be required for disturbance to roost sites of bat species. This requires that a system of protection of bats is in place and that alternative roost sites or access to roosts is provided for bats.

The following measures are proposed to provide appropriate protection for bats:

Supervision of all roof level work within the stable yard by a bat specialist

Protection of any roosting bats during construction operations by a bat specialist.

This may require that bats are captured and cared for by the bat specialist until the work affecting the roost site is complete. Bats should be released into a bat box within another area within the grounds of Auburn and the original roost site re-examined prior to any further work that may affect bats.

Provision of access to all attics within the stable yard for bat following construction

Access shall be provided by means of suitable access slates, vents, or other means to allow bats to return to roofs following all construction work.

Provision of roosting features within attics

Timber rafters shall be provided that create suitable crevices for bats. This shall include similar features to those used within the existing stable buildings in addition to the provision of parallel timbers ("2 x 4" timbers (38 x 89 mm) spaced 15 to 18 mm apart i.e., at a slight angle creating a range of gaps from 15 mm to 18 mm).

No lighting of the roof area of the stable yard or of Auburn House

No lighting shall be directed at the roof or eaves of either Auburn House or the stable yard buildings.

No ornamental lighting shall be attached to the buildings.

Dark corridor of movement for bats from the stable yard and Auburn House to the surrounding lands

No lighting shall illuminate the surrounding area of the stable yard or Auburn House to allow movement of bats through the site and to and from roost sites.

Retention where possible of Category U trees away from public access and activity

Where there is no clear risk posed to public safety, Category U trees shall be retained or rendered safer by reducing the unsafe limbs in favour of felling. The removal of these trees has the greatest impact upon biodiversity, and this should be seen as the option of last resort.

Vegetation cover along the perimeter of the site to allow mammal movement.

Planting along the perimeter of the development shall ensure that there is potential for movement of bats and badgers and other fauna through the site. This shall include shrubbery as well as trees. Trees of a variety of ages and species creates the best habitat compared to planting of trees of the same age and species.

Lighting control

Lighting must be managed to ensure that mature trees are unlit, and that lighting does not overspill into green areas where it is unnecessary. Lighting should not exceed 3 lux away from areas where street and house lighting are essential. No lighting of tree canopies shall occur. Lighting shall be used as a function and not as an ornament and shall be of a design that allows a high level of control and directability. LED allows for controls on timing, directionality and wavelength and should be the source of light.

- Lighting shall be directed downwards away from the treetops and known bat roosts.
- Tree crowns shall remain unilluminated
- All luminaires shall lack UV elements when manufactured and shall be LED
- A warm white spectrum (ideally <2700 Kelvin but as low as Fingal County Council limitations allow) shall be adopted to reduce blue light component
- Luminaires shall feature peak wavelengths higher than 550 nm •
- Light levels shall be controlled by the use of sensor lighting for security.
- Lights must not be left on throughout the night.

Evaluation of lighting following construction

A bat specialist shall examine the lighting and planting upon completion to ensure that lighting provides for access for bats to the woodland. Where there are no suitable access areas, measures to create easier movement of bats through the site shall be introduced through modifications to the lighting that may include cowls, planting, or other options.

Checking of Trees for Bats Prior To / During Felling or Surgery where this is essential

Where there is no alternative to felling or removal of limbs of mature trees, an assessment for the presence of bats must be undertaken. Tree felling and surgery must avoid the summer months to protect nesting birds. At all other times, it should be possible to assess for bats provided that full access to any tree is available to the bat specialist.

If any buildings (walls etc.) are to be removed or modified, including re-pointing, a bat specialist shall ensure that bats are protected.

Bat boxes

21 Schwegler bat boxes (or equivalent) of varying design shall be erected within the remaining woodland to provide a variety of suitable roost sites. These boxes must be away from lighting and shall be no lower than 3 metres from ground level. All other measures to provide roosting opportunities within the stable buildings must also be implemented to make this effective.

All bat boxes shall be in place prior to any work to fell mature trees or within the stable yard.

Brian Keeley
Wildlife Surveys Ireland
April 1st 2022