

**DETERMINATION ON SCREENING FOR APPROPRIATE ASSESSMENT**  
**FOR PROPOSED LESSER HORSESHOE BAT SPECIES ACTION PLAN 2022-2026**

This determination on Screening for Appropriate Assessment (AA) has been made by the Ecological Assessment Unit (EAU) of the Department of Housing, Local Government and Heritage (DHLGH) in accordance with Regulation 42A(8) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 ('the 2011 Regulations')<sup>1</sup>.

On 19 May 2022, in accordance with the requirements of Regulation 42A(3) of the 2011 Regulations, the Minister for Housing, Local Government and Heritage ('the Minister') furnished the EAU with the proposed Lesser Horseshoe Bat Species Action Plan 2022-2026 – see Appendix A to this determination.

The EAU conducted a screening for Appropriate Assessment of the proposed Species Action Plan. The EAU evaluated and analysed the information contained in document referred to above and carried out a screening for appropriate assessment of the proposed Regulations, in view of best scientific knowledge and in view of the conservation objectives of the European sites.

A copy of the evaluation and analysis undertaken as part of the screening for Appropriate Assessment conducted by the EAU is included as Appendix B to this determination. The screening for Appropriate Assessment concluded that there is no possibility that the proposed Regulations would be likely to have any significant effects on any European sites. The principal reasons for this conclusion are:

- The proposed Species Action Plan does not set geographic specificity or sufficient detail relating to proposed specific interventions in the environment that could be predicted to have likely significant effects on European sites.
- That any interventions in the environment that could result from the implementation of the proposed Plan, that are considered exempt development under the proposed Regulations will be de-exempted if they were deemed to require a full Appropriate Assessment (as prescribed by Article 9 of the Planning and Development Regulations 2001, as amended).

EAU therefore determines, in accordance with Regulation 42A(8) of the 2011 Regulations, that an Appropriate Assessment of the proposed Regulations is not required because it can be excluded, on the basis of objective scientific information following a screening AA, that the proposed Regulations individually or in combination with other plans or projects will have a significant effect on a European site or sites.



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**4 August 2022**

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<sup>1</sup> As inserted by Regulation 7 of the European Union (Birds and Natural Habitats) (Amendment) Regulations 2021 (S.I. No. 293 of 2021).

**Appendix A LESSER HORSESHOE BAT SPECIES ACTION PLAN 2022-2026**

**(.PDF attachment)**

## **Appendix B AA Screening Supporting Information**

### **Provision of information to inform screening for Appropriate Assessment under Regulation 42A (3) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended by S.I. 293 of 2021, with respect to Lesser Horseshoe Bat Species Action Plan 2022-2026.**

#### **1.0 Introduction**

Appropriate Assessment (AA) is a process required under Article 6(3) of the EU Habitats Directive. It is transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended, and by Part XAB of the Planning and Development Act, 2000, as amended.

All plans and projects that either individually or in combination with other plans, are likely to have a significant effect on any site in the Natura 2000 network (“a European site”), require an appropriate assessment of these effects to determine if they will adversely affect the integrity of these sites. The screening process scrutinises the plan or project to determine if there are likely significant effects either individually or in combination with other plans, on any site in the Natura 2000 network. These sites include those designated as Special Areas of Conservation or Special Protection Areas. This Screening Report reports the outcome of this analysis of the proposed Lesser Horseshoe Bat Species Action Plan 2022-2026.

The subject of this information note is the proposed Lesser Horseshoe Bat Species Action Plan 2022-2026. The most up-to-date version of the Action Plan is enclosed with this note. The EAU has based its AA Screening determination on these documents.

#### **2.0 Overview and purpose of the proposed Planning and Development (Amendment) (No.4) Regulations 2021 (relating to change of use to residential use for certain proper**

Taken from the Executive Summary:

*“This is the first Species Action Plan (SAP) for the lesser horseshoe bat in Ireland. The aim of the plan is to guide, inform and provide structure for the conservation management of this important species over the next five years (2022-2026).*

*The SAP provides some background to the ecology and status of the lesser horseshoe bat in Ireland. It also includes an overview of the conservation and research activities that has been undertaken to date.*

*The core of the plan is Section 4: Practical Conservation Measures. These measures have been divided into broad categories – Roosts, Habitat, Connectivity, Outreach – with a number of specific actions under each heading. The effective conservation of the lesser horseshoe bat will require cooperation across a number of Departments, agencies and NGOs. Extensive consultation has taken place with these stakeholders in the development and finalisation of this SAP. Arising from this it has been possible to identify timeframes and lead actors for each action. The plan also endeavours to identify cross-over and synergies with other local or national management plans. This SAP provides ambitious*

*but achievable targets for the coordinated conservation of the lesser horseshoe bat during the coming five years.”*

The proposed draft Action Plan includes a summary of current knowledge of the species and its ecology and describes some of the previous conservation measures that have been applied to the species in Ireland.

As stated above, the Section 4 presents the series of actions that will be implemented as a result of adopting the draft Species Action Plan.

### **3.0 Analysis as to whether the proposed Species Action Plan is “directly connected with or necessary to the management of the site”**

Plans or projects that are directly connected with or necessary to the management of a Natura 2000 site do not require Appropriate Assessment. Thus, if an activity is directly connected with and necessary for fulfilling the conservation objectives, it is exempted from the requirement for an assessment.

Whilst the actions/measures proposed in the draft Species Action Plan may be implemented in Natura 2000 sites designated for this species (41 Special Areas of Conservation have been designated for this species), the actions will also be implemented in areas outside of European sites within the range of this species. These measures therefore do not have the sole purpose of managing these sites, but are targeted at the species wherever it occurs.

Therefore, the draft Species Action Plan is not regarded to be a plan that is directly connected with or necessary to the management of a European (Natura 2000) site and is not exempt from the requirement to carry out an AA.

### **3.0 Identification of European Sites within the potential zone of influence of development associated with the proposed Regulations.**

The proposed draft Species Action Plan has a national scale of application, but the nature of the species concerned is that they will only affect specific counties and specific habitats and structures used by this species. Therefore, there is a certain level of geographic specificity to some of the proposed actions in the Plan.

Guidance from Ireland and the European Commission has suggested that the following criteria relating to the nature of the proposal may be used in helping to determine if a proposal is likely to have significant effects on European sites. These include:

- size and scale;
- disturbance;
- land-take;
- distance from the Natura 2000 site or key features of the site;
- resource requirements (water abstraction etc.);
- emissions (disposal to land, water or air);
- excavation requirements; (potential loss of area);
- transportation requirements;
- duration of construction, operation, decommissioning, etc.;
- other.

Irish guidance gives examples of effects that are likely to be significant include the following:

- any impact on an Annex I habitat;
- causing reduction in the area of the habitat or Natura 2000 site;
- causing direct or indirect damage to the physical quality of the environment (e.g., water quality and supply, soil compaction) in the Natura 2000 site;
- causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g., increased noise, illumination and human activities).

Table 1 lists the 41 SACs which have been designated based on the presence of Lesser horseshoe bats:

*Table 1: SACs designated for Lesser horseshoe bats*

<b>Sitecode</b>	<b>Name</b>	<b>County</b>
30	Danes Hole, Poulnalecka	Clare
32	Dromore Woods And Loughs	Clare
37	Pouladatig Cave	Clare
54	Moneen Mountain	Clare
57	Moyree River System	Clare
64	Poulnagordon Cave (Quin)	Clare
90	Glengarriff Harbour And Woodland	Cork
174	Curraghchase Woods	Limerick
238	Caherglassaun Turlough	Galway
286	Kiltartan Cave (Coole)	Galway
297	Lough Corrib	Galway
299	Lough Cutra	Galway
353	Old Domestic Building, Dromore Wood	Kerry
364	Kilgarvan Ice House	Kerry
365	Killarney National Park, Macgillicuddy's Reeks And Caragh River Catchment	Kerry
474	Ballymaglancy Cave, Cong	Galway
527	Moore Hall (Lough Carra)	Mayo
606	Lough Fingall Complex	Galway
1312	Ross Lake And Woods	Galway
1342	Cloonee And Inchiquin Loughs, Uragh Wood	Kerry
1774	Lough Carra/Mask Complex	Ma/Ga
1926	East Burren Complex	Cl/Ga
2010	Old Domestic Building (Keevagh)	Clare
2041	Old Domestic Building, Curraglass Wood	Kerry
2081	Ballinafad	Mayo
2091	Newhall And Edenvale Complex	Clare
2098	Old Domestic Building, Askive Wood	Kerry
2157	Newgrove House	Clare
2158	Kenmare River	Kerry
2173	Blackwater River (Kerry)	Kerry

2179	Towerhill House	Mayo
2245	Old Farm Buildings, Ballymacrogan	Clare
2246	Ballycullinan, Old Domestic Building	Clare
2247	Toonagh Estate	Clare
2314	Old Domestic Building, Rylane	Clare
2315	Glanlough Woods	Kerry
2316	Ratty River Cave	Clare
2317	Cregg House Stables, Crusheen	Galway
2318	Knockanira House	Clare
2319	Kilkishen House	Clare
2320	Kildun Souterrain	Mayo

These sites comprise the list of site that could potentially be affected by plans or projects and are the focus of this screening exercise.

Conservation objectives were accessed on [www.npws.ie](http://www.npws.ie) and have been considered as part of the screening process but for the purposes of brevity these have not been reproduced.

An analysis of the conservation objectives relating to this species in the SACs listed above noted that they all followed a common theme and included the following attributes and targets:

- Population per roost: A figure of 100 bats for summer roosts and 50 bats for winter roosts was set as a minimum qualifying standard (MQS) when SACs were being selected for lesser horseshoe bat.
- Winter roosts: No decline.
- Summer roosts: No decline.
- Auxiliary roosts: No decline.
- Extent of potential foraging habitat: No significant decline within 2.5km of qualifying roosts.
- Linear features: No significant loss within 2.5km of qualifying roosts.
- Light pollution: No significant increase in artificial light intensity adjacent to named roosts or along commuting routes within 2.5km of those roosts.

If any of the proposed actions/measures could lead to any of the targets above being missed then this may constitute a likely significant effect on a European site and hence require the draft Species Action Plan to undergo an AA.

#### **4.0 Consideration of any likely significant effects on European sites.**

Guidance from Ireland and the European Commission has suggested that the following criteria relating to the nature of the proposal may be used in helping to determine if a proposal is likely to have significant effects on European sites. These include:

- size and scale;
- disturbance;
- land-take;
- distance from the Natura 2000 site or key features of the site;
- resource requirements (water abstraction etc.);

- emissions (disposal to land, water or air);
- excavation requirements; (potential loss of area);
- transportation requirements;
- duration of construction, operation, decommissioning, etc.;
- other.

Irish guidance gives examples of effects that are likely to be significant include the following:

- any impact on an Annex I habitat;
- causing reduction in the area of the habitat or Natura 2000 site;
- causing direct or indirect damage to the physical quality of the environment (e.g., water quality and supply, soil compaction) in the Natura 2000 site;
- causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g., increased noise, illumination and human activities).

Table 2 presents a summary of the list of measures that are proposed within the draft Species Action Plan.

<b>Action</b>	<b>Details</b>
<b>4.1</b>	<b>ROOSTS</b>
<b>4.1.1</b>	<b>Roost Recording</b>
4.1a	Continue to update the national database annually with information on new roosts as they are discovered, but also to account for those that have deteriorated, been abandoned or lost and ensure this data is available to all relevant competent authorities.
4.1b	Undertake a review of the roost network across the species' range to identify those areas without adequate roosting opportunities, for example, winter hibernation sites, night roosts and maternity roosts.
<b>4.1.2</b>	<b>Roost Protection</b>
4.1c	Produce a roost resilience audit for 200 lesser horseshoe bat sites to identify the site specific measures needed to ensure the long-term conservation status of the species. This assessment should be based on the methodology used by the VWT and should highlight the priority measures needed at each site. The sites selected for this audit should include all those currently monitored annually plus those considered strategic for maintaining or acting as links between colonies or areas. A priority list for conservation action to be established, based on an objective scoring system.
4.1d	Fund and oversee a multi-annual programme of roost repairs and enhancement works to implement the site specific conservation measures identified in the resilience audit. This programme could be overseen by the creation of a Roost Liaison Officer.
4.1e	Maximise the potential of future Traditional Farm Buildings scheme to support repairs to lesser horseshoe roosts
4.1f	Continue to roll out NPWS farm plans that include repairs and enhancement works for lesser horseshoe bat roosts and foraging habitats.
<b>4.1.3</b>	<b>Roost Buffer Zones</b>

4.1g	Run a pilot study with NPWS staff and volunteers at a number of key roosts in areas at risk of habitat loss to determine key commuting and foraging areas, using both handheld and static detectors.
<b>4.1.4</b>	<b>Roost Monitoring</b>
4.1h	Continue monitoring winter and summer roosts annually and keep the national database up to date.
4.1i	Run a pilot project using CCTV equipment and trained volunteers to test if this method enables emergence counts to be conducted in real time under dim lit conditions, thus removing the need to view recorded footage at reduced replay speeds at a later date.
4.1j	Continue to survey for new roosts, particularly in those areas that border the current known range for the species.
<b>4.2</b>	<b>HABITAT</b>
4.2a	Provide information on roosts of 20 or more bats to all relevant landowners, managers and agencies responsible for landscape projects (e.g. LAs, Coillte, FS, OPW), so measures to enhance habitats in the vicinity of these roosts are incorporated into any management plans they undertake or oversee. This information should include a map that will enable land managers to identify where land owned by them overlaps with roost locations so that appropriate management of this is targeted to benefit the colonies at those roosts.
4.2b	Ensure adequate surveys are undertaken when woodland (native, mixed broadleaved or conifer) or scrub is being felled or cleared within 100m of a lesser horseshoe bat roost. Surveys should assess how these habitats are being used for feeding and commuting by the bats.
4.2c	Incentivise farmers to plant suitable hedgerows under AECM and AECM CPs especially within 2.5km of a roost. Incentives should also be available for the retention and enhancement of existing hedgerows associated with roosts.
4.2d	Promote appropriate planting along watercourses for the purpose of preventing soil erosion, increasing water retention or providing shelter for livestock within 2.5km radius of a roost.
4.2e	Commission research on the impacts of anti-helminthic drugs on dung fauna and the knock-on impacts on lesser horseshoe bats.
4.2f	Provide night roosting facilities within or close to woodland in the vicinity of important bat maternity roosts. The locations of such night roosts should be notified to NPWS so their use will be monitored and evaluated and this information be accessible to all relevant parties.
<b>4.3</b>	<b>CONNECTIVITY</b>
<b>4.3.1</b>	<b>Landscape</b>
4.3a	Provide advice to all relevant parties (FS, Coillte, DAFM, Teagasc and LAs) on ways to improve connectivity between the horseshoe roosts located within each county.
4.3b	Create a steering group to identify and co-ordinate opportunities for conservation measures through land-use plans such as County Heritage and Biodiversity Plans, County Development Plans and AECM co-operative projects.
4.3c	Implement a programme to enhance landscape connectivity between lesser horseshoe bat roosts and foraging grounds.
<b>4.3.2</b>	<b>Lighting</b>



4.3d	Produce guidelines for use by local authorities, OPW and others on the nature of illumination to be used in the vicinity of lesser horseshoe bat roosts and their foraging areas.
4.3e	Evaluate current lighting regimes in the vicinity of key lesser horseshoe bat roosts and their foraging areas and implement site-specific mitigation measures where required.
4.3f	Highlight the overlap between the distribution of the lesser horseshoe bat and Dark Sky Areas and explore ways to promote and enhance both.
<b>4.3.3</b>	<b>Roads</b>
4.3g	Ensure that guidance and advice to road planners and developers is up to date and based on the results from monitoring studies of previous mitigation measures
4.3h	Ensure that mitigation measures are in place and functioning using follow up inspections by relevant local authorities. Consideration of the presence of lesser horseshoe bats is also necessary in the case of small-scale road projects, cycleways, junction improvements.
<b>4.4</b>	<b>OUTREACH, AWARENESS and REVIEW</b>
4.4a	Continue consultation with relevant stakeholders to produce guidelines
4.4b	Run a series of information/training sessions for LA Heritage Officers/Biodiversity Officers, LA ecologists and those in government departments and agencies, relevant OPW and Coillte staff, Conservation Architects and Agricultural Advisors. Sessions to highlight the various implications of this SAP and identify potential methods of engaging with and taking forward the listed actions.
4.4c	Consider ways of providing information to and engaging with the public about the lesser horseshoe bat, particularly across the range of the species
4.4d	Establish a steering group to support and monitor plan implementation
4.4e	Review progress with implementation of this SAP and consider need for a further 5-year SAP for the species

Each of the proposed actions above were analysed to determine a) if there were tangible interventions in the environment that could result directly as a result of implementation of the proposed Action and b) if the subsequent interventions in the environment could result in likely significant effects on European sites.

Actions that would result in interventions in the environment included:

- 4.2d Promote appropriate planting along watercourses for the purpose of preventing soil erosion, increasing water retention or providing shelter for livestock within 2.5km radius of a roost.
- 4.2f Provide night roosting facilities within or close to woodland in the vicinity of important bat maternity roosts. The locations of such night roosts should be notified to NPWS so their use will be monitored and evaluated and this information be accessible to all relevant parties.

- 4.3c Implement a programme to enhance landscape connectivity between lesser horseshoe bat roosts and foraging grounds.

Neither of these two proposed actions are deemed to pose likely significant effects on any European sites. In respect to 4.3c, “appropriate planting along watercourses” for the stated purposes would be positive for the environment and not likely to cause any adverse effects to other ecological features. Action 4.2f is too small in scale to warrant any concerns over likely significant impacts on European sites.

Also, any interventions in the environment that would occur as a result of the implementation of the Species Action Plan that would be considered “exempted development” under the relevant Planning Regulations, would be de-exempted if they were deemed to require a full Appropriate Assessment.

The precise nature of any likely significant effects (or absence thereof) on European sites would be clarified at the stage where a location and scale of such a development proposal would be decided upon.

The proposed regulations are not likely to have any transboundary effects due to the small scale and nature of these types of development.

Therefore, when considered in isolation, the proposed regulations and the implications for developments of this type are not considered to pose any likely significant effects on European sites.

When the proposed draft Species Action Plan was considered in terms of how it may be implemented in combination with other plans and projects, there was no aspect of the proposed Plan that was deemed to pose likely significant effects. Actions proposed under the draft Plan are small-scale and localised in terms of their footprint. Development Plans for these areas will have undergone their own AA and therefore it is reasonable to assume that there will be no likelihood of in-combination effects as all policies and objectives relating to development in these areas will have been tested by the AA process. Similarly, actions carried out under agricultural activities have the necessary safeguards applied to them via legislation that would prevent likely significant effects arising.

## **5.0 Conclusion**

The purpose of this note is to set out the the evaluation and analysis undertaken as part of the screening for Appropriate Assessment conducted by the EAU, pursuant to Regulation 42A (1) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended.

Following an analysis of the current version of the proposed draft Species Action Plan, including in particular, the nature of the actions that could occur as a result of the proposed draft Species Action Plan and the potential relationship with European sites that could result, as well as considering other plans and projects, and applying the precautionary principle, it is the Minister’s view that there is no possibility that the proposed draft Species Action Plan, individually and in combination with other plans and projects, would be likely to have any significant effects on any European sites.