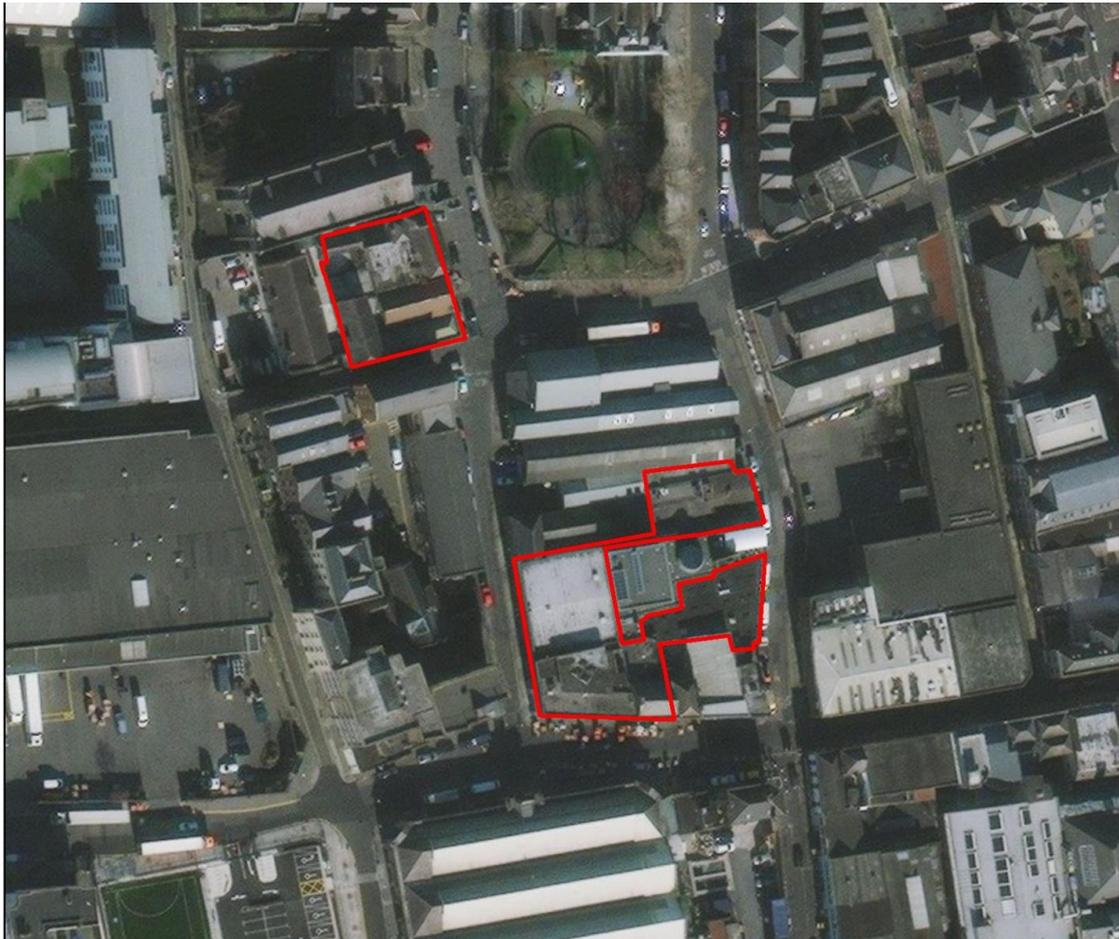


Bat fauna impact assessment for the Mary's Lane Development, Smithfield, Dublin 7.



3rd September 2020

Prepared by: Bryan Deegan (MCIEEM) of Altemar Ltd.
On behalf of: The Fruit Market Partnership

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SUMMARY

Structure:	The site includes 4/5 Little Green Street, 2 Little Green Street, 6 and 8 Mary's Lane, 16/17 Halston Street (17 Halston Street is a Protected Structure (RPS No. 3506)). The site has an overall area of 2,465 sq.m
Bat species present:	None Roosting
Proposed work:	Redevelopment of buildings
Impact on bats:	None
Survey by:	Bryan Deegan MCIEEM
Survey date:	2 nd September 2020

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INTRODUCTION

The proposed development site is situated to the north of the Fruit Market, Dublin 7 bounded by Mary's Lane to the south, Halston Street to the west, Little Britain Street to the north and Little Green Street to the east; and site bounding Cuckoo Lane to the South and Halston Street to the west facing St. Michan's Park (Figures 1 and 2). The site includes 4/5 Little Green Street, 2 Little Green Street, 6 and 8 Mary's Lane, 16/17 Halston Street (17 Halston Street is a Protected Structure (RPS No. 3506)). The site has an overall area of 2,465 sq.m

The Fruitmarket Partnership is proposing the following works:

1. Demolition of all existing structures on site (excluding protected archway at 16/17 Halston Street) and the construction of a Shared Accommodation development with a gross floor area of c.16,152 sq.m. set out in 4 no. blocks, ranging in height from 5 to 14 storeys to accommodate 360 no. bedroom units on a total site area of 2,466 sq.m.

i. Block A: construction of 186 no. bedroom units (in 40 no. "cluster" apartment units), with living/kitchen space provided in each of the 40 no. apartments; shared communal space, reception, laundry and café at ground floor level, gym, games area/general amenity areas, co-working space at first floor level and bicycle parking provided at basement level (224 no. spaces provided), in a 9 to 14 storey block (c.8,025 sq.m. gross floor area) above basement (c.551 sq.m.) on a site measuring c.905 sq.m at 6 and 8 Mary's Lane bounded by Mary's Lane to the south and Halston Street to the west.

ii. Block B: construction of 35 no. bedroom units (in 7 no. "cluster" apartment units), with living/kitchen space provided in each of the 7 no. apartment units, shared communal space, communal amenity space at ground floor level, rooftop garden and bicycle parking provided at ground level (35 no. spaces provided), in a nine storey block (c.1,887) sq.m. gross floor area) on a site measuring c.345 sq.m at 2 Little Green Street bounded by Little Green Street to the east.

iii. Block C: construction of 42 no. bedroom units (7 no. "cluster" apartment units), with living/kitchen space provided in each of the 7 no. apartment units, shared communal space, communal amenity space at ground floor level, rooftop garden and bicycle parking provided at basement level (39 no. spaces provided), in a nine storey block (c.2,091 sq.m. gross floor area) above basement (c.306 sq.m.) on a site measuring c.427 sq.m at 4/5 Little Green Street bounded by Little Green Street to the east.

iv. Block D: the construction of 97 no. bedroom units (7 no. cluster units), with living/kitchen space provided in each of the 7 no. cluster units, shared communal space, reception/lobby, support office, co-work space, amenity areas and coffee dock at ground floor level, meeting rooms, management office, rooftop gardens/terraces provided on a number of floors, and bicycle parking provided at ground level (100 no. spaces provided), in a 5 to 8 storey block (c.4,149 sq.m. gross floor area) on a site measuring c.789 sq.m. at 16/17 Halston Street.

2. Conservation of and works to the existing protected archways located at 17 Halston Street and maintenance works to the Protected Structure with the cleaning of the Stone façade.

3. A total of 398 no. bicycle spaces are proposed to be provided

4. All ancillary site development and landscape works, including retaining walls, sub-station, provision of bin stores, boundary treatments, hard and soft landscaping and provision of foul, surface water and water services on site with connections and modifications to existing.

SITE LOCATION

The proposed development site is located in the Fruit Market, Dublin 7 bounded by Mary's Lane to the south, Halston Street to the west, Little Britain Street to the north and Little Green Street to the east; and site bounding Cuckoo Lane to the South and Halston Street to the west facing St. Michan's Park.

BAT SURVEY

This report presents the results of site visits by Bryan Deegan (MCIEEM) on the 15th of November 2019 and the 2nd of September 2020 during which onsite buildings were inspected for signs of bat use or presence. A bat emergent survey was carried out on the 2nd September 2020.

SURVEY METHODOLOGY

Survey of bat fauna was carried out by means of a thorough internal and external search of the buildings using a powerful torch (320 Lumens) – Led Lenser *H14.2 Head Torch*. The presence of bats is assessed with reference to their signs; principally staining, droppings, feeding signs such as invertebrate prey remains and the presence of bat fly *Nycteribiidae* pupae, although direct observations are also occasionally made. The nature and type of habitats present onsite are also indicative of the species likely to be present.

At dusk, a bat detector survey was carried out onsite using a *Batbox Duet* heterodyne/frequency division detector to determine bat activity. Bats were identified by their ultrasonic calls coupled with behavioural and flight observations. Surveys were carried out having regard to the following guidelines:

- Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016);
- Bat Mitigation Guidelines for Ireland (NPWS, 2006); and,
- Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes (NRA, 2006).

Site visits were carried out on the 15th of November 2019 and the 2nd of September 2020.



Figure 1: Site outline with buildings on site that are proposed to be demolished.

SURVEY CONSTRAINTS

The detector survey was undertaken during the active bat season in late August. Weather conditions were good with mild temperatures of 20°C after sunset. Winds were light and there was no rainfall.

DESCRIPTION OF THE BUILDINGS FROM THE PERSPECTIVE OF BAT HABITAT

All structures are in relatively good condition with intact roofing and little or no water ingress into the structures (Plates 1 and 2). Potential bat roosting opportunities exist beneath slates, within decayed eaves, behind shuttering and lead flashing and within darkened roof spaces. Onsite vegetation (Plate 1) may also be of interest as roosting sites for bats.

BAT ASSESSMENT FINDINGS

REVIEW OF LOCAL BAT RECORDS

The review of existing bat records (sourced from *Bat Conservation Ireland's* National Bat Records Database) within a 1km radius of the study area reveals that four of the nine known Irish species have been observed locally. These include common (*Pipistrellus pipistrellus sensu lato*) and soprano pipistrelle (*P. pygmaeus*), Daubenton's Bat (*Myotis daubentonii*) and Lesser Noctule (Leisler's) (*Nyctalus leisleri*) bats as shown in Table 1 below.

A data search of the National Biodiversity Data Centre online data revealed four bat species within the 2km grid (O13Q). These were Daubenton's Bat (*Myotis daubentonii*), Lesser Noctule (*Nyctalus leisleri*), Pipistrelle (*Pipistrellus pipistrellus sensu lato*) and Soprano Pipistrelle (*Pipistrellus pygmaeus*).

Table 1: Status of bat species within a 1km radius of the study location

Common name	Scientific name	Presence	Source
Leisler's bat	<i>Nyctalus leisleri</i>	Present	BCIreland

STRUCTURE SURVEY

Bats would potentially have good access to the buildings as the building has numerous potential access points throughout the structures. No corpses were found and the absence of droppings and other evidence indicated that no activity by bats had or was occurring within any of the buildings. The survey was repeated externally. No sign of bats was noted in or on the buildings.

DETECTOR SURVEY

No bats were detected on site or emerging from any of the onsite structures.

POTENTIAL IMPACTS OF PROPOSED REDEVELOPMENT ON BATS

Unused buildings often harbour bats and, if present, the animals are vulnerable to roost loss, injury and death if such buildings are renovated or demolished. No roosts or bats emerging from the onsite buildings was observed. The trees on and adjacent to the site have no features that would act as potential roosting areas.

MITIGATION MEASURES

As no evidence of a bat roost was noted in any of the onsite structures, no mitigation measures in regard to these animals are needed during the proposed works. There is also no requirement for a *National Parks and Wildlife Service* derogation licence application to allow the planned works. Although mitigation measures are not required, as a precaution, during roofing works, it is advisable to have a secure box/container on standby in the off chance of a bat being found beneath any slate being removed. The animal can then be removed

from harm's way, transferred to the box and retained safely until after sunset on the same day when it should be released onsite by placing it high on an external wall.

PREDICTED AND RESIDUAL IMPACT OF THE PROPOSAL

There is no evidence of a current or past bat roost in the structures therefore no negative impacts on these animals are expected to result from the proposed redevelopment. The proposed development is within a built-up area with existing lighting. The likelihood bat collision is not significant as the materials proposed for the apartment blocks are generally solid and would have good acoustic properties to reflect echolocation signals. As a result the buildings would be clearly visible to bat species. No roosts are present within the buildings. The impact of the proposed development on bats will be negligible in the short and long term.

LEGAL STATUS AND CONSERVATION ISSUES – BATS

All Irish bat species are protected under the Wildlife Act (1976) and Wildlife Amendment Acts (2000 and 2010). Also, the EC Directive on The Conservation of Natural habitats and of Wild Fauna and Flora (Habitats Directive 1992), seeks to protect rare species, including bats, and their habitats and requires that appropriate monitoring of populations be undertaken. All Irish bats are listed in Annex IV of the Habitats Directive and the lesser horseshoe bat *Rhinolophus hipposideros* is further listed under Annex II. Across Europe, they are further protected under the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1982), which, in relation to bats, exists to conserve all species and their habitats. The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention 1979, enacted 1983) was instigated to protect migrant species across all European boundaries. The Irish government has ratified both these conventions.

All Irish bats are listed in Annex IV of the Habitats Directive and the lesser horseshoe bat is further listed under Annex II.

The current status and legal protection of the known bat species occurring in Ireland is given in the following table.

Common and scientific name	Wildlife Act 1976 & Wildlife (Amendment) Acts 2000/2010	Irish Red List status	Habitats Directive	Bern & Bonn Conventions
Common pipistrelle <i>Pipistrellus pipistrellus</i>	Yes	Least Concern	Annex IV	Appendix II
Soprano pipistrelle <i>P. pygmaeus</i>	Yes	Least Concern	Annex IV	Appendix II
Nathusius pipistrelle <i>P. nathusii</i>	Yes	Not referenced	Annex IV	Appendix II
Leisler's bat <i>Nyctalus leisleri</i>	Yes	Near Threatened	Annex IV	Appendix II
Brown long-eared bat <i>Plecotus auritus</i>	Yes	Least Concern	Annex IV	Appendix II
Lesser horseshoe bat <i>Rhinolophus hipposideros</i>	Yes	Least Concern	Annex II Annex IV	Appendix II
Daubenton's bat <i>Myotis daubentonii</i>	Yes	Least Concern	Annex IV	Appendix II
Natterer's bat <i>M. nattereri</i>	Yes	Least Concern	Annex IV	Appendix II
Whiskered bat <i>M. mystacinus</i>	Yes	Least Concern	Annex IV	Appendix II
Brandt's bat <i>M. brandtii</i>	Yes	Data Deficient	Annex IV	Appendix II

Also, under existing legislation, the destruction, alteration or evacuation of a known bat roost is a notifiable action and a derogation licence has to be obtained from the *National Parks and Wildlife Service* before works can commence.

It should also be noted that any works interfering with bats and especially their roosts, including for instance, the installation of lighting in the vicinity of the latter, may only be carried out under a licence to derogate from

Regulation 23 of the Habitats Regulations 1997, (which transposed the EU Habitats Directive into Irish law) issued by NPWS. The details with regards to appropriate assessments, the strict parameters within which derogation licences may be issued and the procedures by which and the order in relation to the planning and development regulations such licences should be obtained, are set out in Circular Letter NPWS 2/07 "Guidance on Compliance with Regulation 23 of the Habitats Regulations 1997 - strict protection of certain species/applications for derogation licences" issued on behalf of the Minister of the Environment, Heritage and Local Government on the 16th of May 2007.

Furthermore, on 21st September 2011, the Irish Government published the European Communities (Birds and Natural Habitats) Regulations 2011 which include the protection of the Irish bat fauna and further outline derogation licensing requirements re: European Protected Species.

REFERENCES

Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) 1982

Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979

EC Directive on The Conservation of Natural habitats and of Wild Fauna and Flora (Habitats Directive) 1992

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Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016)
https://cdn.bats.org.uk/pdf/Resources/Bat_Survey_Guidelines_2016_NON_PRINTABLE.pdf?mtime=20181115113931&focal=none

Bat Mitigation Guidelines for Ireland (NPWS, 2006)
<https://www.npws.ie/sites/default/files/publications/pdf/IWM25.pdf>

Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes (NRA, 2006).
https://www.tii.ie/technical-services/environment/planning/Best_Practice_Guidelines_for_the_Conservation_of_Bats_in_the_Planning_of_National_Road_Schemes.pdf