



**NPWS**

An tSeirbhís Páircanna  
Náisiúnta agus Fiadhúlra  
National Parks and Wildlife  
Service

**Derogation Number  
DER-BAT-2026-07**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS, 2011  
(S.I. No 477 of 2011)**

**DEROGATION**

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as “the Habitats Regulations”.

The Minister for Housing, Local Government & Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Kate Donlan of Church Road Limited Partnership, Derrybeg, Ballyclough, County Limerick** a derogation. It is stated that this derogation is issued:

- A. 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
- B. As there is no satisfactory alternative, and the action authorised by this derogation will not be detrimental to the maintenance of the population of **bats** referred to below at a favourable conservation status in their natural range.

This derogation authorises the following:

- 1. Roost disturbance
- 2. Actions authorised within the derogation

The derogation is issued in respect of the following **bat species**:

- |                        |                                  |
|------------------------|----------------------------------|
| • Lesser Horseshoe Bat | <b>Rhinolophus Hipposideros</b>  |
| • Brown Long-Eared Bat | <b>Plecotus Auritus</b>          |
| • Natterer’s Bat       | <b>Myotis Nattereri</b>          |
| • Common Pipistrelle   | <b>Pipistrellus Pipistrellus</b> |
| • Soprano Pipistrelle  | <b>Pipistrellus Pygmaeus</b>     |
| • Daubenton’s Bat      | <b>Myotis Daubentonii</b>        |
| • Whiskered Bat        | <b>Myotis Mystacinus</b>         |



### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Cahercon House, Cahercon, Kiladysert, County Clare** for **Kate Donlan**
2. All activities authorised by this derogation, and all equipment used in connection herewith, shall be carried out, constructed and maintained (as the case may be) so as to avoid unnecessary injury or distress to any species of **BAT**. Anything done other than in accordance with the terms of this derogation may constitute an offence
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The mitigation measures outlined in the application report (**Regulation 54 Derogation Application**
5. **Cahercon House, Co. Clare**) together with any changes or clarification agreed in correspondence between NPWS and the agent or applicant, are to be carried out. Strict adherence must be paid to all the proposed measures in the application.
6. The actions which this derogation authorise shall be completed between **1<sup>st</sup> January – 28<sup>th</sup> February 2026, inclusive**.
7. The works will be supervised by bat ecologist(s): **Tom O'Donnell, Oisín O'Sullivan, Claire McCarthy & Colm Breslin**
8. All mitigation measures in the Bat Survey Report included in the application (Section 4 of the report) to be implemented. With the following clarification regarding the opening/s. At least one access point for Lesser Horseshoe bats must be maintained during the works, and permanently following the works. This must be either a window or board with an opening of a minimum size of 50cm x 50cm. The bats must have access from there to the attic. A sign must be placed on the window with access to ensure the access is maintained open and a sign must be placed on any doors and/or attic hatches that must be open to retain their access.
9. If this derogation addresses works that are subject of a planning application, no such works permitted under this derogation can occur until planning permission is granted.
10. If this derogation expires prior to works permitted under this derogation commencing, a new application must be sought in advance, including the provision of any updated data or reports.
11. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or an authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
12. The local **NPWS District Conservation Officer – David Lyons**, [davida.lyons@npws.gov.ie](mailto:davida.lyons@npws.gov.ie), must be contacted prior to the commencement of any activity, and if bats are detected on site during the course of the work, under the terms of this derogation.
13. On completion of the actions which this derogation authorises, all recordings of bat species affected will be made using the standardised Returns form and must be submitted to the NPWS **within four weeks of the expiry date of this derogation**. Included with the Returns form, a report will also be submitted to [wildlife.reports@npws.gov.ie](mailto:wildlife.reports@npws.gov.ie) detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



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National Parks and Wildlife  
Service

**For the Minister for Housing, Local Government & Heritage**

(an officer authorised by the Minister to sign on his behalf)

**14 November 2025**

Any query in relation to this derogation should be sent to [reg54derogations@npws.gov.ie](mailto:reg54derogations@npws.gov.ie)





## Derogation Assessment

**Name of Applicant:** Kate Donlan

**Location/Name of Project:** Cahercon House, County Clare

**Tick the following prohibition as chosen on the application:**

(a) Deliberately capture or kill any specimen of the relevant species in the wild	<input type="checkbox"/>
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input checked="" type="checkbox"/>
(c) Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
(d) Damage or destroy a breeding or resting place of such an animal, or	<input type="checkbox"/>
(e) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	<input type="checkbox"/>
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
(b) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	<input type="checkbox"/>

### Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason the applicant claims should be applied to the derogation

(a) In the interests of protecting wild flora and fauna and conserving natural habitats,	<input type="checkbox"/>
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>
(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	<input type="checkbox"/>
(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.	<input type="checkbox"/>



ii. Test 1: Conclusion

Please tick the following where it applies:

There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity:	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

**Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:**

The application form and associated documentation provided by the applicant has been reviewed in full. The application relies on 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'* as the reason chosen for a derogation that they believe applies to the proposed activity.

In the detail provided, it is clear that the applicants are relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C.

As outlined on page twenty of the accompanying report the derogation is required to assist with proposed works at Cahercon House, Co. Clare. The objective of the works is to remove and replace a number of windows of the structure noted as a protected building. The report outlines the building will deteriorate without these remedial works and the structures conservation is necessary for the public interest given its protected status.

The applicants have provided evidence as to the nature and scale of the public interest including those of a social or economic nature for the proposed works and the proposed activity is necessary to achieve these overall objectives. Based on the above this application has passed Test 1 and can now proceed to Test 2



## Test 2: Absence of a satisfactory alternative

Please tick the following where it applies and add a comment below to support the recommendation:

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

**Please outline your analysis below and state how the applicant has provided evidence to support your conclusion (If you wish to add additional conditions please complete pg. 6):**

The documentation submitted by the applicant has been reviewed, including the evidence for alternative solutions.

The purpose of the derogation is to allow the following activity to take place: The replacement of windows in a protected structure.

The specific situation that needs to be addressed is the potential for disturbance to a known Lesser Horseshoe Bat Hibernation roost.

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario: *“Under a do-nothing scenario the maintenance works to repair the remaining windows of Cahercon House will not be completed. In the short term there would be no impact on roosting bats. In the medium to long term the interior of the building would continue to deteriorate potentially reducing the suitability for roosting bats”* – This assessment is accepted the repairs are required to ensure the long term protection of the structure and its deterioration will impact on Bat usage.
2. Alternative 2: Complete Exclusion of Roosting Bats – *“The second alternative solution considered was total exclusion of the bat roost from the house. This is not considered necessary for the current maintenance works which can be completed while avoiding significant disturbance through seasonal avoidance primarily. It is concluded that the level of impact from full exclusion from the building on the roosting bats is excessive and unnecessary for the scale of maintenance works being completed under the Section 57 Declaration. This solution was not considered suitable, and alternative options are required”* – This assessment is accepted, a full exclusion is not merited at this stage of the project.
3. Alternative 3 – Works Continue with Mitigation - *The final alternative considered is the continuation of works, following the mitigation laid out in Section 4 of this report, which largely consists of seasonal and spatial avoidance of roosting bats. This involves the retention of that access to the building via three window openings, which will not be replaced), with works limited to December to February inclusive when bats are not likely to be day roosting in the upper floors or attics of the main house. There will also be complete avoidance of works in the basement floor to avoid disturbance of any bats that may be roosting there. These works may cause minor, temporary noise and vibration disturbance. However, there is significant alternative known hibernation roosting space in the Gate Lodge (hibernation) Alternative 3 was considered the most suitable option in this instance”* – This assessment is accepted

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on pages 20-21 of the accompanying report a number of alternative solutions, including the “do-nothing alternative” were examined by the applicant.

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent.

Having weighed the possible solutions to solve the applicant’s problem against the effects of a derogation on the species concerned, it is concluded that the application has passed Test 2 and can proceed to Test 3

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.



### Test 3: Impact of a derogation on conservation status of the species

Please tick the following where it applies and add a comment below to support the recommendation:

The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

**Please outline your analysis below and state how the applicant has provided evidence to support your conclusion. (If you wish to add additional conditions please complete pg. 6)**

Essential repairs are required for this historic building. Bat surveys have identified the areas being used by lesser horseshoe bats and appropriate mitigation has been proposed which will minimise the impact on bats. Providing the proposed mitigation measures are implemented there should be no significant impact on the conservation status of the bats on site

If the answer above is Yes then the derogation may be granted, providing Tests 1 and 2 have also been met.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.





### Derogation decision

The application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, has been assessed by officials in the Department and the following decision has been made:

#### **Tick box where appropriate:**

There is no satisfactory alternative

☒

and the derogation 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.

☒

Therefore, a derogation may be granted to the applicant, since it is—

(a) in the interests of protecting wild fauna and flora 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 repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the 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.

☐

**OR This application has been refused as one or more of the conditions set out above have not been met**

☐



The following conditions should be attached to the derogation:

1. All mitigation measures in the Bat Survey Report included in the application (Section 4 of the report) to be implemented. With the following clarification regarding the opening/s. At least one access point for Lesser Horseshoe bats must be maintained during the works, and permanently following the works. This must be either a window or board with an opening of a minimum size of 50cm x 50cm. And the bats must have access from there to the attic. A sign must be placed on the window with access to ensure the access is maintained open. And a sign must be placed on any doors and/or attic hatches that must be open to retain their access.

*Kate Greaney*

Signed: .

Date: November 14, 2025

Position: Ecologist