



**NPWS**

An tSeirbhís Páircenna  
Náisiúnta agus Fiadhúlra  
National Parks and Wildlife  
Service

**Derogation Number  
DER-BAT-2026-13**

**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 **Zunetta Herbett of Cappaghglass, Rossbrin Cove, Ballydehob, County Cork** 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>     |
| • Leisler’s Bat        | <b>Nycatalus Leisler</b>         |



### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Cappaghglass, Rossbrin Cove, Ballydehob, County Cork** for **Zunetta Herbett**
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 (**Bat Survey and Assessment Cappaghglass Rossbrin Cove Ballydehob Co. Cork**) 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.
5. The actions which this derogation authorise shall be completed between **1<sup>st</sup> January – 1<sup>st</sup> May 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Karen Banks**.
7. The night roost that is to be provided, as per the design outlined in Measure 1 of the accompanying bat report, must be installed prior to any work taking place on the existing building.
8. The night roost will be located next to an existing hedgerow. This hedgerow is to be extended by planting suitable native trees and shrubs. Again, the planting of any new trees and shrubs should take place prior to any works on the existing building in order to allow the new plants time to establish and act as commuting pathways for bats to the new roost.
9. Works on the existing building are to take place between 1<sup>st</sup> September and 1<sup>st</sup> May to avoid disturbance to any roosting bats. A qualified ecologist with specialist knowledge and experience of working with bats should supervise works that may come across any roosting bats
10. No external lighting that could shine on the new night time roost or along the hedgerow that leads to the new roost is to be installed
11. 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.
12. 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.
13. 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.
14. The local **NPWS Conservation Ranger – David Rees**, [david.rees@npws.gov.ie](mailto:david.rees@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.
15. 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)

**27 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:** Zunetta Herbett

**Location/Name of Project:** Cappaghglass, County Cork

**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 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 checked="" 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 three of the accompanying report the derogation is required to assist with proposed works at Cappaghglass, Rossbrin Cove, Ballydehob, Co. Cork.

The objective of the works is for the refurbishment and extension of a derelict structure and associated works to fulfil a housing need. The provision of housing in Ireland is at a critical juncture and the public interest of same can be balanced against the conservation aims of the Directive.

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):**

1. Do-Nothing” scenario

However, that option is not feasible as the dwelling is falling into disrepair, if nothing is done it will fall further into disrepair and beyond reasonable cost of repair. I would agree with this and if the building falls into disrepair could result in the loss of the roost

2. Alternative 1

The proposed development is for the renovation of an existing dwelling, therefore an alternative location is not a feasible option. The applicant has shown that an alternative location for their building is not an option.

The applicant [has] provided satisfactory evidence that alternative solutions have clearly been considered. As outlined in section 6.1 on page [ 16] 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="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 bat survey recorded low numbers of bats using the site and low levels of activity. However, it did record Lesser Horseshoe Bat, an Annex II species in unfavourable conservation status. Individuals of this species may use the building in question as a night roost. The building, if left alone, will deteriorate over time and will become less suitable for bats as a roost. Appropriate and proportionate mitigation is included in the bat report, including installing a purpose built night roost structure as an alternative. The proposed design for this roost is a recognised design for Lesser Horseshoe Bats, and once installed should provide a suitable replacement roost for the bats. As long as the mitigation measures proposed in the bat report are implemented in full, and the new night roost is in place and ready for use prior to any works being carried out on the existing building, there should be no significant impact on the conservation status of the bat species 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. The night roost that is to be provided, as per the design outlined in Measure 1 of the accompanying bat report, must be installed prior to any work taking place on the existing building
2. The night roost will be located next to an existing hedgerow. This hedgerow is to be extended by planting suitable native trees and shrubs. Again, the planting of any new trees and shrubs should take place prior to any works on the existing building in order to allow the new plants time to establish and act as commuting pathways for bats to the new roost.
3. Works on the existing building are to take place between 1<sup>st</sup> September and 1<sup>st</sup> May to avoid disturbance to any roosting bats. A qualified ecologist with specialist knowledge and experience of working with bats should supervise works that may come across any roosting bats.
4. No external lighting that could shine on the new night time roost or along the hedgerow that leads to the new roost is to be installed.

Signed: .

Date: November 27, 2025

Position: Ecologist