



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-134**

**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 **Michael Moloney of Limerick City & County Council, LA Housing Construction & Maintenance, Dooradolye, Limerick, County Limerick, V94 WV78** 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**:

- **Soprano Pipistrelle** **Pipistrellus Pygmaeus**



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Shanagolden Garda Station, Main Street, Ballycormick, Shanagolden, County Limerick** for **Michael Moloney**
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. In addition, the Minister reserves the right to revoke the derogation where updated information indicates that the basis upon which the derogation was granted has materially changed.
4. The mitigation measures outlined in the application report (**Shanagolden Garda Station – Bat Report**) 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 **20th February – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Dominic Tilley**.
7. Works to the attic and roof will be scheduled outside the peak bat maternity period (May-August)
8. A bat-sensitive lighting plan will be adopted to minimise light spill on roost access points and foraging corridors. Warm-spectrum, low-intensity lighting will be used with directional control and timers where appropriate.
9. Existing hedgerows and treelines that support commuting and foraging behaviour will be retained. Where minor vegetation loss occurs, native planting will be used to maintain habitat connectivity.
10. Remedial timber treatment will use ‘bat safe’ approved chemicals.
11. Bat safe roofing membranes will be used.
12. 2 x bat boxes suitable for housing a pipistrelle maternity roost will be installed on site with at least one of these erected on the gable end of the building adjacent to the current roost entry point
13. 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.
14. 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.
15. 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.
16. The local **NPWS Regional Manager – Aine Lynch**, aine.lynch@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.
17. 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 detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



For the Minister for Housing, Local Government & Heritage

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

24 February 2026

Any query in relation to this derogation should be sent to reg54derogations@npws.gov.ie





Derogation Assessment

Name of Applicant: Michael Moloney

Location/Name of Project: Shanagolden Garda Station, County Limerick

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 two of the accompanying report titled “Derogation Supporting Document”, a derogation is required to assist with proposed works at a former Garda station in Shanagolden, Co. Limerick.

The objective of these works is the renovation and conversion of the Garda station into a number of residential units, which will assist in addressing local and national housing needs. As the building is currently in a state of disrepair, the report outlines on page five how this project will contribute “to the reuse of existing housing stock” and as the former station is located in the town centre will assist with “the revitalisation” of a rural community. The report further notes as the building is a protected structure, the works will support local planning objectives related to “heritage conservation, and sustainable development.”

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: renovation and adaptive reuse of a disused Garda Station located in Shanagolden, Co. Limerick. The specific situation that needs to be addressed is: The attic space contains a Soprano Pipistrelle bat roost. The alternative solutions suggested by the applicant are: leaving the structure untouched was considered not viable. Whilst the building is not currently at risk of collapse, further deterioration would lead to the building becoming structurally unsound and collapsing.

Avoiding works to the roost area was explored. However, the roost is located within the attic space, which is integral to the structure and cannot be isolated from the necessary repairs. Relocation of the development is not feasible. The project involves the renovation of an existing historic dwelling on a fixed site. The applicant is not proposing a new build but the restoration and extension of a long-standing structure. The location is intrinsic to the project and cannot be altered.

- a. “Do-Nothing” scenario: Leaving the building untouched would result in continued structural deterioration. The roost, while currently viable, is at risk of collapse or degradation due to water ingress, dry rot, and lack of maintenance. This would ultimately lead to the loss of the roost without any ecological oversight or mitigation. Additionally, the building would remain unused, failing to deliver the public benefits of housing, heritage conservation, and environmental improvements.
- b. Alternative 1: Avoiding works to the attic; The attic is structurally compromised and requires renovation to ensure the safety and integrity of the building. Avoiding works in this area would prevent the building from being brought up to habitable standards and would not meet planning or building regulations. It would also fail to address the long-term viability of the roost, which may be lost through unmanaged decay.
- c. Alternative 2: Creating or enhancing alternative bat habitats off-site was considered as a compensatory measure. However, this does not address the immediate need to manage the existing roost in the Garda Station, nor does it prevent the risks posed by the deterioration of the current structure. Bats are highly site-faithful, and relocation to new habitats – even if enhanced – is uncertain and may not be successful. Conservation best practice prioritises in situ protection and mitigation over displacement or offsetting: In line with the Bat Mitigation

Guidelines for Ireland – Volume 2, the following measures will be implemented to ensure that the derogation does not negatively affect the conservation status of the species:

- Timing of Works: Works to the attic and roof will be scheduled outside the peak bat activity season (May-August) unless otherwise agreed with NPWS. This will minimise the risk of disturbance to roosting bats.
- Lighting Strategy: A bat-sensitive lighting plan will be adopted to minimise light spill on roost access points and foraging corridors.
- Habitat Protection: Existing hedgerows and treelines that support commuting and foraging behaviour will be retained.
- Remedial timber treatment using ‘bat safe’ approved chemicals.
- Bat safe roofing membranes
- Installation of bat boxes of suitable size and configuration for species and numbers present.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 5-6 of the accompanying report 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)

A small soprano pipistrelle maternity roost is present within the building in question. Soprano pipistrelles are widespread and abundant in Ireland and are in favourable conservation status. This species is also adaptable and quick to occupy new roosting features.

Suitable and proportionate mitigation has been proposed, including the provision of alternative roosts in the form of maternity bat boxes. Providing these mitigation measures are implemented (and please see suggested conditions below), I am satisfied that the works will not be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.

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. Works to the attic and roof will be scheduled outside the peak bat maternity period (May-August)
2. A bat-sensitive lighting plan will be adopted to minimise light spill on roost access points and foraging corridors. Warm-spectrum, low-intensity lighting will be used with directional control and timers where appropriate.
3. Existing hedgerows and treelines that support commuting and foraging behaviour will be retained. Where minor vegetation loss occurs, native planting will be used to maintain habitat connectivity.
4. Remedial timber treatment will use 'bat safe' approved chemicals.
5. Bat safe roofing membranes will be used.
6. 2 x bat boxes suitable for housing a pipistrelle maternity roost will be installed on site with at least one of these erected on the gable end of the building adjacent to the current roost entry point

Signed:

Date: February 24, 2026

Position: Ecologist