



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-144**

**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 **Donegal County Council** of **County Donegal**, **The Diamond, Lifford, County Donegal, F93 Y622** 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**:

- **Daubenton’s Bat** **Myotis Daubentonii**



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Glenmore Bridge along the R232, Tieveboy, County Donegal for Donegal County Council**
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 (**R232 Glenmore Bridge Widening & Road Realignment Scheme Bat Licence Supporting Information**) 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 **5th March – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Síofra Sealy**
7. 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.
8. 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.
9. 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.
10. The local **NPWS Conservation Ranger – Melinda Swann**, melinda.swann@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.
11. 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.**



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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)

05 March 2026

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





Derogation Assessment

Name of Applicant: Donegal County Council

Location/Name of Project: Glenmore Bridge (R232), Tieveboy, County Donegal

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 public health and public safety aspect of Reason C. As outlined in the accompanying document titled "Bat licence supporting information", a derogation is required for proposed works at Glenmore Bridge, Co. Donegal.

The objective of the works as outlined in the report is to widen and realign the bridge, which is an important road link close to Donegal Town. The report outlines on page ten that the works will improve safety for road users on the bridge, which currently has a substandard road design. The bridge, showing signs of slippage and cracks will be widened and upgraded to meet the requirements of a single carriageway.

The applicant has provided evidence as to the nature and scale of the public health and public safety aspect 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: Deliberately disturb the bat species - *Myotis daubentonii* particularly during the period of breeding, rearing, hibernation and migration

The specific situation that needs to be addressed is the road improvement project at Glenmore Bridge is needed for the following reasons:

The carriageway width on the Glenmore Bridge is 5.5m, with no hard strips over a distance of 35m. This is substandard according to the current road design requirements as per TII

The vertical alignment of the roadway over the bridge is substandard with a sag curve over the bridge. The existing road immediately over the bridge is showing signs of slippage with pavement surface cracks appearing on the eastbound carriageway that has been sealed on a number of occasions.

In order to improve safety for road users, this section of the R232 is proposed to be upgraded to meet the requirements of a Type 2 single carriageway.

The alternative solutions suggested by the applicant are:

Alternative 1 - The following has been put in by the applicant:

A derogation licence will be granted prior to the commencement of any construction works.

- The bridge will be inspected by the ecologist no more than three weeks in advance of the works. The ecologist will be licenced to undertake invasive surveys that could disturb bats.
- The exclusion of the roost and other features will take place between March and October inclusive, in order to avoid the period when bats are in hibernation. This will involve checking the crevices for bats and filling the crevices with material to prevent bats entering them.
- The roost feature will be checked monthly to ensure that material excluding the roost or the one-way bat flap, is still in place and secure.
- The installation of the one-way bat flap, if required, will be undertaken under the supervision of the licence holder.

The mitigation measures prescribed above will ensure that bats are protected during the works, and that alternative roosts will be provided in advance of the work. As such actions permitted under the

licence sought in this application will not be detrimental to the favourable conservation status of bats in their natural range as is required under Section 54 (2) of the European Communities (Birds and Natural Habitats) Regulations.]

The applicant **has** provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page **10** of the accompanying report - a *number of alternative solutions, including the “do-nothing alternative” as well as an alternative solution has been discussed by the applicant and mitigation measures will be put in place.*

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 Daubenton’s roost is present within the bridge in question. This species is widespread and common in Ireland and is in favourable conservation status.

Suitable and proportionate mitigation has been proposed. The mitigation measures will ensure that the existing roost remains protected during the works, and will be available for re-use once works have been completed. Additionally, suitable bat boxes will be erected on site.

Providing these mitigation measures are implemented, I am satisfied that the works will not be detrimental to the maintenance

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.
- 2.
- 3.
- 4.

[add additional conditions where required]

Signed: .

Date: March 5, 2026

Position: Ecologist