





### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **IDA Waterford Business and Technology Park, Butlerstown North, County Waterford** for **Leon Murray**
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 (**Bat derogation license for Proposed Development at Lands at IDA Waterford Business and Technology Park, Butlerstown North, Co. Waterford.**) 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 **26<sup>th</sup> March 2026 – 31<sup>st</sup> December 2027, inclusive.**
6. The works will be supervised by bat ecologist(s): **Bryan Deegan**
7. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
8. The derogation is based upon information provided in the application. Where this information may cease to be accurate due to the passage of time or changes to the circumstances giving rise to the need for the derogation, the derogation holder is responsible for notifying the NPWS.
9. 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.
10. 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.
11. The local **NPWS Divisional Manager – Séamus Hassett**, [seamus.hassett@npws.gov.ie](mailto:seamus.hassett@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.
12. 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 of the derogation or the 31<sup>st</sup> January each year**, should the derogation run for longer than one calendar year. Additionally a report will also be submitted detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return** and should be submitted to [wildlife.reports@npws.gov.ie](mailto:wildlife.reports@npws.gov.ie)



**NPWS**

An tSeirbhís Páircenna  
Náisiúnta agus Fiadhúlra  
National Parks and Wildlife  
Service

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

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

**26 March 2026**

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: Leon Murray**

**Location/Name of Project: Lands at IDA Waterford Business & Technology Park, County Waterford**

**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 within the IDA Business and Technology Park, Butlerstown North, Co. Waterford. The objective of the works is to replace an existing structure and a number of trees within the Business Park and to redevelop the site, zoned for industrial use to provide an industrial and manufacturing facility.

Further outlined on ten of the report, the applicant has highlighted how the proposed works will generate employment, support local businesses, supply chains, and provide long-term benefits to the region.

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: To redevelop a c.6.08 ha site within the IDA Business & Technology Park to provide a modern light industrial and manufacturing facility. The development will replace an existing dilapidated agricultural structure and will include manufacturing and warehousing areas, ancillary research and development, office space, exhibition areas, and staff welfare amenities.

The specific situation that needs to be addressed is: These works include the removal of a number of mature trees, one of which contains a confirmed roost of a single common pipistrelle (*Pipistrellus pipistrellus*) bat, as well as several other trees with potential roosting features.

The alternative solutions suggested by the applicant are:

**Do-Nothing Alternative:**

The site would remain undeveloped in the short term, retaining existing habitat and roosting features. However, as the lands are zoned for industrial development under the Waterford City and County Development Plan 2022–2028, it is highly likely they would be developed for a similar purpose in the future. This option would therefore only delay, not prevent, the eventual loss of habitat, while also foregoing significant socio-economic benefits, including local employment and investment. For these reasons, the do-nothing option is not a satisfactory or sustainable alternative.

**Alternative Site Locations:**

Other undeveloped sites within the region were considered; however, these were not zoned for industrial use, lacked servicing, or required new access infrastructure. Developing a new greenfield site elsewhere would likely result in equal or greater environmental impacts and would not represent efficient land use. The chosen site, within a serviced business and technology park, therefore represents the most suitable and sustainable location for the proposal.

**Alternative Layouts or Design Approaches:**The layout has been refined to minimise ecological impact, retaining boundary vegetation where feasible and incorporating new native planting, hedgerow links, and a wildflower meadow to maintain biodiversity connectivity.

Tree removal has been limited to those required for construction of the development; roost trees could not be retained without compromising the functionality and access requirements of the facility

Consequently, alternative layouts were not capable of avoiding the identified roost loss while still achieving project objectives.

**Conclusion:**

The proposed development represents the least-impacting feasible solution, located within a serviced, policy-supported industrial zone. All realistic alternatives including the do-nothing option have been considered and found unsatisfactory in meeting the project’s economic, social, and functional objectives while achieving lower ecological impact.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 11 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)**

A small common pipistrelle roost (n = 1) is present within one of the trees due for felling on site. Common pipistrelles is a widespread and abundant species in Ireland and is 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 bat boxes. Providing these mitigation measures are implemented, 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.
- 2.
- 3.
- 4.

[add additional conditions where required]

Signed: .

Date: March 26, 2026

Position: Ecologist