





### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Patrick Street, Boyle, County Roscommon for Aldi Stores (Ireland) Limited**
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 (**Supporting Document for Proposed Development at Boyle, Co. Roscommon.**) 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> April – 31<sup>st</sup> December 2026, inclusive.**
6. The works will be supervised by bat ecologist(s): **Bryan Deegan**
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 – Piotr Otreba**, [piotr.otreba@npws.gov.ie](mailto:piotr.otreba@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](mailto:wildlife.reports@npws.gov.ie) detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



**NPWS**

An tSeirbhís Páircanna  
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)

**02 April 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: Aldi Stores (Ireland) Limited**

**Location/Name of Project: Patrick Street, Boyle, County Roscommon**

**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 in the accompanying report, the derogation is required to assist with proposed works at Former Candon’s Site and adjoining lands to the rear of Patrick Street, Boyle, Co. Roscommon.

The objective of these works involves the construction of a single-storey discount foodstore and associated works in addition to five residential dwellings, which includes the demolition of current derelict buildings and structures on-site. The report further outlines that the proposed works will “create employment during construction and operation and provide a modern retail facility supporting local economic activity and community needs”. The works will also allow the regeneration of the site as the derelict buildings will continue to degrade and are no longer “fit for purpose” will also contribute to the supply of local housing needs through the provision of housing.

The applicants have provided evidence as to the nature and scale of the overriding public interest reasoning 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 redevelopment of the Former Candon’s Site and lands to the rear of Patrick Street, Boyle, Co. Roscommon, to provide a single-storey discount foodstore, five residential dwellings within a refurbished terrace, and associated car parking, site access, and infrastructure. The existing derelict buildings on site are to be demolished. These works will result in the damage or destruction of a confirmed bat resting place (a roost used by approximately five soprano pipistrelle on the second floor of the most south-eastern building).

The specific situation that needs to be addressed is that the proposed foodstore and residential development requires the demolition of the existing derelict buildings on site. A confirmed soprano pipistrelle roost is present on the second floor of one of these buildings, meaning the demolition and redevelopment cannot proceed without affecting a bat resting place.

The alternative solutions suggested by the applicant are:

- “Do-Nothing” scenario: The applicant states that under a do-nothing scenario the existing derelict buildings would remain in place, offering no opportunity for regeneration or provision of modern retail and residential facilities. The applicant further notes that the building containing the roost would deteriorate over time, leading to eventual abandonment by bats. Assessment: The do-nothing option does not meet the applicant’s objective of redeveloping the site. The additional point about long-term building deterioration is speculative and not directly relevant to the test, which concerns whether the objective can be achieved without a derogation. That said, doing nothing does not resolve the specific situation and is not a satisfactory solution.
- Avoiding the affected building: The applicant states that the roost is located within a structure that must be demolished, and that retention of the portion of the building containing the roost would be structurally incompatible with the delivery of the development. Assessment: No structural or design evidence has been provided to demonstrate why the roost portion of the building cannot be retained or why the development layout could not be adjusted to avoid the roost structure. The applicant has not explored whether the roost features could be replicated or incorporated into the new development. The assertion may well be correct given the scale and nature of the proposed development, but it has not been substantiated.
- Alternative site location: The applicant states that the proposal is tied to the regeneration of this specific brownfield site and that alternative sites would not achieve the same economic, social,

or planning objectives. Assessment: The reasoning is understood – the development is site-specific and linked to the regeneration of a particular brownfield plot in the centre of Boyle. However, the applicant has not provided evidence that other sites were actually investigated. The conclusion is plausible but relies on assertion.

The applicant has provided evidence that alternative solutions have been considered. However, the range of alternatives examined seems limited: only three options have been explored (do-nothing, avoiding the building, and alternative site). The supporting evidence is assertion-based throughout, with no documentation to substantiate the claims.

Nevertheless, consideration has been given to the principle of proportionality as outlined in the EC Guidance (2021) and the NatureScot interpretation thereof: the severity of the test should be proportionate to the severity of the potential impact. The roost in question is used by approximately five soprano pipistrelle. The survey results do not indicate a maternity roost, and soprano pipistrelle is a widespread species of Least Concern conservation status in Ireland. The proposed mitigation measures (pre-demolition inspections, timing restrictions, compensatory roosting features) are appropriate to the scale of impact. In these circumstances, the level of evidence provided is considered proportionate.

Based on the assessment of the application documentation, it is regarded that the applicant has considered the 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 roost is present within one of the buildings on site. This species is widespread and abundant 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 erection of bat boxes and sensitive lighting.

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: April 2, 2026

Position: Ecologist