



**NPWS**

An tSeirbhís Páircenna  
Náisiúnta agus Fíadhúrla  
National Parks and Wildlife  
Service

**Derogation Number  
DER-BAT-2026-17**

**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 **Jackie Portland of The Commissioners of Public Works Ireland, The Office of Public Works, Jonathan Swift Street, Trim, County Meath, C15 NX36** 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**:

- |                               |                                  |
|-------------------------------|----------------------------------|
| • <b>Brown Long-Eared Bat</b> | <b>Plecotus Auritus</b>          |
| • <b>Natterer’s Bat</b>       | <b>Myotis Nattereri</b>          |
| • <b>Common Pipistrelle</b>   | <b>Pipistrellus Pipistrellus</b> |
| • <b>Soprano Pipistrelle</b>  | <b>Pipistrellus Pygmaeus</b>     |
| • <b>Leisler’s Bat</b>        | <b>Nycatalus Leisler</b>         |
| • <b>Daubenton’s Bat</b>      | <b>Myotis Daubentonii</b>        |
| • <b>Whiskered Bat</b>        | <b>Myotis Mystacinus</b>         |



### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Kilmacurragh House, Kilbride, County Wicklow for Jackie Portland**
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 (**National Botanic Gardens, Kilmacurragh, Kilbride, Co. Wicklow Restoration of Kilmacurragh House Bat Surveys and Ecological Impact Assessment**) 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 – 31<sup>st</sup> December 2026, inclusive.**
6. The works will be supervised by bat ecologist(s): **Faith Wilson**
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 District Conservation Officer – John Griffin**, [john.griffin@npws.gov.ie](mailto:john.griffin@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.**



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

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

**08 December 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: Jackie Portland**

**Location/Name of Project: Kilmacurragh House, Kilbride, County Wicklow**

**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 imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. As outlined on page six of the accompanying report, the derogation is required to facilitate works at Kilmacurragh House, Kilbride, Co. Wicklow involving both construction and renovation to the house. These works will ensure the long term conservation of Kilmacurragh House and the restoration will ensure the building will be preserved and utilised and include access for roosting bats.

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: works at Kilmacurragh House, Kilbride, Co. Wicklow involving both construction and renovation to the house.

The specific situation that needs to be addressed is the presence of bats on site and how works will impact on them.

The alternative solutions suggested by the applicant are: Do nothing or complete the planned works with a number of mitigation measures.

The alternative solutions suggested by the applicant are;

1. **“Do-Nothing” scenario** As the applicant has stated: A Do Nothing approach is not favourable as if no works are proposed the building will continue to deteriorate. The purpose of the works is to secure the building for the long-term. It is currently in poor condition and will continue to deteriorate without intervention. The increased frequency of heavy rainfall events resulting from global warming will accelerate this deterioration. This will in the long term cause loss of roosting areas for bats within this building.

I fully agree with this assessment, the do nothing approach should not be applied.

2. **Alternative** The only alternative is to do the work. The proposed conservation works and mitigation measures set out in the applicants report ensure the protection of the bats during the works and the long-term conservation of their roosting locations within the structure as well as the structure itself. I can't see any other viable option that could have been included, the works are necessary.

Having looked at all possible solutions I conclude that every effort is being made to protect the bats during construction. Regional staff agree with these actions. Having assessed 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 maternity roost of brown long-eared bats has established in Kilmacurragh House. Other small number of common species are also present. The proposed conservation works and mitigation measures set out in the bat report should ensure the protection of the bats during the works and the long-term conservation of their roosting locations within the structure. A range of roosting locations will be retained within the structure to provide continued access to roosting sites for bats with a dedicated roosting space created in part of the attic. Appropriate lighting will also be installed around the property.

Providing all the planned mitigation measures are implemented, the proposed works to Kilmacurragh House will not be detrimental to the maintenance of populations of these bat species at a favourable conservation status

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:

[Empty box for conditions]

Signed: .

*Kate Greaney*

Date: December 8, 2025

Position: Ecologist