




Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Rathmore, Baltimore, County Cork, P81 TD79 for Jackie & Peter Hunt**
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 Survey Report Proposed Development at Rathmore, Baltimore, Co. Cork**) 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 **22nd April – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Carl Dixon**
7. Prior to the commencement of construction works a repeat survey will be carried out to obtain up to date information on the bat roosting within the site. It is noted that works will take place to the roof of the dwelling house and fascia where bats were detected and thus a derogation licence is required.
8. Disturbance/removal the north-eastern gable (where the roost was recorded) will take place outside the bat breeding season (i.e. 1st October-31st March). However, works would ideally not commence before October 15th. It is also noted that works cannot proceed until a derogation licence has been received. It is noted that exact date for the commencement of site works is not known at this time and therefore no works can commence before the supervising ecologist has consulted with the contractor.
9. Care must be taken when dismantling or working on roof of the dwelling house to ensure that bats are no longer present. Structures will be examined immediately prior to the commencement of roof dismantling works by the supervising ecologist to ensure there are no signs of bat activity.
10. Prior to the commencement of construction works, bat boxes will be erected under ecological supervision to provide alternative roosting habitat prior. The location of the bat boxes will take into account both the short-term requirements of bats during construction the longer-term requirement to maintain a viable bat population within the overall site. As a biodiversity enhancement measure four bat boxes (<https://www.wildcare.co.uk/vincent-pro-bat-box-10651.html> or similar) will be placed on mature trees within the woodland area to provide potential roosting sites for bats. It is noted that the supervising ecologist will specify the exact locations and type of bat boxes to be used based on up to date survey data and in consultation with the building contractor.
11. 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.
12. 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.
13. 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.

14. The local NPWS Conservation Ranger – David Rees, david.rees@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.
15. 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)

22 April 2026

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





Derogation Assessment

Name of Applicant: Jackie & Peter Hunt

Location/Name of Project: Rathmore, Baltimore, County Cork, P81 TD79

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 titled “Baltimore Bat Survey”, a derogation is required for proposed works at Rathmore, Baltimore, Co. Cork.

The objective of the works as outlined on page five of the report involves the “refurbishment, alteration and extension of an existing dwelling house” plus the “demolition of an extension to the dwelling” and two sheds. The proposed works will provide a home and fulfil a local housing need in line with the objectives as set out in the Cork County development plan for disused or derelict farm buildings. The provision of housing in Ireland is at a critical juncture and the public interest of same can be balanced against the conservation aims of the Directive.

The applicant has 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 damage or destroy a breeding or resting place of such an animal, namely a roost for two Common Pipistrelles.

The specific situation that needs to be addressed is: The house is due to be renovated which will destroy an existing roost for two Common Pipistrelles.

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario

Alternative solutions considered included not refurbishing the farmhouse (i.e. ‘do-nothing’). However, that option is not a long-term solution as the fascia will continue to fall into disrepair from ingress of rain and wind in the absence of works. In the long-term the fascia is likely to deteriorate and will not support a bat roost in the long-term. I would agree with this assessment.

2. Alternative 1 – Demolition of the existing house

The site is suitable for sensitive restoration to provide housing. The demolition of the building would also remove the roost site. I would agree with this assessment and mitigation measures have been proposed. These measures need to be followed in full and are listed below on page 7 of this document.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined in 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 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, planting 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. Prior to the commencement of construction works a repeat survey will be carried out to obtain up to date information on the bat roosting within the site. It is noted that works will take place to the roof of the dwelling house and fascia where bats were detected and thus a derogation licence is required.
2. Disturbance/removal the north-eastern gable (where the roost was recorded) will take place outside the bat breeding season (i.e. 1st October-31st March). However, works would ideally not commence before October 15th. It is also noted that works cannot proceed until a derogation licence has been received. It is noted that exact date for the commencement of site works is not known at this time and therefore no works can commence before the supervising ecologist has consulted with the contractor.
3. Care must be taken when dismantling or working on roof of the dwelling house to ensure that bats are no longer present. Structures will be examined immediately prior to the commencement of roof dismantling works by the supervising ecologist to ensure there are no signs of bat activity.
4. If bats are discovered during the works process then they will be safely removed by the qualified bat expert and the NPWS will be informed.
5. Prior to the commencement of construction works, bat boxes will be erected under ecological supervision to provide alternative roosting habitat prior. The location of the bat boxes will take into account both the short-term requirements of bats during construction the longer-term requirement to maintain a viable bat population within the overall site. As a biodiversity enhancement measure four bat boxes (<https://www.wildcare.co.uk/vincent-probat-box-10651.html> or similar) will be placed on mature trees within the woodland area to provide potential roosting sites for bats. It is noted that the supervising ecologist will specify the exact locations and type of bat boxes to be used based on up to date survey data and in consultation with the building contractor. |

Signed:

Date: April 22, 2026

Position: Ecologist