



**NPWS**

An tSeirbhís Páircenna  
Náisiúnta agus Fiadhúla  
National Parks and Wildlife  
Service

**Derogation Number  
DER-BAT-2026-186  
(Survey Derogation)**

**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 **Claire McCarthy, Ecologist of O’Donnell Environmental, Lawley House, Monahan Road, Cork City, County Cork, T12 N6PY** a derogation. It is stated that this derogation is issued:

- A. 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
- 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 **all bat species**



### Terms and Conditions

1. This derogation is granted solely to allow the examination of potential bat roosts, including **all bat species and all roost types**, as necessary in order to undertake environmental impact assessments for property owners or developers or scientific study within the Republic of Ireland.
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**.
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The actions which this derogation authorises shall be completed between the **22<sup>nd</sup> April – 31<sup>st</sup> December 2026, inclusive**.
5. Applicant to contact local NPWS staff (DCO David Lyons [davida@lyons@npws.gov.ie](mailto:davida@lyons@npws.gov.ie)) in advance of entering the relevant roosts to place the recording device so that they can provide local knowledge on lay out, breeding status, bat movements/locations etc.
6. Results of the work should be sent to NPWS SARD staff
7. The **Bat Roost Survey Protocol** as set out below must be adhered to, in order to ensure minimisation of disturbance to bats.
8. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or any authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
9. On completion of the actions which this derogation authorises, all recordings of bat species affected will be made using the standardised data form provided below and must be submitted to the NPWS **within four weeks of the expiry date of this derogation**. Included with the below 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.**



## **Bat Roost Survey Protocol to ensure minimisation of disturbance to bats**

### **1. For unknown roosts**

- a) Check with owner/client re presence of bats.
- b) Check with Bat Conservation Ireland to determine roost records.
- c) Survey for external signs of bats and roost entry points. If positive signs, then treat as known /suspected roost.
- d) Entry to possible roost should be made cautiously especially if survey is carried out in the winter period when signs of bats may be difficult to find. Should signs of bats be noted then treat as a known/suspected roost.

### **2. For known/suspected roosts**

- a) Generic measures to include:
  - i. Avoid using roost illumination apart from torches.
  - ii. Talking in low tone is preferred to whispering.
  - iii. Bats seen in situ should be counted where possible and then left alone.
  - iv. Handling of bats to confirm identification is only used as a last resort and is subject to separate licencing under the Wildlife Acts (S.23).
  - v. Samples of droppings, dead bats etc. may be removed to facilitate species identification.
  - vi. Care to be taken to avoid cooling or warming effects as described below.
- b) During potential hibernation season (November-March), only one person should enter roost area. If any hibernating bats are seen to be showing signs of waking, then the roost survey will be abandoned immediately.
- c) During the breeding season, known breeding roosts should be avoided unless emergency work is required. This will usually be the subject of a separate derogation.



**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](mailto:reg54derogations@npws.gov.ie)





### Derogation Assessment

**Name of Applicant: Claire McCarthy**

**Location/Name of Project: Survey Derogation**

**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 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 checked="" 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) (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’ 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 purpose of research and education aspect of Reason D. As outlined in the accompanying report titled “ODE Luring Derogation”, a derogation is required for proposed activities in Dromeen, Co. Clare.

The objective of the activities is to “influence lesser horseshoe bats roosting locations” where an alternative roost is provided and the responses will be measured as part of the study. The report further outlines that the current roosting location in Dromeen is expected to be lost due to dereliction and relocating the lesser horseshoe bats using the method outlined would represent a significant overall benefit to the species.

The applicant has provided evidence as to the nature and scale of the research and education 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: Use a lure to attract Lesser Horseshoe Bats into a new roosting location.

The specific situation that needs to be addressed is the proposed works will potentially cause disturbance to an existing nearby Lesser Horseshoe roost.

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario – *“The alternative solution of not carrying out this study was considered. In this scenario, the opportunity to effectively and efficiently conserve Lesser Horseshoe Bat roosts in suboptimal conditions through novel luring techniques would be lost. As Lesser Horseshoe Bat are loyal to their roosting locations, they often do not move between roosts until the current roost is lost in this entirety. This study aims to address this issue. This option was not considered suitable, and alternative options are required” – This assessment is accepted.*
2. Alternative 1: *“Luring with standard/commercially available calls– The use of mist/harp netting typically involves the use of commercially available calls. The reasoning behind bat responses to these lures is unknown and are not recommended within proximity to maternity colonies (Dennis and Pryde, 2022). This option was not considered suitable, and alternative options are required” - This assessment is accepted.*
3. Alternative 2: – *“Luring with use of above-described methodology – This option is described in more detail in the Section 2 of the report. The use of recordings of the existing roost (including juveniles) in the attraction of the maternity colony into a more optimal roosting locations is considered more suitable in this instance with a low potential for adverse disturbance effects. The proposal includes ongoing observation of response such that any adverse effects would be quickly identified. In addition, no significant Lesser Horseshoe Bat roosting currently occurs in the proposed structure – This assessment accepted.*

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 7 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)**

The application relates to inspections of Dromeen LHB roost with an endoscope/ High powered torch and placement of lure, bat detector, and camera.

The purpose of the activity is to obtain accurate, site-specific ecological information regarding the presence, absence, status, and use of structures or features by bats, in order to inform a scientific study.

The activity is limited to survey and inspection only and does not involve development works, structural alteration, or intentional harm to bats or their roosts.

Inspections and placement of devices will be undertaken by an experienced ecologist (or a trainee ecologist under the supervision of an experienced ecologist) following best practice guidelines to minimise disturbance to any bats encountered during the survey work. This approach eliminates the risk of direct disturbance to roosting individuals, while also ensuring that comprehensive assessments of bat activity are undertaken.

The proposed methods are minimally invasive and provided they are carried out in accordance with best practice the activity will not be detrimental to the maintenance of the populations of the bat 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. Applicant to contact local NPWS staff in advance of entering the relevant roosts to place the recording device so that they can provide local knowledge on lay out, breeding status, bat movements/locations etc.
2. Results of the work should be sent to NPWS SARD staff

Signed: .

Date: April 22, 2026

Position: Ecologist