



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Brú na Bóinee National Park, Netterville House, Dowth, County Meath, A92 ER22**, for **Ita Sherlock**.
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 accompanying application report, 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 – 30th September 2026, inclusive**.
6. 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.
7. 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.
8. 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.
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 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: Ita Sherlock

Location/Name of Project: Dowth Hall and Netterville House Bat survey Brú na Bóinne National Park

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 derogation is considered under Regulation 54(2)(c) to carry out bat surveys to determine/confirm the presence of bats within Dowth Hall and Netterville House within the lands of Brú na Bóinne National Park, Co. Meath. The derogation application form and associated supporting documentation provided by the applicant has been reviewed in full.

The buildings to be surveyed are all owned by the National Parks and Wildlife service. Netterville House is currently used for NPWS offices. It houses electronic equipment in the attic so the location of bat roosts need to be known in case of the need for future maintenance. Dowth Hall is in a state of semi-dereliction and will need major works done, in order to prevent the collapse of this heritage Georgian building. Because of this, both buildings need to have thorough internal roost inspections. Surveys done in 2018-19 by FERS Ecology Ltd indicated bat roosts in the attic of Netterville House and in both the attic and basement of Dowth Hall. Following emergence surveys, entering the buildings is required to see where exactly these roosts are located in inform future maintenance decisions.

The EAU is of the opinion that this application meets the criteria to satisfy reason 54(2)(c). Based on the above, the application 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):

Alternative solutions to the proposed approach have been considered by the applicant.

Alternative Scenario-*Do nothing*:

If the proposed bat surveys are not carried out, the NPWS can not ascertain the potential exact roosting locations of protected Annex IV bat species.

Alternative Scenario- *Emergence surveys only*:

The alternative of carrying out emergence surveys only from outside the building would not give precise enough information about where the bats are roosting within these large structures. It is entirely possible that they emerge from one side, whilst roosting elsewhere within the building. In the case of Dowth Hall there are several points of egress at considerable distance from possible roost areas within the building. This would make it difficult to properly plan any future mitigations needed should works go ahead

Based on the assessment of the application documentation, it is regarded that the applicant has considered the available alternative solutions and the proposed approach is the only satisfactory alternative. The EAU has 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 applicant will follow best practice methodology¹ during the proposed bat roost assessments. The applicant is familiar with the Department’s Bat Mitigation Guidelines (2022) and the Department’s guidance on the Strict Protection of Annex IV species. The surveyor should follow the NPWS roost survey protocol at all times.

The most recent population estimates, trends and background information for six Irish bat species have been outlined in a supporting document for Article 17 reporting 2018-2023 (Roche & Langton, 2024²). The general population estimates and trends show stability or increases. Therefore:

The EAU is of the opinion the proposed derogation would not be detrimental to the maintenance bat populations 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.

¹ Collins J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London

² Roche, N. & Langton, S. (2024) Population estimates, trends and background information for six Irish bat species. Article 17 reporting 2018-2023: Supporting document. Unpublished report to National Parks & Wildlife Service.



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: *Rauna Connolly*

Date: April 22, 2026

Position: Ecologist