



**NPWS**

An tSeirbhís Páirceanna  
Náisiúnta agus Fiadhúla  
National Parks and Wildlife Service

**Derogation Number  
DER-BAT-2026-227**

**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 **Morvagh Ltd. of Muckross Road, Cahernane, Killarney, County Kerry, V93 E78W** 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**:

- **Soprano Pipistrelle**                      **Pipistrellus Pygmaeus**



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### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Muckross Road, Cahernane, Killarney, County Kerry, V93 E78W** for **Morvagh Ltd.**
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 New Hotel Cottages at Cahernane House Hote, County Kerry**) 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> September – 31<sup>st</sup> December 2026, inclusive.**
6. The works will be supervised by bat ecologist(s): **John Curtin with Rowan Curtin under supervision**
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 – Jason Lyne**, [jason.lyne@npws.gov.ie](mailto:jason.lyne@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**

*Fiona O' Mahony.*

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

**22 May 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: Morvagh Ltd.**

**Location/Name of Project: Muckcross Road, Cahernane, Killarney, County Kerry, V93 E78W**

**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 “Bat Survey Report”, a derogation is required to facilitate proposed works at Cahernane House Hotel, Muckross Road, Cahernane, Killarney, Co. Kerry.

The objective of the works involves the demolition and conversion of a number of structures on the site into cottages for tourist guesthouse accommodation. The report further outlines as per one of the policy objectives to “Enhance and extend the Authentic’ Killarney Offer” the proposed development will support Killarney as a destination experience and its goals to increase the average length of stay and higher spend. The report notes the works will also deliver new units within the town and assist in supporting its “30% population growth target by 2040”. The report highlights the socio-economic benefits the proposed development will bring including urban regeneration, regional growth targets and increased tourism yield.

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:

1. The demolition of the existing single storey staff changing cottage building to the north west of the main hotel and the removal of the adjoining stone garden wall for later reuse.
2. The change of use of the existing single storey outbuilding (Cottage 1) to hotel use and for its refurbishment and conversion into 2 no. hotel bedrooms including the addition of 2 no window openings to the north east elevation, 2 no window openings to the north west elevation and 3 no new window openings to the south east elevation.
3. 2 No. proposed new 2 storey cottage buildings (Cottages 2&3) located to the north east gable of existing single storey outbuilding to provide 8 no. new hotel bedrooms.
4. A proposed new single storey cottage building (Cottage 4) to provide 2 no new hotel bedrooms located adjacent to the existing single storey outbuilding (Cottage 1).
5. The demolition and reconstruction of the existing stone garden wall adjacent to the entrance driveway.
6. Proposed new landscaped garden courtyard spaces including associated ancillary site works at The Cahernane House Hotel

The alternative solutions suggested by the applicant are:

“Do-Nothing” scenario [NPWS regional staff accept the reasoning outlined by the applicant in their report as to why this is not a satisfactory alternative. The derelict structure is prone to future deterioration and will not be of benefit to the long-term sustainable roosting requirements of bat species.]

“Renovation or Retention of the Existing Structure” Scenario [NPWS regional staff accept the reasoning outlined by the applicant in their report as to why this is not a satisfactory alternative. Attempting to renovate while preserving the specific roost point would likely lead to disturbances during works or failure to meet building regulations.]

“Strategic Relocation and Enhancement” scenario [NPWS regional staff accept the reasoning outlined by the applicant in their report as to why this is a satisfactory alternative. The installation of two integrated Schwegler 3FE Bat Wall Systems into the southern aspects of Cottages 1 and 4 offers a permanent, thermally stable, and purpose-built habitat positioned to face favoured foraging/ commuting habitats. Additionally, the retention of multiple significant roosts on the hotel grounds provides alternative suitable roosting habitat

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.



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### **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: May 22, 2026

Position: Ecologist