



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúila
National Parks and Wildlife Service

**Derogation Number
DER-BAT-2026-232**

**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 **Jane de Roquancourt of Kilshane House Ltd., Kilshane House, Kilshane, County Tipperary, E34 E049** 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**:

- **Brown Long-Eared Bat** **Plecotus Auritus**
- **Natterer’s Bat** **Myotis Nattereri**
- **Common Pipistrelle** **Pipistrellus Pipistrellus**
- **Soprano Pipistrelle** **Pipistrellus Pygmaeus**



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **The Stone Yard, Kilshane, County Tipperary, E34 RK15** for **Jane de Roquancourt**
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 The Stone Yard, Kilshane, Co. Tipperary**) 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 May 2026 – 31st December 2027, inclusive**.
6. The works will be supervised by bat ecologist(s): **Colm Breslin, Tom O'Donnell, Claire McCarthy & Oisín O'Sullivan**
7. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
8. The derogation is based upon information provided in the application. Where this information may cease to be accurate due to the passage of time or changes to the circumstances giving rise to the need for the derogation, the derogation holder is responsible for notifying the NPWS.
9. 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.
10. 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.
11. The local **NPWS Regional Manager – Aine Lynch**, aine.lynch@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.
12. 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.**



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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





Derogation Assessment

Name of Applicant: Jane de Roquancourt

Location/Name of Project: The Stone Yard, Kilshane, County Tipperary, E34 RK15

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 in the accompanying report titled “Bat Survey Report”, a derogation is required to facilitate proposed works at The Stone Yard, Kilshane House, Co. Tipperary.

The objective of the works as outlined involves the conversion of three disused farm structures to residential use. The structures are currently in a degraded state and without any remedial works will continue to degrade resulting in damage to the historical structure.

This conversion and redevelopment will provide on-site accommodation for Kilshane House, noted in the report as “necessary for the continued viability of Kilshane House as a wedding venue”. Kilshane house provides an economic and social benefit through local employment opportunities and business opportunities for local businesses and suppliers.

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: Conversion of disused farm structures to residential apartments.

The specific situation that needs to be addressed is: The proposed development comprises three disused structures. Non-significant day roosting by Common pipistrelle, Soprano pipistrelle and Brown long-eared bat, in addition to night roosting by Natterer’s bat have been identified within Apartments 7-11 and Apartments 12+13. Based on current information both structures are likely used by individual/small numbers of bats. No evidence of roosting bats was identified within the third structure (outhouse), presenting in an advanced state of dereliction and exposed to the elements. No structures are considered to possess suitability for significant roosting, with identified roosts of ‘low’ conservation status following Marnell et al. (2022).

Overall, the proposed development is considered of Local Value (Higher Importance) following NRA (2009).

Construction works and future occupation may lead to loss and disturbance of the roosting site and therefore require a derogation.

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario: Leaving the Stone Yard was considered suitable in the short-term and will result in lack of disturbance to non-significant roosting by individual/small numbers of bats. Current degradation to the roof structure has likely already reduced the roosting suitability for bats. Under a do-nothing scenario, it was considered that The Stone Yard would be become further unsuitable for roosting bats and eventually lost as a roosting space in the medium or long term. Additionally, this scenario will result the significant degradation of an historic structure.
2. Alternative 2 – Renovate and Exclude Bats Entirely. The second alternative considered was the renovation of The Stone Yard as initially proposed within the planning application, without accommodating for roosting bats in the final design. This scenario would result in the complete and unnecessary loss of roosting opportunities within The Stone Yard, considering the capability of the footprint in accommodating bats. This solution was not considered suitable, and alternative options are required.



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3. Alternative 3 – Bat Boxes. Following Marnell et al. (2022), the mitigation requirement for ‘low’ conservation status roosts of individual/small numbers of bats is flexible and may be compensated through provision of bat boxes. However, this is considered sub-optimal due to the capability of incorporating dedicated bat roost spaces within the structures. Bat boxes are included in the current mitigation but are intended as a short-term measure only.

This solution was not considered optimal, and alternative options are required.

4. Alternative 4 – Renovate and Accommodate Bats with Bespoke Roosts. O'Donnell Environmental collaborated with the Project Team to design bespoke attic roost compartments within Apartments 8 and 12 (see Section 5.3). The design of both bat compartments were created to cater for the roosting requirements of Brown long-eared bat, in addition to crevice-dwellers such as pipistrelles. It is considered optimal to retain access to buildings where roosting has been identified due to the higher likelihood of success. This option will result in an increase in roosting suitability within both structures and a capability of hosting maternity colonies, an increase in roosting provision than what occurs onsite currently.

Alternative 4 was considered the most suitable option in this instance.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 26 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)

Roosts of four species of bat are present in the building in question: Common pipistrelle, Soprano pipistrelle, Brown long-eared bat and Natterer’s bat. These species are widespread in Ireland and all four are in favourable conservation status.

Suitable and proportionate mitigation is planned including the retention of a designated roosting area within the attic, with continued access via the already installed bat access tile. The creation of bespoke bat roosting spaces in two buildings. Works will occur within the NPWS-agreed seasonal window using bat-safe materials and under ecological supervision. With the proposed mitigation measures, the impact of the derogation on the local bat population will be minimal.

These mitigation measures ensure that the existing roost remains functional and protected during the works, and hence the derogation 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