



- **Lesser Horseshoe Bat** **Rhinolophus Hipposideros**



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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 **areas within Burrenfada, County Clare as noted in Section 2 of the accompanying report for Claire McCarthy**
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 **Derogation under Regulation 54 Lesser Horseshoe Bat Luring Investigation** 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 **9th June – 31st October 2026, inclusive**.
6. 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.
7. 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.
8. The local **NPWS District Conservation Officer – David Lyons**, davida.lyons@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.
9. 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

Joana O' Mahony.

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

16 June 2026

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



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Derogation Assessment

Name of Applicant: Claire McCarthy

Location/Name of Project: O'Donnell Team Bat Lure at Burrenfada, County Clare

Tick the following prohibition as chosen on the application:

(a) Deliberately capture or kill any specimen of the relevant species in the wild	☐
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☒
(c) Deliberately take or destroy eggs of the relevant species in the wild	☐
(d) Damage or destroy a breeding or resting place of such an animal, or	☐
(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.	☐
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
(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.	☐

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,	☐
(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 re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including 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.	☐

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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	☒
	No	☐

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 Burrenfada, 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 Burrenfada 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 |

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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	☒
	No	☐

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.



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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.

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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	☒
	No	☐

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 Burrenfada 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.



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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

☐



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The following conditions should be attached to the derogation:

- 1.
- 2.
- 3.
- 4.

[add additional conditions where required]

Signed: .

Date: June 16, 2026

Position: Ecologist