



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúla
National Parks and Wildlife Service

**Derogation Number
DER-BAT-2026-242**

**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 **Sheila Foley of Office of Public Works, State/Principal Architect’s Office & Capital Works Delivery, 1 GQ George’s Quay, Dublin 2, D02 Y098** 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**:

- | | |
|------------------------------|----------------------------------|
| • Common Pipistrelle | Pipistrellus Pipistrellus |
| • Soprano Pipistrelle | Pipistrellus Pygmaeus |
| • Leisler’s Bat | Nycatalus Leisler |



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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 **National Concert Hall Campus, Earlsfort Terrace, Dublin 2, D01 N527** for **Sheila Foley**
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 Derogation Licence Application 2026 – Supplementary Report National Concert Hall Redevelopment**) 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 **16th June – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Caitríona Fenton, Cathal O'Brien, Colm Clake, Jamie Dempsey, Gregor Wood, Wayne Daly, Jared Bennett, Simon O'Carroll, Patrick Ellison, Cliona O'Flaherty, Aebhin Cawley, Aisling Cronin, Andrew Speer & Tim Ryle**
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 – Paul O'Flaherty**, paul.oflaherty@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 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: Sheila Foley

Location/Name of Project: National Concert Hall Campus, D01 N527

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)(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 public health and public safety aspect of Reason C. As outlined in the accompanying report titled "Bat Derogation Licence Application 2026", a derogation is required for proposed works on the campus of the National Concert Hall, Dublin City Centre.

The objective of the works as outlined in the report involves the demolition of a structure on the site, the renovation of another structure and the removal of two trees. The report further outlines on page ten that the demolition of the identified structure is necessary as it is "in poor repair, not fit for use and its ad-hoc construction limits safe fire evacuation routes". It also outlines that it contains "pinch points" which do not offer sufficient clearance for universal access and its demolition will allow for fire escape stairs, safe evacuation routes and universal access to the main hall. The removal of two trees will assist in facilitating this access.

It is clear that the applicants are also relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. The proposed redevelopment of the site will have a number of social benefits including workshops, youth choirs and educational programmes for families and individuals of all ages and communities.

The applicant has provided evidence as to the nature and scale of the public health and public safety aspect and the public interest aspect 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

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National Parks and Wildlife Service**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	☒
	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:

“In the absence of intervention, there would likely be a deterioration in the condition of the building. The proposed development is required in order to upgrade public facilities and address accessibility issues within the NCH, and includes works necessary to properly maintain and conserve a number of Protected Structures within the NCH campus”

“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.”

The specific situation that needs to be addressed is:

“One building which forms part of the proposed development has previously held a confirmed bat roost. Though this roost was not identified during the most recent survey season.”

“The demolition of the Anatomy building is required to facilitate the wider redevelopment of the NCH campus.”

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario: “In the absence of intervention, there would likely be a deterioration in the condition of the building. The proposed development is required in order to upgrade public facilities and address accessibility issues within the NCH, and includes works necessary to properly maintain and conserve a number of Protected Structures within the NCH campus.”

Only one alternative has been discussed by the applicant.

As outlined on page 9 (4.2) of the accompanying report: “The demolition of the Anatomy building is required to facilitate the wider redevelopment of the NCH campus. In the absence of intervention, there would likely be a deterioration in the condition of the building.”



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Based on the assessment of the application documentation, it is regarded that the mitigations proposed in Section 8 of the accompanying report, including bat bricks and bat boxes to be installed, will be adequate to address the loss of what is considered to be a transient roost.

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)

Site provides roosting for several bat species including pipistrelles and Leisler species. However, no significant summer (maternity) roost or large hibernation roost was recorded during the bat surveys. These species are widespread and common in Ireland and all are in favourable conservation status. Comprehensive surveys have been completed and a detailed programme of mitigation measures has been drawn up.

The proposed mitigation measures include restrictive timing of works in certain areas, the erection of bat boxes around the site together with a sympathetic lighting and landscaping plan.

With the full implementation of these mitigation measures I am satisfied that the derogation would 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]

Kate Greaney

Signed:

Date: June 16, 2026

Position: Ecologist