



NPWS

An tSeirbhís Páircanna
Náisiúnta agus Fíadhúla
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-28**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS, 2011
(S.I. No 477 of 2011)**

DEROGATION

Granted under Regulation 54A 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 54A of the Habitats Regulations hereby grants to **Ann Fitzpatrick of Building Surveyors & Fire Engineers (PLBS), Wicklow Mountains National Park, Kilafin, Laragh, County Wicklow, A98 K286** 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 **Gamekeeper's Lodge, Ballynabrock, WMNP, County Wicklow, for Ann Fitzpatrick.**
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 (**Gamekeeper's Lodge, Ballynabrock, Wicklow Mountains National Park, Co. Wicklow – Derogation Licence Supporting Information 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 **9th January – 31st December 2026, inclusive.**
6. The works will be supervised by bat ecologist(s): **Tina Aughney & Shaun Boyle**
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. 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.**



NPWS

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National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

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

09 January 2026

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





Derogation Assessment

Name of Applicant: Ann Fitzpatrick

Location/Name of Project: Gamekeeper’s Lodge, Ballynabrock, WMNP, Co. Wicklow

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)(b) to renovate the Gamekeeper’s Lodge located within Wicklow Mountains National Park (WMNP) to provide accommodation for regional NPWS staff. The derogation application form and associated supporting documentation provided by the applicant has been reviewed in full.

This building is a confirmed Brown long-eared bat roost. It is monitored by NPWS for Bat Conservation Ireland under the Irish Bat Monitoring Programme and has had annual surveys completed in the summer months since 2013. The survey count is variable, ranging from 7 individuals to 42 individuals over the years. Winter and Summer surveys were carried out at the Game Keepers Lodge in 2025. A small number of Brown long-eared bats were recorded. Due to the annual records of brown long-eared bats roosting in the structure since 2013, the structure will be treated as a maternity roost for brown long-eared bats. Surveys confirmed it is also an occasional day roost for individuals of Common pipistrelles, Soprano pipistrelles and Natterer’s bats. Recent (2025) static surveys were also carried out in the shed at St. Joseph’s Lodge (approx. 460m away). The results indicate that there is likely a greater number of brown long-eared bats roosting in the shed here, therefore there is an alternative roost during the proposed works for Gamekeeper’s Lodge. Furthermore, comprehensive mitigation measures have been proposed and evidence outlined to support the measures.

The proposed refurbishment works will result in a temporary disturbance of brown long-eared bat colony roosting in the Lodge. Renovation of the building will allow for the provision of staff accommodation within the National Park, with reduced requirement for additional construction resources, reducing cost and carbon footprint and promoting green development. The construction of a ‘Bat Shed’ and conservation of existing attic space as a bat roost which will benefit biodiversity and the environment. The applicants are relying on the imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment stated in Regulation 54(2)(c).

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, and the evidence has been reviewed. The alternative solutions suggested by the applicant are:

1. 'Do Nothing': This is deemed unsatisfactory as this will cause the Lodge to continue deteriorating, which will increase the health and safety concerns, reduce the suitability of the Lodge as a place of work support and reduce the suitability of the roof space as a bat roosting site.
2. Temporary Patch-up work: This is deemed unsatisfactory as patch-up works are not an economically viable option or appropriate for the lodge.

Furthermore, if the applicant were to proceed with the works without mitigation, this is also deemed unsatisfactory. Commencing the project without implementing the suggested mitigation could result in direct harm and/or disturbance to bat species that are currently using the building as a roost. The proposed development is for the renovation of an existing building, therefore an alternative location is not a feasible option.

The works proposed are required to ensure the safe stabilisation of the building, conservation of the building, continued use as a place of work to support local NPWS staff and to conserve the building as a bat roost. The existing building is in disrepair with the potential to lose the roost in the future. This option provides a long term alternative roost at the same location.

Based on the assessment of the application documentation, it is regarded that the applicant has considered all 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 most recent population estimates for the Brown Long eared bat indicate that the population is between 65,200 and 102,000 individuals. This represents a 5.18% increase compared to 2012 population estimates (Roche & Langton, 2024¹). The overall trends for the national population of brown long-eared bat in Article 17 reporting (NPWS, 2019) is favourable and stable. The brown long-eared bat population is widely distributed across County Wicklow.

The granting of the derogation for the proposed approach will not be detrimental to the long-term viability or ecological function of the Brown long-eared bat population. The works are temporary, limited in scale, and will be carried out under best practice mitigation. Integrated roosting features and a bat shed will be provided to maintain local roost availability, with current alternative roost also available in the shed at St. Joseph’s Lodge (approx. 460m away). Surrounding foraging and commuting habitats will remain untouched.

The building is also an occasional day roost for small numbers of individuals of Common pipistrelles, Soprano pipistrelles and Natterer’s bats.

Given the widespread and stable national population of the Brown long-eared bat and the limited, temporary nature of the impacts, the EAU is of the opinion the proposed derogation would not be detrimental to the maintenance of the population of these bat species 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 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: Laura Connolly

Date: January 9, 2026

Position: Ecologist Grade II, Ecological Assessment Unit, Department of Housing, Local Government and Heritage