



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúla
National Parks and Wildlife Service

**Derogation Number
DER-BAT-2026-281**

**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 **Sinead Clifford of SLR Environmental Consulting Ireland, Suite 212, Acron Business Centre, Blackrock, County Cork, T12 K7CV** 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 all **bat species**.



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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 **Baile Bhuirne to Macroom Bypass, Co. Cork for Sinead Clifford**
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 (**SLR Environmental Consulting (Ireland) Ltd Application 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 **10th August – 10th September 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Sinéad Clifford**
7. 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.
8. 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.
9. The local **NPWS Conservation Ranger – Louis O’Sullivan**, louis.osullivan@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.
10. 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)

10 August 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: Sinead Clifford

Location/Name of Project: Baile Bhuirne to Macroom Bypass, Co. Cork

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 reasons of public health and public safety aspect of Reason C. As outlined in the combined application form and report a derogation is required to facilitate bat monitoring along the N22 Baile Bhuirne to Macroom road development.

The objective of the works involves the monitoring of bat boxes are required under a post construction agreement has noted under section 24.11.15 of schedule 4. Cork County Council are required to ensure that monitoring is conducted for two years. The report outlines without maintenance of the bat boxes they may become unfit for purpose and pose a health and safety risk to members of the public.

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

**NPWS**An tSeirbhís Páirceanna
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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: to check and maintain bat boxes installed as mitigation for the loss of roosting infrastructure during and since the construction of the Macroom bypass.

The specific situation that needs to be addressed is bat boxes need to be checked and this can cause disturbance.

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario: The bat boxes were installed as compensation/enhancement at watercourse crossings following the installation of the road scheme.
 - The condition of the bat boxes must be checked to ensure they are fit for purpose and not damaged. Not carrying out these checks could result in a loss of roosting habitat for bats.
 - There will be no other infrastructure or trees at these water crossings to host these bat boxes and, thus, no other roosting habitat available if the installed boxes are not checked and maintained.
 - If the condition of the bat boxes is not checked, there is a risk of them falling and injuring members of the public (e.g. road maintenance personnel, fishermen).
 - One of the primary aims of the checks is to ensure the position of the bat boxes is functioning and to determine if they need to be moved or mended; without these checks this information cannot be collated. As such, there is a risk of the boxes remaining in an unsuitable location and not fulfilling the intended purpose (i.e. to provide roosting habitat for bats).
2. Alternative 1, Passive acoustic monitoring: The use of static bat detectors for a passive survey would also be redundant as it would only detect calls but not confirm if they were of bats emerging from the bat boxes.
3. Alternative 2, Emergence survey: Given the location (under water crossings) and quantity (25 boxes total), an emergence survey wouldn’t be feasible for health and safety reasons (i.e. working by water at night).



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There is also a risk of bats, particularly individuals, being missed. There may be some bats that don't emerge during an emergence survey also, resulting in a false negative result.

4. Alternative 3, Visual inspection only: Considering the height of the boxes above ground-level, the uneven terrain, the busy nature of the road network, and presence of watercourses under many of the crossings, the use of at-height machinery (e.g. ladders, MEWPs, platforms) is not appropriate due to the significant health and safety risk. There is one crossing (Bohill) where the surface and risks are low enough to allow the use of MEWP to lift the ecologist to the height of the boxes and undertake a visual inspection

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 4 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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National Parks and Wildlife Service**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	☒
	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 potential bat roosts with an endoscope/ High powered torch.

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 statutory ecological assessment, planning compliance, and environmental protection.

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 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: August 10, 2026

Position: Ecologist