



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

**Derogation Number
DER-BAT-2026-303
(Survey Derogation)**

**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 **Domhnall Finch, Wildlife Ecologist of National Parks and Wildlife Service, 90 North King Street, Dublin 7, D07 N7CV** a derogation. It is stated that this derogation is issued:

- A. 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
- 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 examination of potential bat roosts, including **all bat species and all roost types**, as necessary in order to undertake environmental impact assessments for property owners or developers or scientific study within the Republic of Ireland.
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**.
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The actions which this derogation authorises shall be completed between the **31st August – 30th November 2026, inclusive**.
5. The **Bat Roost Survey Protocol** as set out below must be adhered to, in order to ensure minimisation of disturbance to bats.
6. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or any authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
7. 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.**



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Bat Roost Survey Protocol to ensure minimisation of disturbance to bats

1. For unknown roosts

- a) Check with owner/client re presence of bats.
- b) Check with Bat Conservation Ireland to determine roost records.
- c) Survey for external signs of bats and roost entry points. If positive signs, then treat as known /suspected roost.
- d) Entry to possible roost should be made cautiously especially if survey is carried out in the winter period when signs of bats may be difficult to find. Should signs of bats be noted then treat as a known/suspected roost.

2. For known/suspected roosts

- a) Generic measures to include:
 - i. Avoid using roost illumination apart from torches.
 - ii. Talking in low tone is preferred to whispering.
 - iii. Bats seen in situ should be counted where possible and then left alone.
 - iv. Handling of bats to confirm identification is only used as a last resort and is subject to separate licencing under the Wildlife Acts (S.23).
 - v. Samples of droppings, dead bats etc. may be removed to facilitate species identification.
 - vi. Care to be taken to avoid cooling or warming effects as described below.
- b) During potential hibernation season (November-March), only one person should enter roost area. If any hibernating bats are seen to be showing signs of waking, then the roost survey will be abandoned immediately.
- c) During the breeding season, known breeding roosts should be avoided unless emergency work is required. This will usually be the subject of a separate derogation.



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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)

26 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: Domhnall Finch

Location/Name of Project: NPWS Offshore Renewable Energy Bat Tracking Project

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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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	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:

This derogation is considered under Regulation 54(2)(d) to enable the testing of Blūbat Telemetry Tags on Nathusius' Pipistrelle Bats as part of a NPWS Offshore Renewable Energy Bat Tracking Project. The derogation application form and associated supporting documentation provided by the applicant has been reviewed in full.

It is proposed to track the movements of up to 5 Nathusius's pipistrelle bats using new smaller tags – BlūBat - in order to generate high-resolution data on their movements during migration. By tracking individuals from these species, the trial study seeks to identify potential migration routes, flight behaviour, and spatial use of coastal and offshore environments. This information will provide a clearer understanding of how this species move through landscapes that may overlap with current and proposed offshore renewable energy developments. If this is successful there is options to expand the study in years to come with more tags and to other species. This project is the first time these types of tags have been used for bats in either Ireland or Britain and it has already been approved by the BTO. This project is linked with the ORE team in SARD and EGAU and acts as capacity building for SARD staff members, as licenced staff will train others in bat capture and tracking.

The project is expected to commence in late August and last to the end of October 2026. The protocol for capture, tagging and tracking of bats is based on experience of researchers in Belgium, Germany, Netherlands and Spain who have been undertaking similar work for the last three years. This protocol has been outlined in full and reviewed.

Under Article 11 of the EU Habitats Directive, DHLGH is obliged to undertake surveillance of the conservation status of the natural habitats and species in the Annexes. Article 18 encourages the necessary research and scientific work having regard to the obligation set out in Article 11. The project is considered to fall under these legal requirements and align with these obligations.

The EAU is of the opinion that this application meets the criteria to satisfy reason 54(2)(d). Based on the above, the application 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):

Alternative solutions to the proposed approach have been considered by the applicant.

1. Do-nothing- In the absence of any tracking then no data would be collected and the objective of the research could not be attained. There is a risk that the absence of data could mean that impacts of coastal developments would not be accurately predicted.
2. Tracking using radar (tagging not needed): Whilst some large bats can be tracked using radar, this technique is not effective at tracking individual bats and not accurate at large distances.
3. Tracking using VHF telemetry: Whilst smaller tags could be used to track bats over short time periods. This would not remove the need for the derogation and would not generate data of as long a time period.
4. Tracking using ringing/marking: Capture and ringing of individual bats would still require a derogation and would have a very low success rate, dependent on recapture of bat. It also does not allow the path of individual bats to be recorded along their flight route and therefore does not meet the objective of the research.
5. Tracking using acoustic monitoring: Acoustic surveys have been undertaken as alternative survey methods to record distribution but this only reveals presence of the species, as opposed to what the species may be doing in that area or the behavior of individual bats. Fast-flying bats such as Nathusius's pipistrelle bats can cover large foraging areas far from their roost sites.

The applicant has considered a range of alternative approaches and demonstrated that none would meet the project objectives as effectively as the proposed methodology. Accordingly, it is concluded that there is no satisfactory alternative solution capable of delivering the objectives of the research. Therefore, the EAU is of the opinion that this application has passed Test 2 and can now proceed to Test 3.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.



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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 applicant has outlined a detailed methodology for the capture, handling, ringing and tagging of Nathusius's pipistrelle bats, which will be undertaken by experienced bat ecologists with extensive expertise in bat survey, handling and telemetry techniques. The proposed BlūBat tags are lightweight (approximately 0.35-0.4g) and suitable for use on bats exceeding 7g in body weight, remaining within accepted welfare thresholds for telemetry studies.

Only healthy bats will be selected for tagging, with individuals assessed for signs of disease, parasites or other conditions prior to release. Established good-practice handling and tagging procedures will be followed at all times to minimise disturbance and welfare impacts. Previous telemetry studies on bats have not identified significant adverse impacts on flight performance or welfare.

The study is limited to a maximum of five individuals and any effects are expected to be temporary and negligible at the population level. Nathusius's pipistrelle is considered to be at favourable conservation status, with populations understood to be stable or increasing, although data is lacking¹.

The EAU is therefore of the opinion that the proposed derogation would not be detrimental to the maintenance of the population of Nathusius's pipistrelle at a favourable conservation status in its 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.



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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: *Rauna Connolly*

Date: August 26, 2026

Position: Ecologist