



An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife
Service

Derogation Number
DER-BAT-2026-305

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 **James Coffey of J Coffey Property (Falmore) Ltd., Abbey House, Main Street, Clonee, County Meath, D15 XHR** 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**:

- **Leisler's Bat** ***Nycatalus Leisleri***



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Falmore, Falls Road, Shankill, County Dublin, D18 K5P3** for **James Coffey**
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 Fauna Impact Assessment for a Proposed Residential Development at Falmore, Falls Road, Shankill, Co. Dublin.**) 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 **28th August 2026 – 31st December 2027, inclusive.**
6. The works will be supervised by bat ecologist(s): **Bryan Deegan**
7. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
8. The derogation is based upon information provided in the application. Where this information may cease to be accurate due to the passage of time or changes to the circumstances giving rise to the need for the derogation, the derogation holder is responsible for notifying the NPWS.
9. 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.
10. 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.
11. The local **NPWS Conservation Ranger – Seán Meehan**, sean.meehan@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.
12. 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 of the derogation or the 31st January each year**, should the derogation run for longer than one calendar year. Additionally a report will also be submitted detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return** and should be submitted to wildlife.reports@npws.gov.ie



NPWS

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For the Minister for Housing, Local Government & Heritage

Fianna O' Mahony.

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

28 August 2026

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



Derogation Assessment

Name of Applicant: James Coffey

Location/Name of Project: Falmore, Falls Rd, Shankill, Dublin D18 K5P3

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.	☐



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:

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 overriding public interest, including those of a social or economic nature aspect of Reason C. As outlined on page four of the accompanying report titled “Bat Fauna Impact Assessment” a derogation is required to facilitate proposed works at Falmore, Falls Road, Shankhill, Co. Dublin.

The objective of the derogation involves the construction of a residential development of 62 residential units, site development works, parking, cycle tracks and a playground necessitating demolition of the current structures on the site. The report further outlines the proposed development is located on lands that are zoned for “new residential communities” complying with national and regional planning policy and will help to address local housing needs in an urban area.

The applicant has provided evidence as to the nature and scale of the public interest 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.



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:

Loss of a minor bat roost (*Nyctalus leisleri*) located in a building at a residential development at Falmore, Falls Road, Shankill, Dublin, D18 K5P3

The specific situation that needs to be addressed is ‘the removal of a minor bat roost as the proposed works are necessary in the interests of public health and safety and the delivery of urgently needed housing’. The roost affected is of minor significance (< 5 individuals) and the proposed mitigation ensures that there will be no adverse impact on the conservation status of *Leisler’s* bat or any other bat species. This will be achieved by the implementation of the mitigation measures as outlined on Page 23 of the accompanying Bat Fauna Impact Assessment , dated 27.04.2026.

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario

Under a “do nothing” scenario, the site at Falmore, Shankill, Dublin would remain in its existing condition, and the proposed residential development would not proceed. This would result in the loss of an opportunity to deliver 62 residential units on a suitably zoned and serviced site within an established urban area. While the residential building on the site supporting the *N. leisleri* roost would remain in situ under this scenario, the do-nothing option would fail to meet the planning and development objectives for the site and is therefore not considered a satisfactory alternative.

CR’s assessment – The development consists of the provision of 62 residential unit. In a ‘do-nothing’ scenario, the site’s development potential would go unused at a time of an urgent demand for housing.

The bat roost that will be lost is minor and is used by less than five individual *N. leisleri* bats, a species of favourable conservation status in Ireland. The mitigation measures, including the provision of bat boxes on retained trees on the site, will compensate for the loss of the residential building’s roof space, where the current roost is located.

2. Alternative 1

“Retention and incorporation of the existing residential building into the proposed development”

This option would retain and incorporate the existing residential building into the proposed development site. This option is not feasible for the following reason: In line with national Sustainable Residential Development and Compact Settlement guidance, urban neighbourhood locations such as Shankill are expected to support higher residential densities, typically in the range of 65-75 dwellings per hectare, to ensure the efficient and sustainable use of serviced suburban land. Due to the irregular shape of the site, and the location of the residential building in the centre, the capacity to retain/avoid this protected structure is restricted. Should this structure be retained as a part of the proposed development, the minimum required housing density would not be reached. In addition, due to its state of dereliction, the structure would constitute a public health and safety concern and is not an option should the development commence. In short, the retention of this structure would undermine the proper planning and sustainable development of the wider site.

CR’s assessment – This residential development is required at a time of a national housing shortage. Attempting to retain the existing residential building in which the roost is located is not feasible as it does not fit into the approved layout and configuration of the site. The proposed development complies with Ministerial Guidelines, the planning policy within the

Dun Laoghaire-Rathdown County Development Plan 2022-2028, the Woodbrook/Shanganagh Local Area Plan and National and Regional Planning to provide new residential communities.

The overall site is limited in scope and to maximise the site’s usage for housing and associated infrastructure, the residential building will have to be removed. The mitigation measures are proportionate for the loss of the small roost in this building. The provision of three bat boxes will compensate for the loss of the roost and enable bats to continue to use the site post construction.

Conclusion

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered, including the “do-nothing alternative”. 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 or viable solutions are apparent.

The development site is appropriately zoned and is needed to help address the national housing shortage. The bat survey effort for the site that included dates in August 2025 is considered sufficient for the size and nature of the site. As per the mitigation measures, a pre-construction inspection of trees and structures on the site will be carried out and the residential building where the roost is located will be demolished appropriately. This will help further reduce impacts on the local bat population.

The proposed mitigation, which includes the installation of three bat boxes on trees, retention of the retention of perimeter treelines and implementation of an appropriate lighting regime as per standard guidance (BCT, 2018) will allow the site to continue to provide roosting and foraging opportunities for bats post-construction. The mitigation measures are deemed suitable and proportionate to compensate for the loss of the small roost whilst enabling the development to proceed.

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 should 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	☒
	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)

A small Leisler's bat roost is present within one of the buildings on site. This species is widespread and abundant in Ireland and is in favourable conservation status.

Suitable and proportionate mitigation has been proposed, including the erection of bat boxes and sensitive lighting.

Providing these mitigation measures are implemented, I am satisfied that the works will not be detrimental to the maintenance of the populations of the 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.



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: August 28, 2026

Position: Ecologist