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An tSeirbhís Páirceanna
Náisiúnta agus Fiadhúla
National Parks and Wildlife Service

**Derogation Number
DER-BAT-2026-312 (amended)**

**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 **Orlaith Gallagher of Scoil Mhuire, Tower Road, Chapelizod, Dublin 20, D20 HX04** 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**:

- **Soprano Pipistrelle** **Pipistrellus Pygmaeus**



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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 **Scoil Mhuire, Tower Road, Chapelizod, Dublin 20, D20 HX04** for **Orlaith Gallagher**
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 Scoil Mhuire Mount Sackville**) 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 **1st October – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Wayne Daly, Colm Clarke, Andrew Speer, Tim Ryle, Jamie Dempsey (Gregor Wood, Caitriona Fenton, Simon O’Carroll & Amir Glick under supervision)**
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 – Mairéad Stack**, mairead.stack@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

Fiona O' Mahony.

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

15 September 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: Orlaith Gallagher

Location/Name of Project: Scoil Mhuire, Tower Road, Chapelizod, Dublin 20, D20 HX04

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:

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 public health and public safety aspect of Reason C. As outlined on page one of the accompanying report titled "Bat Derogation Licence Application 2026" a derogation is required to facilitate proposed works at a primary school in Mount Sackville, Tower Road, Chapelizod, Co. Dublin.

The objective is to conduct works to the roof of the school building to seal it from further ingress from bats. The report further outlines on page seven and eight that the bat roost in the school "presents a public health risk, with ongoing contamination of the occupied space beneath the roof, namely the canteen, hallway, and bathrooms." The report also notes the current roof layout allows bat droppings, urine and the bats entry into parts of the school including food and sanitary areas. The school has a statutory obligation to provide a hygienic and safe environment for its users.

The applicants have 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.

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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 purpose of the derogation is to allow the following activity to take place: [proposed works to a roof to eliminate a contamination risk due to the presence of a bat roost at a Primary School in Mount Sackville]

The specific situation that needs to be addressed is *that the bat roost and ingress of bats, droppings and urine, has become a health & safety issue.*

The alternative solutions suggested by the applicant are: ...

1. "Do-Nothing" scenario:

- In a Do-Nothing Scenario, if the school building and flat roof were retained in the current state, the bat roost would continue to present and unacceptable health and safety contamination risk.
- In its current state the flat roof allows direct ingress of bat droppings and urine, as well as bats themselves into the occupied space, including food-related and sanitary areas;
- The contamination risk is partially continuous with the school year and with over summer events at the school and cannot currently be mitigated for through any operational or cleaning control;
- There is no allowance for sealing of the roof or occupied space or isolation of the roost without disturbance to the roost or destruction of the breeding site.
- The School is statutorily obliged to provide a hygienic and safe environment.

2. Alternative 1: Retain existing roost where it is and internally seal the building.

I have visited the school on a number of occasions and have noted numerous tiny spaces and holes in the ceilings and walls as it is an old building. It would be impossible to fill all these gaps.

This alternative is not feasible as it cannot be delivered without disturbance and risk of injury or mortality to the bats, the exact location of the bats within the building is unclear and the building may contain multiple crevices and gaps to hide bats. It is unknown whether any bats remain over winter for hibernation about it can be seemed likely. The building cannot be reliably sealed without removing roost supporting features, internal sealing would require ongoing invasive works and would not necessarily prevent contamination risk.



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3. Alternative 2: Exclude bats entirely from the building without providing replacement roost habitat.

Physical exclusion could be implemented however this would result in disturbance to a known roosting place, and would contribute to the loss of a large maternity roost with no on site alternative.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 8 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.

Much work and thought have been put into the solution while using existing infrastructure close to the existing bat roost, thus increasing the chance of success of the mitigation suggested.

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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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 large soprano pipistrelle maternity roost is present within one of the buildings on site. This species is widespread and abundant in Ireland and is in favourable conservation status. This species is also adaptable and quick to occupy new roosting features.

Suitable and proportionate mitigation has been proposed, including the creation of a new bespoke bat loft.

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.



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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: September 15, 2026

Position: Ecologist