Derogation Number
DER-BAT-2026-322

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 **Eamonn Keller** of **Beatha Ghlas Properties Ltd., 2/3 Prospect House, Glasnevin, Dublin 9, D09 K5V2** 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**

Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Former School House, Balglass Road, Howth, County Dublin** for **Eamonn Keller**
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 **(Supporting Information for Bat Derogation Licence Application Former Schoolhouse, Balglass Road, Howth, 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 **27th October – 31st December 2026, inclusive.**
6. The works will be supervised by bat ecologist(s): **Aidan Murphy**
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.**

For the Minister for Housing, Local Government & Heritage

Fiona O' Mahony.

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

27 October 2026

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



Derogation Assessment

Name of Applicant: Eamonn Keller

Location/Name of Project: Former School House, Balglass Road, Howth, County Dublin

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 three of the accompanying report titled "Supporting Information for Bat Derogation" a derogation is required to facilitate proposed works at the former schoolhouse, Balglass Road, Howth, Co. Dublin.

The objective of the works involves the conversion and extension of the former schoolhouse to provide four dwellings, two detached dwellings and associated works. The report further outlines that the proposed project will "bring a vacant and deteriorating building back into residential use and provide six dwellings in total."

The application notes the proposed works will also contribute to housing provision "within an established settlement." The provision of housing in Ireland is at a critical juncture and the public interest of same can be balanced against the conservation aims of the Directive.

The applicants have 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: *The proposed works comprise the restoration and conversion of the vacant former Howth National School into three residential units, in accordance with planning permission granted by Fingal County Council. The development will bring a disused historic building back into beneficial use, contribute to housing provision within an established settlement and secure the repair and continued maintenance of the existing building. The works require removal and replacement of the existing roof, which may affect a suspected brown long-eared bat (Plecotus auritus) resting place.*

The specific situation that needs to be addressed is the possible impact on a suspected Brown Long Eared Bat roost.

The alternative solutions suggested by the applicant are:

1. "Do-Nothing" scenario: Retaining the building in its current condition and not undertaking the proposed restoration and conversion works was considered. However, this option was discounted as the structure is showing signs of deterioration associated with prolonged vacancy and exposure to the elements. Defects within the roof and external fabric have resulted in water ingress, and the condition of the building is likely to worsen if remedial works are not undertaken. The proposed works are intended to secure the long-term future of the structure by addressing existing defects and in time returning the building to a habitable condition. Delaying or avoiding the refurbishment would increase the extent of future repairs required and could ultimately result in the loss of the building as a viable structure. Consequently, the do-nothing option would not achieve the objectives of the project and was not considered a satisfactory alternative

2. Alternative 1 : Alternative location: The works relate to the restoration and conversion of an existing former school building and are intrinsically linked to that particular structure. As the objective of the project is to restore and convert the existing building, relocation of the works to another site would not Page 10 achieve the intended outcome. Consequently, an alternative location was not considered a practicable option.

3. Alternative 2: Alternative design: Retaining the existing roof without intervention was considered but is not technically compatible with the repair and conversion of the building. The roof is in poor condition and requires removal and replacement as part of the permitted works. A design that retained the roof

in its present condition would not provide a durable or practicable solution and would leave the building vulnerable to further deterioration. The selected approach therefore retains and restores the existing building while incorporating bat mitigation and compensation. Potential impacts will be minimised through appropriately timed works, a pre-works inspection, ecologist supervised soft removal of roof materials and other potential roost features, a stop-work procedure if bats or significant evidence are found, and the provision of permanent replacement roosting opportunities. No alternative design was identified that would both achieve the objectives of the project and avoid effects on the suspected resting place, while remaining compatible with the architectural requirements of the historic building.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 8 of the accompanying *a number of alternative solutions, including the "do-nothing alternative" were examined by the applicant . The alternative solutions were not deemed appropriate.*
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.

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 Brown Long Eared Bat roost has been identified on site. This species are in favourable conservation status in Ireland and the roosts in question are minor (not maternity, not hibernation).
Suitable and proportionate mitigation has been proposed, including the erection of a number 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**	☐

The following conditions should be attached to the derogation:

1.
2.
3.
4.

[add additional conditions where required]

Signed: Kate Greaney Date: October 27, 2026

Position: Ecologist