Derogation Number
DER-BAT-2026-327

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 **Marie McNamara** of **Tuath Housing Association, 33 Leeson Street Lower, Dublin 2, D02 KD68** 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**:

- **Lesser Horseshoe Bat Rhinolophus Hipposideros**

Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Westport Convent, Altamount Street, Westport, County Mayo, F28 EW67** for **Marie McNamara**
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 **(Reg 54: Supplementary Information Westport Convent)** 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 **4th November – 31st December 2026, inclusive.**
6. The works will be supervised by bat ecologist(s): **Conor McKinney**
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 Regional Manager – Irene O'Brien,** irene.obrien@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)

04 November 2026

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



Derogation Assessment

Name of Applicant: Marie McNamara

Location/Name of Project: Westport Convent, Altamount Street, Westport, County Mayo, F28 EW67

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 interests of public health and public safety aspect of Reason C. As outlined on page six of the accompanying report titled "Reg 54: Supplementary Information", a derogation is required to facilitate proposed works at Altamont Street, Westport, Co. Mayo.

The objective of the works involves the reuse of the existing three-story convent building on the site to deliver 18 social housing apartments. The report further outlines the proposed works will ensure "the long-term preservation of a building of architectural and social significance while restoring it to productive use" noting the location as in an established town-centre site with services and transport links.

This location will renew the area, "support compact urban growth" and "reduce pressure for outward expansion of the town". The provision of social housing will assist to address local and national housing needs providing a clear social benefit, regenerate a central site and contribute to the town community aligning with objectives in the Mayo County Development Plan.

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 purpose of this derogation is to allow the development of a derelict site at the Westport convent to deliver 18 social housing apartments. Currently, the site is derelict in the middle of Westport town and is attracting anti social behaviour. There is also a considerable lack of social housing within the town and this development should help to address this issue. The report further outlines the proposed works will ensure "the long-term preservation of a building of architectural and social significance while restoring it to productive use" noting the site is in a prominent location in the town. This location will renew the area, "support compact urban growth" and "reduce pressure for outward expansion of the town". The provision of social housing will assist to address local and national housing needs providing a clear social benefit, regenerate a central site and contribute to the town community.

The alternatives solutions are as follows:
Do nothing, this is not an option here as the site is a disused, partially derelict former convent in a peri-urban area. Non-development of the site would fail to achieve the public interest objectives of the proposed development (housing delivery, brownfield regeneration) and would not address the ongoing deterioration of the built structure. In addition significant trespassing issues and antisocial behaviour occurs on site, the building itself has substantial health and safety risk to trespassers. The works have commenced and a derogation is in existence, Lesser Horseshoes have been discovered during ongoing monitoring and were possibly displaced by the adjacent development where 5-7 LHB had been roosting during the winter. There is a hibernaculum in place at the site but it was erected last year only. This alternative of 'do nothing'is not satisfactory and impractical at this point.

Redesign to avoid all bat features: The three roost features are located in the roof fabric of the main convent building, specifically at roof tiles (SW aspect), roof eaves (E aspect), and the roof area adjacent the chimney stack (NW aspect, confirmed in 2024 survey). These are integral to the building envelope. Any refurbishment or works to the roof — which are necessary to make the building weathertight and habitable — would N/A N/A Docusign Envelope ID: 253A6A1D-87C3-8509-80E3-55A0F547A81D Page 10 inevitably affect these features. It is not physically feasible to exclude all roost areas from the scope of works. As the works have already commenced this is not a feasible option.

Retain roost features in place within the refurbished building.
In terms of the Lesser Horsehoe bats, this is a feasible option and has been outlined in the accompanying report: see below

The Lesser Horseshoe bat roost is within the roof void of the building. The current feature in use by the bats has been repurposed within the design proposals and will create a segregated void of suitable size and dimensions to allow integration within the proposals with an accompanying access route through the roof. It is therefore proposed that this alternative is feasible for the provision of a day and night roost of a small number of Lesser Horseshoe bats. Mitigation in terms of lighting impacts have also been outlined in the report.

I am satisfied that this is a favourable alternative and that in the interests of public health and safety and overriding public interest including those of an economic and social nature, reason C, 54(2), I am satisfied that this application meets the requirements of Test 2 and that there is no other option in this case.

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)

Minor roosts for Lesser horseshoe bat (LHB) and soprano pipistrelle were identified on site. LHB is in unfavourable conservation status nationally, while soprano pipistrelle is in favourable conservation status.

Although the proposed renovations will remove the roosting opportunities in buildings, the planned mitigation measures include proposals to renovate a LHB loft and to provide enhanced long-term suitable bat roosting location there. The provision of loft will likely increase the roosting opportunities for lesser horseshoe bats. In addition, bat boxes, lighting plan, and landscape plan are included within the mitigation measure design.

Provided the mitigation measures are implemented in full, 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: November 4, 2026

Position: Ecologist