



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-33**

**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 **Kevin Donohoe of Winterwood Developments, Unit 239, Ballycoolin Corporate Park 2, Dublin, D15 YK88** 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**



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Winterwood, Carpenterstown Road, Dublin 15, D15 YH4C** for **Kevin Donohoe**
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 Bat derogation license for Proposed Large-Scale Residential Development (LRD) at Winterwood, Carpenterstown Road, Dublin 15**) 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 **12th January 2026 – 31st March 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 – 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.
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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Náisiúnta agus Fiadhúlra
National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

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

12 January 2026

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





Derogation Assessment

Name of Applicant: Kevin Donohoe

Location/Name of Project: Winterwood, D15 YH4C

Tick the following prohibition as chosen on the application:

(a) Deliberately capture or kill any specimen of the relevant species in the wild	<input type="checkbox"/>
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	<input type="checkbox"/>
(c) Deliberately take or destroy eggs of the relevant species in the wild	<input type="checkbox"/>
(d) Damage or destroy a breeding or resting place of such an animal, or	<input checked="" type="checkbox"/>
(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.	<input type="checkbox"/>
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	<input type="checkbox"/>
(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.	<input type="checkbox"/>

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,	<input type="checkbox"/>
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>
(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	<input type="checkbox"/>
(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.	<input type="checkbox"/>



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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

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 in the accompanying report "Supporting Bat derogation license for Proposed Large-Scale Residential Development (LRD)", the derogation is required to assist with proposed works at Winterwood, Carpenterstown Road, Dublin 15.

The objective of the works is the construction of 32 two-storey houses, 148 apartments and associated works on land zoned for residential use. To achieve this aim, a number of structures on the site are to be demolished including a shed containing a bat roost. The report outlines how the provision of this housing will contribute to local and national housing supply within an "established urban area" and in accordance with planning policy. The proposed development will also contribute to the social and economic interest by the provision of public and communal open spaces and generation of employment.

The applicants have provided evidence as to the nature and scale of the overriding public interest reasoning 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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

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: The demolition of an existing shed within the site. A pre-demolition building inspection bat survey confirmed the presence of a small Soprano Pipistrelle (*Pipistrellus pygmaeus*) roost within this structure. This is part of the redevelopment of a c. 1.76 ha site at Winterwood, Carpenterstown Road, Dublin 15, to deliver a Large-Scale Residential Development comprising 180 residential units in a mix of houses and apartments, together with public and communal open spaces, internal roads, pedestrian and cycle infrastructure, parking facilities, landscaping, an ESB substation, and associated infrastructural works.

The specific situation that needs to be addressed is, is there an alternative solution to the demolition of the shed with a roost of one Soprano Pipistrelle.

The alternative solutions suggested by the applicant are:

“Do-Nothing” scenario : Under a “do nothing” scenario, the site would remain in its current condition and the proposed 180-unit residential development and associated infrastructure would not be delivered. This would fail to address critical local and regional housing needs at a time of severe housing shortage and would represent an inefficient use of zoned and serviced urban land. Given the site’s residential zoning, it is likely that redevelopment would be pursued at a future date, with similar impacts on the existing structure and roost.

I agree with this assessment and maximising the density of a development is being required by the Local Authority in this time of a severe housing shortage.

Alternative 1 : Redesigning the Development to Avoid the Roost
The option of retaining the shed that supports the bat roost was considered. However, the structure is located within the footprint of essential development elements and its retention would compromise the layout, functionality, and delivery of the proposed scheme. Retaining the shed would restrict the placement of residential units and internal circulation routes and would conflict with planning, density, and design requirements for the site.

I agree with the assessment that this is not viable. Retaining the shed would alter the layout and decrease the density of housing delivered.

Alternative 2: Alternative Site layout or Location

Alternative site layouts were examined; however, reconfiguring the development to fully avoid the shed is not feasible without significantly reducing housing delivery and undermining the overall design coherence and viability of the scheme. Relocating the development to an alternative site is not considered a satisfactory option, as the proposal relates specifically to the redevelopment of this zoned and serviced site to deliver housing in accordance with planning policy

I agree with this assessment. Relocating the roost to another location within the site would diminish the density of housing delivered at this site. Relocating the roost to outside this location is not feasible as the planning only relates to this site.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 10 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

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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

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 single soprano pipistrelle was recorded using a building on site. This species is widespread and abundant with c1M individuals present in Ireland. The species is increasing in number and is in favourable conservation status. This species is also very adaptable and quick to colonise bat boxes and other roosting options.

Appropriate and proportionate mitigation is proposed.

The loss of this minor roost 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:

[Empty box for conditions]

Kate Greaney

Signed: .

Date: January 12, 2026

Position: Ecologist