Derogation Number
DER-BAT-2026-332

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 **Fiona Shannon** of **Lagan Homes Boyne Ltd., Block 10-4, Blanchardstown Corporate Park, Dublin 15, D15 X98N** 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**:

- **Common Pipistrelle** **Pipistrellus Pipistrellus**

Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **2 Boyne Avenue, Newtownstalaban, Drogheda, County Louth, A92 DX4V** for **Fiona Shannon**
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 licence for Proposed Large-Scale Residential Development at Boyne Road, Drogheda, Co. Louth)** 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 **25th November 2026 – 31st December 2027, inclusive.**
6. The works will be supervised by bat ecologist(s): **Bryan Deegan**
7. Self-cleaning bat boxes should be used, facing all directions (N,S,E&W) and be positioned on multiple trees.
8. Bat Ecologist to attend as Clerk of Works while any investigation is being carried out.
9. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
10. 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.
11. 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.
12. 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.
13. The local **NPWS Conservation Ranger – John Loughran,** john.loughran@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.
14. 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

For the Minister for Housing, Local Government & Heritage

Fiona O' Mahony.

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

25 November 2026

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

National Parks & Wildlife Service LICENCE

Derogation Assessment

Name of Applicant: Fiona Shannon

Location/Name of Project: 2 Boyne Avenue, Newtownstalaban, Drogheda, County Louth, A92 DX4V

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 <u>the applicant claims</u> 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 in the accompanying report titled "Supporting Bat derogation licence for Proposed Large-Scale Residential Development" a derogation is required to facilitate proposed works on lands at Boyne Road, Drogheda, Co. Louth.

The objective of the works involves the demolition of six derelict buildings on the site to facilitate the construction of 192 residential units and several associated buildings including a café, childcare facility, gym, community workspace and associated works.

The report further outlines the proposed works will comply with planning policy by providing "much-needed housing within an established urban area" and will contribute to meeting both local and regional housing demand with "efficient use of zoned and serviced land." The report notes the associated buildings within the scheme will generate local employment opportunities, provide communal and public open spaces on urban land zoned for residential use.

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 licence is sought for the demolition of Buildings 1, 2 and 4 only, where the three Common pipistrelle day roosts were confirmed.
The specific situation that needs to be addressed is the demolition of Buildings 1, 2 and 4, where the three Common pipistrelle day roosts were confirmed.
The alternative solutions suggested by the applicant are: …… Avoidance of deliberate, killing, injury or disturbance – taking all reasonable steps to ensure works do not harm individuals by altering working methods or timing to avoid bats. The seasonal occupation of most roosts provides good opportunities for this.
Roost creation, restoration or enhancement – to provide appropriate replacements for roosts to be lost or damaged
Long-term habitat management and maintenance – to ensure the population will persist
Post-development population monitoring – to assess the success of the scheme and to inform management or remedial operations

"Do-Nothing" scenario

Alternative 1 Under a 'do nothing' scenario:
The site would remain in its current condition and the proposed 192-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 a zoned, serviced urban site. The derelict buildings would also continue to deteriorate and present ongoing risks associated with fire damage and anti-social use leading to the buildings becoming less suitable for bats overtime, to which I can confirm.
The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As the proposed development will result in the destruction of bat roosts in Buildings 1, 2 and 4, a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) is required from the National Parks and Wildlife Service. No demolition of, or works affecting, Buildings 1, 2 and 4 will take place until the licence is granted. These works, including timing, pre-demolition inspection and the removal of roost features, will be carried out only in accordance with the conditions of the licence and under the supervision of a suitably qualified and licensed bat ecologist.

No roosting bats were recorded in Buildings 3, 5 and 6. These buildings may be demolished in advance of the derogation licence. Care will be taken not to strike, undermine or otherwise damage Buildings 1, 2 and 4 during these works. Should bats be encountered at any stage, works will stop immediately and the project ecologist will be contacted. If demolition takes place during the bat survey season (May to September), a dusk emergence survey of the buildings will be carried out the evening before.
A suitably qualified and licensed bat ecologist (the project ecologist) will be appointed to oversee all works affecting the buildings 1, 2 and 4.
Bat boxes suitable for crevice-dwelling pipistrelles will be installed on mature, retained trees in advance of the demolition of Buildings 1, 2 and 4. Number, locations and orientations will be selected by the project ecologist. Any damaged or missing bat boxes will be replaced.
Construction lighting will be directional and will not be directed at the boundary trees along Strand Road, the western boundary or the bat boxes. Lighting will be switched off outside working hours except where required for security.
Operational lighting will be as per the Sabre Electrical Services Ltd. (2023) lighting design, using 2700K to 3000K full cut-off luminaires. Light spill onto the retained southern and western boundary vegetation and bat box locations will not exceed 1 lux.
A post-construction light spill survey will be undertaken by the project ecologist. Where light levels above 1 lux are recorded at the boundary vegetation or bat box locations, remedial measures (e.g. shields, dimming, re-aiming) will be implemented until compliance is achieved.

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 subject to and can proceed to Test 3, subject to the following mitigation measures:

Self-cleaning bat boxes should be used.
Bat boxes to be facing all directions (N,S,E&W) and be positioned on multiple trees.
Bat Ecologist to attend as Clerk of Works while any investigation is being carried out.
If any further bats are found in the building, the NPWS ranger John Loughran is to be contacted before any other works are carried out.

<u>Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.</u>

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)

Three small common pipistrelle roosts are present within 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 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**	☐

The following conditions should be attached to the derogation:

Self-cleaning bat boxes should be used.
Bat boxes to be facing all directions (N,S,E&W) and be positioned on multiple trees.
Bat Ecologist to attend as Clerk of Works while any investigation is being carried out.
If any further bats are found in the building, the NPWS ranger John Loughran is to be contacted before any other works are carried out

Signed: Kate Greaney Date: November 25, 2026

Position: Ecologist