**Derogation Number**
**DER-BAT-2026-333**

# 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 Breslin** of **Saint-Gobain, Gypsum Industries PLC, Kingscourt, County Cavan, A82 PF99** 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**
- **Common Pipistrelle** **Pipistrellus Pipistrellus**
- **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 **Knocknacran West, County Monaghan** for **Kevin Breslin**
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 Knocknacran West Mine, Co. Monaghan)** 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 – 31st December 2026, inclusive.**
6. The works will be supervised by bat ecologist(s): **Tom O'Donnell, Colm Breslin, Claire McCarthy & Oisin O'Sullivan**
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 – Christopher Liu,** christopher.liu@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)

**25 November 2026**

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



# Derogation Assessment

**Name of Applicant: Kevin Breslin**

**Location/Name of Project: Knocknacran West, County Monaghan**

**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 in the accompanying report titled "Bat Derogation Licence Application", a derogation is required for proposed works at Knocknacran West Open-Cast Mine, Co. Monaghan.

The objective of the works involves the demolition of three identified structures on the site and the renovation of a fourth structure to facilitate the development and recovery of gypsum by open cast methods. The report also notes the provision of a community sports complex adjacent to the existing mine.

The report further outlines on page 21 the mine "provides a source of high-quality gypsum for future infrastructural requirements nationally" with the open cast mining considered the only viable option to facilitate extraction. The works will contribute to both local and national economies through employment, products for sale and supply chains. The report lastly outlines "Manufacturing facilities are well established and located close to the extraction activities" with the site the only proven resource of gypsum in the country.

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: "To develop and recover the gypsum remaining in the former Drumgoosat Underground Mine by open-cast mining methods… To enable the development of the consented mine, three buildings will be demolished (B1-B3). The fourth building (B4) will be retained and renovated as a permanent roosting space for bats, in addition to the construction of a new roost structure"

The specific situation that needs to be addressed is that "The consented Knocknacran West development encompasses four structures relevant to bats. These structures are located within the context of mature trees and pockets of woodland, with the surrounding landscape characterised by agricultural pastures and mature hedgerows subject to minimal light pollution." The report goes on to state that "All structures remain used as a roosting location by bats, with a number of additional specific roosting locations identified through full coverage by thermal cameras. The increase in numbers observed emerging from B3 in 2026 has changed the classification of this roost to maternity status. All individuals observed roosting in all structures were Soprano pipistrelle…. Non-significant roosting by small numbers of Pipistrelles and Brown long-eared bat have been identified in three structures within the proposed development (B1, B2, B4). Maternity roosting by Soprano pipistrelle was identified within B3.

The alternative solutions suggested by the applicant in section 5.2 of the report are: …… [*List below options given by the applicant and assess whether these solutions resolve, or could reasonably be expected to resolve, the situation. If an alternative solution does not resolve the situation, then it may not be considered viable. Where a solution is partially effective, even if it does not sufficiently address the problem, but it can still reduce or mitigate the problem, it should be implemented first.]*

1. "Do-Nothing" scenario "the existing Knocknacran and Drummond Mines would cease operations once the current permitted extractable reserves are exhausted in 2026 and 2033 respectively." Specifically in relation to bats this scenario mean that "the site would remain a brownfield site and structures contained within will be lost to roosting bats in the short to medium terms." The assessment of this scenario finds that this option would not be favourable.

2. Alternative 1 Development of Alternative Greenfield Site for Gypsum: "Depending on the greenfield site and underlying geology, there may be surface water, groundwater and biodiversity issues which are less favourable than the current proposal. The sourcing of a greenfield site, importation of materials and relocation of operations would result in such a site being situated further away from the manufacturing factory in Kingscourt, Co. Monaghan; thus, increasing the journey lengths and knock-on effects to road infrastructures." This solution presents many ecological and environmental unknowns which would require further surveys and potential impacts to nature conservation therefore cannot be accurately qualified against the current proposal. However, in considering this alternative solution, it can be regarded as not viable in other contexts outlined in the report.

3. Alternative 2 Relocation of Mining Operations Abroad and Importation: With particular reference to the conservation of the bat population "In this alternative the existing mines at Knocknacran and Drummond would close. The existing Knocknacran West Mine site has had recent issues with subsidence and there is a risk that in this scenario that the site would remain a brownfield site and structures contained within will be lost to roosting bats in the short to medium terms." "This scenario risks, unmitigated loss of bat roosts to subsidence, the continuation of the factory at Kingscourt, and employment at that site." Assessment of this scenario finds that the potential and unmitigated loss of the bat roosts to be unfavourable. Furthermore, as in Alternative 1, the identification of suitable operations abroad presents unquantifiable risks and therefore cannot be objectively comparable to the preferred scenario for which the derogation is sought.

4. Alternative 3 Recover Remaining Gypsum (Consented Development): "Baseline studies carried out by O'Donnell Environmental at the Knocknacran West site have identified bat roosting in all structures (B1-B4). To enable the development of the proposed mine, three structures (two with identified non-significant roosts; one with maternity roost) would need to be demolished. Under a do-nothing scenario, these roosts will inevitably be lost to subsidence. Robust mitigation is discussed in Section 4.2 above, involving seasonal restrictions, retention of the fourth structure (confirmed roost known as the Shirley House), construction of bespoke roost and extensive bat box installation." This alternative has been presented as the preferred solution by the applicant and on the basis of objective information available can be assessed as a viable solution to permit this derogation and development to proceed.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on pages 21-23 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. In particular, the provision of mitigation recommendations in section 4.2 as part of the proposed application can be considered in conjunction with the preferred solution.

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)**

Roosts of three species of bat are present in the building in question: *Pipistrellus pipistrellus*, *Plecotus auritus* and *Pipistrellus pygmaeus.* These species are widespread in Ireland and all three are in favourable conservation status.

Suitable and proportionate mitigation is planned to include repurposing a building onsite to be a bat house and creating a new bat purpose-built bat house. In addition, bat boxes will be erected, and sensitive lighting and landscape plans have been proposed. Works will occur within the NPWS-agreed seasonal window using bat-safe materials and under ecological supervision. With the proposed mitigation measures, the impact of the derogation on the local bat population will be minimal.

With the full implementation of these mitigation measures I am satisfied that the derogation would not be detrimental to the maintenance of the populations of the bat 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 25, 2026

Position: Ecologist