



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúla
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-34**

**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 **Tim O’ Farrell c/o Cork County Council, County Hall, Cork City, County Cork, T12 R2NC** 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 Adrigole Garda Station, Adrigole, Bantry, County Cork, P75 HE36** for **Tim O' Farrell**
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 Survey Report Adrigole Housing Project, Co. Cork.**) 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 **31st January – 31st December 2026, inclusive.**
6. The works will be supervised by bat ecologist(s): **Tom O' Donnell & Colm Breslin**
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 – Patrick Graham**, patrick.graham@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.**



NPWS

An tSeirbhís Páircanna
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)

20 January 2026

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





Derogation Assessment

Name of Applicant: Tim O’ Farrell

Location/Name of Project: Former Adrigole Garda Station, P75 HE36

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 checked="" 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 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 on page one of the accompanying report, the derogation is required to assist with proposed works at the currently unoccupied Adrigole Garda Station, Co. Cork, noted as a protected structure.

The objective of the proposed works involves the construction of two residential units within the existing structure on behalf of Cork County Council. The report further outlines that without these proposed works, the structure will continue to decline and fall into dereliction. 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 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 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: [Cork County Council propose to develop two residential units within an existing structure, formerly Adrigole Garda Station, located within the townland of Adrigole, Co. Cork. The proposal includes for the complete renovation of the internal layout within the existing building, the demolition and reconstruction of onsite services and removal of overgrown vegetation alongside all associated works]

The specific situation that needs to be addressed is [The former Adrigole Garda Station has been confirmed as a bat roost utilised by Brown Long-eared Bat]

The alternative solutions suggested by the applicant are

1. “Do-Nothing” scenario [NPWS regional staff are in agreement with the applicant that this alternative is not satisfactory as the building will continue to fall into disrepair and will no longer be suitable as a maternity roost for bats.]

2. Alternative 2 – Exclude Bats Entirely from Adrigole Garda Station

NPWS regional staff are in agreement with the applicant that this alternative is not satisfactory as exclusion of bats entirely from the attic space of Adrigole Garda Station would result in the complete loss of roosting opportunities for Brown Long-eared Bat. While roosting at the time was observed by a small number of individuals, under this scenario an unnecessary net loss in high-suitability roosting space will occur the local bat population. This solution was not considered suitable, and alternative options are required.

3. Alternative 3 – Replacement Bat Box Roosting

NPWS regional staff are in agreement with the applicant that this alternative is not satisfactory as the attic space of Adrigole Garda Station is currently accessible to bats, and provides suitable and complex roosting spaces throughout. One alternative considered was the provision of bat boxes on nearby trees as a replacement roosting location for the attic. However, the spatial complexity provided by the joinery of attic spaces cannot be replicated through bat boxes and is thus considered sub-optimal when intended as a 1:1 replacement. Retaining roosting spaces in their original location is considered preferable over the provision of alternative locations (Marnell et al., 2022; Reason and Wray, 2023). There is an additional risk that these replacement will not be used. This solution was not considered suitable, and alternative options are required.

4. Alternative 4 – Repair Structure and Maintain Access to Original Roosting Location

NPWS regional staff are in agreement with the applicant that this alternative is the most satisfactory as the mitigation for the proposed works involves leaving the attic for bat species. There will be temporary disturbance effects and loss of roosting spaces as a result of works which will be mitigated through the provision of bat boxes. As discussed in Section 4.2.5 of the bat report, maintaining the attic as a roosting space

is optimal under the current scenario. There is a high degree of confidence in mitigation being successful when retaining existing roosting spaces.

The roosting location will be compartmentalised from the rest of the attic space. By compartmentalising the attic, it enables the placement of water tanks in the attic for residents, and provides a robust buffer for any future maintenance such that minimal disturbance effects are predicted. This additionally avoids the risk of bats drowning in water tanks, which has previously been observed by O'Donnell Environmental Ecologists on previous projects involving Brown Long-eared Bat roosts.

Through application of mitigation measures outlined in within the bat report for this derogation application (namely seasonal avoidance, supervision of works and provision of permanent bat access/egress), no loss in day-roosting will occur following the completion of works.

Alternative 4 was considered the most suitable option in this instance.

The applicant [has] provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page [26] of the accompanying report. 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 roost of c. 2 brown long-eared bats is present in the building in question. This species is widespread in Ireland and in favourable conservation status.

Suitable and proportionate mitigation is planned including the provision of appropriate bat boxes. With the proposed mitigation measures, the impact of the derogation on the local bat population will be minimal.

Given the very minor nature of the roost and the implementation of mitigation measures, the derogation 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: January 20, 2026

Position: Ecologist