



NPWS

An tSeirbhís Páircanna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-42**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS, 2011
(S.I. No 477 of 2011)**

DEROGATION

Granted under Regulation 54A 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 54A of the Habitats Regulations hereby grants to **Jessica Burkitt of National Parks and Wildlife Service, Killarney National Park, Kenmare Road, Muckross, Killarney, County Kerry, V93 N673** a derogation. It is stated that this derogation is issued:

- A. 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
- 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 |
| • Brown Long-Eared Bat | Plecotus Auritus |
| • Common Pipistrelle | Pipistrellus Pipistrellus |
| • Soprano Pipistrelle | Pipistrellus Pygmaeus |
| • Daubenton’s Bat | Myotis Daubentonii |



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at of **National Parks and Wildlife Service, Killarney National Park, Kenmare Road, Muckross, Killarney, County Kerry, V93 N673**, for **Jessica Burkitt**.
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 Information for an Application for Derogation under Regulation 54 & 54A of the European Communities (Birds and Natural Habitats) Regulations 2011 to Undertake Bat Population Assessments in Killarney National Park, Co. Kerry**), 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 **13th January – 31st December 2026, inclusive**.
6. The works will be supervised by **Jessica Burkitt, with Calum Sweeney, Conor Rowlands, Michael McSweeney & Shonagh Gray under supervision**
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. On completion of the actions which this derogation authorises, all recordings of bat species affected will be made using the standardised data form provided below and must be submitted to the NPWS **within four weeks of the expiry date of this derogation**. Included with the below 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 Fíadhóla
National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

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

13 January 2026

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





Derogation Assessment

Name of Applicant: Jessica Burkitt

Location/Name of Project: Bat population assessments in KNP, County Kerry

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 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 checked="" 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 derogation is considered under Regulation 54(2)(b) to enable NPWS staff to carry out Bat surveys, including but not limited to internal roost inspections in Killarney National Park. The derogation application form and associated supporting documentation provided by the applicant has been reviewed in full.

Conducting regular Bat population assessments and roost audits by NPWS staff enables the Department to fulfil the monitoring requirements under Article 11 of the Habitats Directive, and are necessary to underpin the Article 17 conservation status assessments and the Lesser Horseshoe Bat species action plan 2022 – 2026 (NPWS & VWT (2022)). During the winter, internal roost counts are required to conduct a comprehensive count of Lesser horseshoe bats (*Rhinolophus hipposideros*). This requires access into buildings and cave systems within the Park by staff, which may cause disturbance to the species. In the summer months, the majority of the surveys carried out in Killarney National Park are emergence surveys and therefore disturbance is very limited at this time of year.

The proposed bat surveys will enable NPWS staff to stay informed on the health of the bats in Killarney National Park and the current state and suitability of the roosts present. The monitoring of bat roosts also allows NPWS staff to understand which specific roosts and what precise linear features and other habitats the bats are using regularly or intermittently. This information will inform any potential conservation measures required to satisfy the site specific conservation objectives for the Lesser horseshoe bat, which are a Qualifying Interest for Killarney National Park.

There are 13 lesser horseshoe roosts within Killarney National Park that are surveyed in the winter and summer months during the national Lesser horseshoe roost monitoring scheme. There are also at least two buildings with Common Pipistrelle (*Pipistrellus pipistrellus*) and Soprano Pipistrelle (*Pipistrellus pygmaeus*) bats present that are surveyed every year.

The EAU is of the opinion that this application meets the criteria to satisfy reason 54(2)(d). Based on the above, the application 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):

Alternative solutions to the proposed approach have been considered by the applicant, and the evidence has been reviewed. The alternative solutions suggested by the applicant are:

1. Alternative Scenario-*Do nothing*:

If the proposed bat surveys are not carried out, the Department’s monitoring requirements under Article 11 of the Habitats Directive necessary to underpin Article 17 conservation status assessments would not be met. Also, actions in the Lesser Horseshoe Bat Species Action Plan 2022-2026 could not be fulfilled.

If the survey work is not completed within the Park each year, NPWS will not be informed on the health, success and/or failure of roosts and populations of bats.

2. Alternative Scenario- *Only carry out emergence surveys*:

Relying on data from emergence surveys only in winter constitutes an incomprehensive roost count considering bats are in and out of states of torpor, meaning some bats will not emerge from the roost. Therefore, the Department’s monitoring requirements under Article 11 of the Habitats Directive necessary to underpin Article 17 conservation status assessments would not be fully met. Also, actions in the Lesser Horseshoe Bat Species Action Plan 2022-2026 could not be completely fulfilled.

Based on the assessment of the application documentation, it is regarded that the applicant has considered the available alternative solutions and the proposed approach is the only satisfactory alternative. The EAU has 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)

The applicant has outlined in detail the best practice methodology that will be followed during the proposed bat roost assessments. The staff listed in the attached application are trained and experienced bat surveyors. Any inexperienced bat surveyors will be accompanied and supervised by an experienced bat surveyor. All applicants are familiar with the Department’s Bat Mitigation Guidelines (2022) and the Department’s guidance on the Strict Protection of Annex IV species.

The surveyors will follow the NPWS roost survey protocol outlined in the application form at all times. The internal count involves one surveyor entering the roost and counting the bats in situ when they are torpid. Surveyors will wear gloves, masks and use a head torch with red light to limit disturbance. Importantly, the count is carried out as quickly as possible and if there is any movement by the bats during the count, the count is stopped and the surveyor will leave the roost immediately.

The most recent population estimate for the Lesser horseshoe bat (*Rhinolophus hipposideros*) is over 14,000 individuals, showing an increasing trend (Roche, 2024)¹. The Common Pipistrelle (*Pipistrellus pipistrellus*) and Soprano Pipistrelle (*Pipistrellus pygmaeus*) populations have also shown an increasing trend since the car-based bat monitoring scheme has been running in Ireland, from 2003 to present (Roche & Langton, 2024²).

The EAU is of the opinion the proposed derogation would not be detrimental to the maintenance of the population of Lesser horseshoe bat, Common Pipistrelle and Soprano Pipistrelle species 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.

¹ Roche , N. (2024) Available at https://www.npws.ie/sites/default/files/publications/pdf/LHB_PopulationEstimate_2024.pdf

² Roche, N. & Langton, S. (2024) Population estimates, trends and background information for six Irish bat species. Article 17 reporting 2018-2023: Supporting document. Unpublished report to National Parks & Wildlife Service.



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: *Rauca Connolly*

Date: January 9, 2026

Position: Ecologist, Ecological Assessment Unit