



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúrla
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-45**

**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 **Hasan Kadhim of 22 Hillcrest Court, Lucan, County Dublin** 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**
- **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 **Airlie House, Adamstown Boulevard, Lucan, County Dublin** for **Hasan Kadhim**
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 (**Derogation Licence Application – Supporting Information Proposed Medical Centre Airlie House, Adamstown Blvd., Lucan, Co. Dublin**) 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 **19th January – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Donnacha Woods**
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 – Katie Gordon**, katie.gordon@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.**



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National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

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

19 January 2026

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





Derogation Assessment

Name of Applicant: Hasan Kadhim

Location/Name of Project: Airlie House, Lucan, County Dublin

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 interests of public health and public safety aspect of Reason C. As outlined on page four of the accompanying report, the derogation is required to assist with proposed works at Airlie House, Adamstown Blvd., Lucan, Co. Dublin.

The objective of the proposed works is the renovation and extension of Airlie House to provide a medical clinic facility. This involves the demolition of part of the structure and renovation and reuse of the remaining structure to include medical use rooms and nursing station. The report further outlines on page 22 that Airlie House is currently derelict and “in a poor state of repair” with “evidence of fire damage and previous vandalism”. The stairs and ceiling are noted as collapsed in places and are structurally unsound. As the structure is surrounded by housing developments, it poses a risk to health and safety if accessed by members of the public due to its condition.

The applicants have provided evidence as to the nature and scale of the public health and public safety aspect 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 | <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):

This application is being considered under 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”. The purpose of the derogation is to allow the demolition and renovation of buildings with bat roosts at Airlie House, Adamstown, Lucan, Co. Dublin.

The documentation that was submitted by the applicant has been reviewed, including that regards to the suggestions for alternative solutions. The alternative solutions suggested by the applicant are:

1. Do Nothing scenario – The buildings in their current state are a risk to public health and safety. The buildings themselves are also deteriorating. The applicants supporting documents outlined that the buildings have seen fire damage and stairs and upper floors are collapsing. Any members of the public entering these buildings would be at risk of injury.
2. Demolition of buildings and no new renovation – This option was considered but this scenario would also see the loss of the roost as well as not allow for new development, which is in the public interest.
3. Renovation of existing building including retention of extensions – significant works would be required for this including the complete removal and replacement of the roof. This again would result in the disturbance and/or loss of the existing bat roost.

The applicant has provided satisfactory evidence that alternative solutions were considered for this project. NPWS has reviewed the alternative solutions that were considered and agree that no other alternative solutions are available.

Based on the above, the application has passed test two and can proceed to test three

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)

Minor roosts of two species of bat are present in the building in question: *Pipistrellus pipistrellus* and *Pipistrellus pygmaeus*. These species are widespread and abundant in Ireland and are in favourable conservation status.

Suitable and proportionate mitigation is planned including the retention of a designated roosting area within the attic, with access provided via bat access tiles. With the proposed mitigation measures, the impact of the derogation on the local bat population will be minimal or even potentially beneficial.

These mitigation measures ensure that the existing roost remains functional and protected during the works, and hence 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:

Date: January 19, 2026

Position: Ecologist