



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **39 Woodside Drive, Woodside Park, Rathfarnham, Dublin 14** for **Anthony Byrne**
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 (**Proposed Residential Development**
5. **39 Woodside Drive, Woodside Park, Dublin 14**) 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.
6. The actions which this derogation authorise shall be completed between **22nd January – 31st December 2026, inclusive**.
7. The works will be supervised by bat ecologist(s): **Donnacha Woods**
8. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
9. 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.
10. 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.
11. 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.
12. The local **NPWS Conservation Ranger – Sean Meehan**, sean.meehan@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.
13. 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**. 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



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)

22 January 2026

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





Derogation Assessment

Name of Applicant: Anthony Byrne

Location/Name of Project: 39 Woodside Drive, Woodside Park, Rathfarnham, Dublin 14

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 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 checked="" 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 checked="" 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 eight of the accompanying report, the derogation is required to assist in a proposed residential development at Woodside Park, Dublin 14. The works involve the demolition of an existing dwellings and construction of a number of new apartment buildings.

The report at page 26, references the South Dublin County Council (SDCC) Housing Delivery Action Plan 2022-2026 and the Dún Laoghaire-Rathdown County Council (DLRCC) Housing Delivery Action Plan 2022-2026 and outlines the proposed development is required in order to meet set targets within these plans. A number of the units are allocated for social housing, in order to meet this urgent housing need.

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	<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:

Disturbance and loss of a minor bat roost (Pipistrellus pipistrellus) at a residential development at 39, Woodside Drive, Rathfarnham, Dublin 14.

The specific situation that needs to be addressed is the *removal of a minor bat roost as the proposed works are necessary in the interests of public health and safety and the delivery of urgently needed housing. The roost affected is of minor significance (< 5 individuals) and the proposed mitigation ensures that there will be no adverse impact on the conservation status of Common Pipistrelle or any other bat species. This will be achieved by the installation of 6no. Schwegler bat boxes on mature trees within the site.*

The alternative solutions suggested by the applicant are:

1. “Do-Nothing” scenario

Do-nothing – Under this scenario the existing single dwelling would remain. This would result in the loss of 52no. residential units, when provision of new housing units is critically needed in line with local authority and national government policies and targets. The ‘do-nothing’ scenario is therefore unsatisfactory.

CR’s assessment – The development will provide 52no. residential units at a time of urgent demand for housing. The bat roost that will be lost is minor and is used by common pipistrelle, confirmed following emergence surveys conducted in 2022, 2023 & 2025. Common pipistrelle is a species of favourable conservation status in Ireland.¹

2. Alternative 1 – Renovation of existing dwelling:

The potential for the renovation of the existing dwelling was considered. Under this scenario, the site would still comprise a single dwelling with the resultant loss in of 52no. residential units towards the housing stock. Furthermore, any renovation works would likely include works to the roof and dormer window area and would in themselves result in disturbance to the recorded roost and therefore require a derogation licence. As such, this scenario is therefore unsatisfactory.

CR’s assessment – Renovation works in the vicinity of the existing roost would also require a derogation. The retention of the single dwelling would not help address the current housing shortage crises. To not pursue with

¹ Marnell, F., Looney, D. & Lawton, C. (2019) Ireland Red List No. 12: Terrestrial Mammals. National Parks and Wildlife Service, Department of the Culture, Heritage and the Gaeltacht, Dublin, Ireland).

the construction of 52no residential units on the basis of the presence of a minor roost for a common and widespread bat species would not be appropriate in the current housing shortage. The installation of 6no. bat boxes and the retention of mature trees on the site will provide alternative roosting habitat for bats, whilst still enabling the maximum number of residential units to be constructed.

3. Alternative 2 - Retention of existing bungalow and construction of new development within same site:

The potential for the renovation of the existing dwelling and the construction of a new development within the site lands was considered. The existing dwelling occupies the centre of the site. As such, the retention of the dwelling would significantly reduce the number of units which could be accommodated within the site.

CR's assessment – This alternative mitigation proposal would result in a reduction of residential units that could be developed on the site. To not pursue with the construction of 52no residential units on the basis of the presence of a minor roost for a common and widespread bat species would not be appropriate in the current housing shortage. The installation of 6no. bat boxes and the retention of mature trees on the site will provide alternative roosting habitat for bats, whilst still enabling the maximum number of residential units to be constructed.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered, including the “do-nothing alternative”. 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 or viable solutions are apparent. The proposed mitigation, installation of six Schwegler bat boxes (3no. 2F & 3no. 1FF), is appropriate to compensate for the loss of this small roost. Wildlife friendly lighting plans (BCT, 2018)² and the retention of the majority of mature trees on the site will allow the site to continue to be used by bats post construction.

In addition, a monitoring visit, under a NPWS licence, of the installed bat boxes will be undertaken by a suitably qualified ecologist during the first summer post-construction and in fifth year post-construction (during May-August window). The ecologist will assess the suitability of the bat boxes post-construction and may make recommendations on the relocation or replacement of bat boxes. Any boxes recorded to be utilised by bats will be strictly protected. Any bat boxes noted to be damaged or removed will be replaced by a similar comparative available model.

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 proceed to Test 3. |

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

² Bat Conservation Trust (2018). Guidance Note 08/18 - Bats and artificial lighting in the UK. Institution of Lighting Professionals.



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 building due for demolition supports a very minor roost of common pipistrelles. This species is widespread and abundant in Ireland. It is in favourable conservation status.

Suitable and proportionate mitigation measures have been proposed by the developer which meet the criteria we have identified in our *Bat Mitigation Guidelines*. Providing these measures are implemented there should be no significant impact on the conservation status of the bats on site

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:
required]

Signed: *Kate Greaney*

Date: January 22, 2026

Position: Ecologist