



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúla
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-52**

**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 **Conor McCarthy of Ballinacurra Project Limited Partnership, Great Island Enterprise Park, Ballinacollig, County Cork, P31 P973** 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 **Former Ballinacurra Mills, Ballinacurra, County Cork** for **Conor McCarthy**
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 and Bat Survey Report Ballinacurra Mills LRD, 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 **22nd January 2026 – 31st December 2027, inclusive.**
6. The works will be supervised by bat ecologist(s): **Tom O'Donnell, Colm Breslin, Oisín O'Sullivan, Claire McCarthy**
7. The derogation does not provide consent to proceed with any works that may also be subject to another approval (for example, planning permission).
8. 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.
9. 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.
10. 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.
11. The local **NPWS Divisional Manager – Seamus Hassett**, seamus.hassett@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.
12. 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 or the 31st January each year**, should the derogation run for longer than one calendar year. 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



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National Parks and Wildlife
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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: Conor McCarthy

Location/Name of Project: Former Ballinacurra Mills, County Cork

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 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 former Ballinacurra Mills site located within Ballinacurra, Co. Cork.

The objective of the works is the construction of a large-scale residential development alongside commercial and educational facilities and involves the renovation or removal of a number of structures on the proposed site. The report outlines that the proposed works will contribute to local and national housing stock and aligns with "planning policy in respect of promoting development of underutilised brownfield sites close to public transport to deliver compact urban settlement." The report notes the provision of a crèche and medical centre in the development providing social benefits and creating a community space supporting local business.

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: To facilitate construction of a large-scale residential development alongside commercial and educational facilities and involves the renovation or removal of a number of structures on the proposed site.

The specific situation that needs to be addressed is: Bats are present in some of the buildings to be renovated or removed. Approximately 5 bats affected, 1 Brown Long-eared, 1 Common Pipistrelle and 3 Soprano Pipistrelle.

The alternative solutions suggested by the applicant are:

Alternative 1 – Leave Rosehill and Eastville House as they currently exist; both structures were noted to be in advanced states of dereliction. The neighbouring mills complex additionally suffered extensive fire damage due to anti-social behaviour, with the risk of the same occurring on these structures considered high. Under a ‘do-nothing scenario it was considered likely that the buildings would eventually fall into dereliction and be lost as a roosting location to bats in any event.

This solution was not considered suitable, and alternative options are required.

Alternative 2 – Demolish Rosehill House and Eastville House in the absence of mitigation measures. This would likely result in bat mortality and the loss of roosting features within the entire site. The proposed development is capable of accommodating roosting bats within alternative spaces.

This solution was not considered suitable, and alternative options are required.

6.2.3 Alternative 3 – Retain the roost within the attic spaces of Rosehill House and Eastville House.

The structures, following renovation works, would become occupied and thus subject to significant anthropogenic disturbances such that the original roosting locations would no longer be considered viable. Regular access to attic spaces containing the roosting space will likely be required. Eastville House will be sited next to significant lighting from public roadways and will likely become fragmented, with the structures no longer viable as roosting spaces following the completion of works.

This solution was not considered suitable, and alternative options are required.

Alternative 4 – Install bat boxes and bespoke roosting spaces within unoccupied structures. This involves the installation of bat boxes throughout the development and integration of roosting spaces within existing, unoccupied structures (Rosehill outbuildings and Kiln Building). This is considered sufficient to suitably offset the loss of non-significant roosting within Rosehill House and Eastville House.

The Kiln Building and outbuildings of Rosehill House roof structures are proposed to be adapted for bat species also. The construction of these spaces will be constructed with bat-safe materials and provision made for bat access such as lead access tiles. These attic spaces will provide void cavities for roosting more suitable for Brown long-eared bat. These spaces are located sufficiently away from human occupation that anthropogenic disturbance is predicted to be negligible.

Tree mounted boxes will be utilised during the construction phase only. A total of 11 bat boxes are proposed to be mounted on structures throughout the development, utilising a variety of specifications and aspects in order to provide a range of summer and winter roosting opportunities for bat species. The bat boxes were sited with cognisance to the proposed lighting, such that no lighting will fall on any bat box and are sufficiently connected to the surrounding landscape through planting and dark corridors.

Both integrated bat boxes (i.e. not tree mounted) and roof structures are intended to be permanent. These measures are considered suitable for the crevice-dwelling roosting species identified onsite, with Lesser Horseshoe Bat not recorded in this instance or likely to occur. A portion of boxes have been located within dark areas in the centre of the proposed development. High-flying species such as pipistrelles and Leisler's bat as identified in Section 3.3.1 are considered capable of utilising these roosting features.

Alternative 4 will result in a net increase in roosting availability for bat species within the proposed development boundary.

Alternative 4 is considered the most suitable option in this instance but requires a derogation licence.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined in section 6.2 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.

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)

No maternity or hibernation roosts were located during the detailed survey work. Approximately 5 bats will be impacted by this proposed development: 1 Brown Long-eared, 1 Common Pipistrelle and 3 Soprano Pipistrelle. Both common and soprano pipistrelles are widespread and abundant in Ireland and are in favourable conservation status. Brown long-eared bats are widespread and common and also in favourable conservation status.

Suitable and proportionate mitigation has been proposed. Providing these mitigation measures are implemented, I am satisfied that the works 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 22, 2026

Position: Ecologist