





### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Naomh Eínde Convent, Spiddal West, Spiddal, County Galway, H91 RCY6 for Ronan Barrett**
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.
4. The mitigation measures outlined in the application report (**Bat Derogation Licence Application – Naomh Éinde**), 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 **29<sup>th</sup> January – 31<sup>st</sup> December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Aoife Joyce & Clare Mifsud (with Saoirse Fitzsimons, Emma Fitzgerald & Kate Leahy 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. The local **NPWS Regional Manager – Rebecca Teesdale**, [rebecca.teesdale@npws.gov.ie](mailto:rebecca.teesdale@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](mailto:wildlife.reports@npws.gov.ie) detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



**For the Minister for Housing, Local Government & Heritage**

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

**29 January 2026**

Any query in relation to this derogation should be sent to [reg54derogations@npws.gov.ie](mailto:reg54derogations@npws.gov.ie)





### Derogation Assessment

**Name of Applicant: Ronan Barrett**

**Location/Name of Project: Naomh Einde Convent, County Galway**

**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 health and safety aspect of Reason C for the proposed works for the former Naomh Éinde Convent in An Spidéal Thiar, Co. Galway. The former convent is noted as a protected structure, occupying a prominent location in the streetscape of Spiddal. As outlined on page 3 of the accompanying report, the aim of the proposed works is to prevent further deterioration of the structure by addressing urgent maintenance issues, which will then support and enable the adaptive reuse of the building.

If the proposed works do not commence, the building is at further risk of degradation posing a general health and safety risk to the public and contractors. The application therefore falls under the public health and public safety aspect of Reason C.

The applicants have provided evidence as to the nature and scale of the health and safety 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 Bat Derogation Licence Application report looked at alternative options. It concludes that there is an absence of satisfactory alternatives.

The buildings require urgent maintenance/restoration works to prevent further deterioration of the structure. The 'do nothing' approach is unsatisfactory as this would mean the building would continue to deteriorate, which would be detrimental to the ongoing use of the structure by the bat population and roost as well as creating an ongoing and increasing health and safety risk. I am satisfied that this option is not viable.

Given that the required structural works are necessary to preserve and ensure the longevity of the structure and for reasons of public health and safety, and also that no intention is proposed to close off the 1923 part of the building which will be retained and developed to include a purpose built roost for bats I am satisfied that there is no satisfactory alternative to carrying out the required structural works. It is stated in the application form and supporting documentation that the new purpose built roost will be created before the 1990s section of the roof is closed off, ensuring ongoing access to a roosting location and access points in the building throughout the works and post construction.

In terms of mitigation, the works are proposed to take place outside of the peak bat activity period of May-August and further mitigation measures were also proposed as part of the original planning application

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 maternity roost of common pipistrelles has been identified on site. Additionally small numbers of Myotis bats (species undetermined) have previously been recorded using this building.

The mitigation proposed includes the provision of dedicated roosting space for the pipistrelle bats plus the inclusion of bat bricks for Myotis species. Additionally, works with the potential to disturb roosting bats will not take place during the summer months (May to Aug). Given that the species in question are in favourable conservation status and providing the mitigation measures are implemented in full, I am satisfied that there should be no negative impact on the conservation status of the species in question

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. [Proposed mitigation measures to be implemented in full ]
- 2.]

[add additional conditions where required]



Signed:

Date: January 29, 2026

Position: Ecologist