



**NPWS**

An tSeirbhís Páirceanna  
Náisiúnta agus Fiadhúla  
National Parks and Wildlife  
Service

**Derogation Number  
DER-BAT-2026-65  
(Survey Derogation)**

**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 **Gerald McEnery, Conservation Ranger of National Parks and Wildlife Service, 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 **all bat species**



### **Terms and Conditions**

1. This derogation is granted solely to allow the examination of potential bat roosts, including **all bat species and all roost types**, as necessary in order to undertake environmental impact assessments for property owners or developers or scientific study within the Republic of Ireland.
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**.
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The actions which this derogation authorises shall be completed between the **29<sup>th</sup> January – 31<sup>st</sup> December 2026, inclusive**.
5. The **Bat Roost Survey Protocol** as set out below must be adhered to, in order to ensure minimisation of disturbance to bats.
6. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or any authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
7. 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](mailto:wildlife.reports@npws.gov.ie) detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**



## **Bat Roost Survey Protocol to ensure minimisation of disturbance to bats**

### **1. For unknown roosts**

- a) Check with owner/client re presence of bats.
- b) Check with Bat Conservation Ireland to determine roost records.
- c) Survey for external signs of bats and roost entry points. If positive signs, then treat as known /suspected roost.
- d) Entry to possible roost should be made cautiously especially if survey is carried out in the winter period when signs of bats may be difficult to find. Should signs of bats be noted then treat as a known/suspected roost.

### **2. For known/suspected roosts**

- a) Generic measures to include:
  - i. Avoid using roost illumination apart from torches.
  - ii. Talking in low tone is preferred to whispering.
  - iii. Bats seen in situ should be counted where possible and then left alone.
  - iv. Handling of bats to confirm identification is only used as a last resort and is subject to separate licencing under the Wildlife Acts (S.23).
  - v. Samples of droppings, dead bats etc. may be removed to facilitate species identification.
  - vi. Care to be taken to avoid cooling or warming effects as described below.
- b) During potential hibernation season (November-March), only one person should enter roost area. If any hibernating bats are seen to be showing signs of waking, then the roost survey will be abandoned immediately.
- c) During the breeding season, known breeding roosts should be avoided unless emergency work is required. This will usually be the subject of a separate derogation.



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**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: Gerald McEnery**

**Location/Name of Project:**

**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 monitor bat populations and also to carry out roost visits to assist bat roost owners with conflict issues. The derogation application form and associated supporting documentation provided by the applicant has been reviewed in full.

The proposed bat surveys will help to fulfil the Department’s monitoring requirements under Article 11 of the Habitats Directive and are necessary to underpin the Article 17 conservation status assessments. Roost counts for Lesser Horseshoe Bat will be collected using the Lesser Horseshoe Bat Roost Monitoring application. This will require inputting the results of each of the counts and identifying any Pressures and Threats to each roost. Furthermore, the Lesser Horseshoe Bat species action plan 2022 – 2026 (NPWS & VWT (2022) states: “4.1h ACTION: Continue monitoring winter and summer roosts annually and keep the national database up to date. WHO: NPWS, VWT, NPWS database contractor WHEN: Annually”.

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.

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. Generally there is no effective alternative to entering roosts in particular for winter counts. In some situations emergence counts will be conducted where internal access is not possible or it is not feasible to do a count due to the large numbers of bats present to minimise disturbance. However, it would not be possible to carry out emergence counts on all bat roosts as multiple roosts can be counted during daylight hours, while emergence counts require significant resources in terms of time and no. of staff required.

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.

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<sup>1</sup>). The most recent population estimates, trends and background information for six other Irish bat species have been outlined in a supporting document for Article 17 reporting 2018-2023 (Roche & Langton, 2024<sup>2</sup>). The general population estimates and trends also show stability or increases.

**The EAU is of the opinion the proposed derogation would not be detrimental to the maintenance bat populations 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.

<sup>1</sup> Roche , N. (2024) Available at [https://www.npws.ie/sites/default/files/publications/pdf/LHB\\_PopulationEstimate\\_2024.pdf](https://www.npws.ie/sites/default/files/publications/pdf/LHB_PopulationEstimate_2024.pdf)

<sup>2</sup> 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:                     *Rauna Connolly*                    

Date: January 29, 2026

Position: Ecologist, Ecological Assessment Unit