



NPWS

An tSeirbhís Páirceanna
Náisiúnta agus Fíadhúla
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2026-79**

**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 **Martin Ryan of Limerick Twenty Thirty, The GPO Building, Gardens International, Henry Street, Limerick, County Limerick** 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**:

- **Lesser Horseshoe Bat** **Rhinolophus Hipposideros**



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Cleeves Riverside Quarter, Flaxmill Building, Limerick, County Limerick** for **Martin Ryan**
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 (**Limerick 2030 – Flax Mill Factory Building - Stage 1 Repair & Stabilisation Works**) 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 **6th February – 31st December 2026, inclusive**.
6. The works will be supervised by bat ecologist(s): **Sara Fissolo & Pat Roberts**.
7. The derogation is only for the stabilisation of this specific Mill building and does not extend to any other building or to any works other than the stabilisation, consolidation, remediation, repair and reinstatement of the upper most storey and roof of the main Cleeves Mill building. The derogation does not extend to any development of the lower floors of this building or to future use or illumination of this building
8. The derogation is granted without prejudice to future consideration of applications for bat derogations for the same building or the greater site. Cumulative development and loss of roosting opportunity will be considered in any future applications.
9. Ongoing discussions between the developer and NPWS in relation to offsite mitigation for loss of bat roosting habitat and potential losses in relation to the current site should continue.
10. All mitigation described in the supporting derogation documentation should be applied.
11. A bat ecologist should be present during the stripping of any roof material with potential to hold bats.
12. 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.
13. 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.
14. 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.
15. The local **NPWS Regional Manager – Aine Lynch**, aine.lynch@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.
16. 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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An tSeirbhís Páircenna
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)

06 February 2026

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





Derogation Assessment

Name of Applicant: Martin Ryan

Location/Name of Project: Cleeves Riverside Quarter, Limerick, County Limerick

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 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 Cleeves Riverside Quarter, Co. Limerick. The objective of the works is to repair and stabilise a protected structure on the site, namely the former Cleeves Condensed Milk Factory and Flax Mill building to enable its reuse. The report outlines that the structure is in an “advanced state of disrepair” and without these works, the structure will continue to degrade posing a health and safety risk to the public and contractors.

In the detail provided, it is also 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. The overall objective of the Cleeves Riverside Quarter development will transform the site into a mixed-use development for the public comprising residential and office spaces including educational and tourist facilities.

The applicants have provided evidence both to the nature and scale of the public health and public safety aspect and imperative reasons of overriding public interest, including those of a social or economic nature 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):

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: Stabilisation, consolidation, remediation, repair and reinstatement of the upper most storey and roof of the main Cleeves Mill building.

The specific situation that needs to be addressed is: The building presents ample opportunity for bat access and roosting. Evidence found within the building points at regular use of the structure by a small number of lesser horseshoe bats. While no evidence of use by other species was found, this cannot be excluded due to the accessibility and complexity of the building.

The proposed works will create noise, dust and increased footfall within the building. While already in use on occasion, this will likely increase disturbance on bats using the structure. There are various roosting locations present within the structure and across the wider future development site.

The proposed works will see the effective removal and reinstatement of the upper floor, including the walls and roof. The works will be invasive and will likely see a complete disuse of the space for day roosting bats, throughout their duration. One roosting location was found on the third floor, as well as evidence of feeding, potentially by other bat species. These will be rendered unusable for the duration of the works.

There are no favourable alternatives from the stabilisation and repair works as they are necessary for the structural soundness of the building. The “Do-Nothing” scenario would entail allowing the building deteriorate further, which is unsatisfactory. Mitigation is in place to lessen the impact of the works and these works will also be considered in ongoing talks with NPWS in relation to appropriate offsite mitigation for this and the larger proposed Cleeves Mill development.

As outlined on page 10 of the accompanying report the subject of alternative solutions has been considered but none exist.

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)

Minor roosts for Lesser horseshoe bat (LHB) were identified in the building in question. LHB is in unfavourable conservation status nationally, and Limerick city represent a key pinch-point in the range of the species.

Although the proposed renovations will increase disturbance and potentially remove the roosting opportunities in the building in question, detailed mitigation measures are being developed both on site and off site which should enhance the long-term suitability of the wider area for LHBs

Provided the mitigation measures are implemented in full, 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. The derogation is only for the stabilisation of this specific Mill building and does not extend to any other building or to any works other than the stabilisation, consolidation, remediation, repair and reinstatement of the upper most storey and roof of the main Cleeves Mill building. The derogation does not extend to any development of the lower floors of this building or to future use or illumination of this building.
2. the derogation is granted without prejudice to future consideration of applications for bat derogations for the same building or the greater site. Cumulative development and loss of roosting opportunity will be considered in any future applications.
3. Ongoing discussions between the developer and NPWS in relation to offsite mitigation for loss of bat roosting habitat and potential losses in relation to the current site should continue.
4. All mitigation described in the supporting derogation documentation should be applied.
5. A bat ecologist should be present during the stripping of any roof material with potential to hold bats.
6. A report detailing any bats uncovered during the current works to be submitted to NPWS.

Signed: .

Date: February 6, 2026

Position: Ecologist