



**NPWS**

An tSeirbhís Páircenna  
Náisiúnta agus Fíadhúla  
National Parks and Wildlife  
Service

**Derogation Number  
DER-BAT-2026-89**

**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 **Michelle McNamara of A&G Thomond Builders Limited, Office Unit 1, 1<sup>st</sup> Floor, Newtown Centre, Annacrotty, Limerick, County Limerick, V94 3P92** 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**:

- **Leisler’s Bat**                      **Nycatalus Leisler**



### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Groody Road, Kilbane, Castletroy, County Limerick** for **Michelle McNamara**
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 (**Supporting Bat derogation license for Proposed Large-Scale Residential Development (LRD) at Groody Road, Kilbane, Castletroy, Co. Limerick**) 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 **10<sup>th</sup> February 2026 – 31<sup>st</sup> December 2027, inclusive**.
6. The works will be supervised by bat ecologist(s): **Bryan Deegan**.
7. A minimum of 3 bat boxes, suitable for use by Leisler's bats, shall be erected on site.
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 Regional Manager – Aine Lynch**, [aine.lynch@npws.gov.ie](mailto: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.
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 or the 31<sup>st</sup> 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](mailto:wildlife.reports@npws.gov.ie)



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National Parks and Wildlife  
Service

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

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

**10 February 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: Michelle McNamara**

**Location/Name of Project: Groody Road, Kilbane, Castletroy, 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 imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. As outlined in the accompanying report “Supporting Bat derogation license for Proposed Large-Scale Residential Development (LRD)”, the derogation is required to assist with proposed works at lands situated between Groody Road and Caisleán Na hAbhann, in the townland of Kilbane, Castletroy, Co. Limerick.

The objective of these works involves the construction of 95 apartments, 22 houses, student accommodation alongside a crèche and associated site works. To achieve these aims involves the removal of a number of trees within the central treeline, which includes a bat roost. The report further outlines that the development will help to address housing and student accommodation shortages in Castletroy and the wider Limerick area. It also notes the provision of a crèche and community spaces will bring additional social benefits while providing local employment opportunities.

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 purpose of the derogation is to allow the following activity to take place: construction of 95 apartments, 22 houses, student accommodation alongside a crèche and associated site works.

The specific situation that needs to be addressed is: The project requires the removal of a number of trees within the central treeline, which includes a bat roost (2 Leislars).

The alternative solutions suggested by the applicant are:

#### 1. Do Nothing Scenario

Under a “do nothing” scenario, the site would remain in its current condition, and the proposed 95 apartments, 22 houses, 309-bed PBSA, crèche, and associated infrastructure would not be delivered. The roost would continue to persist on site as an opportunistic bat roost.

#### 2. Avoiding the Affected Treeline

Retaining the section of treeline that supports the Lesser Noctule roost was examined. However, the roost feature lies within areas required for core elements of the development, including the internal road network, building footprints, and open space layout. Modifying the design to fully avoid the treeline would render the site layout unworkable, constrain circulation, undermine safe access and permeability, and compromise the delivery of required residential density and design standards. Avoidance was therefore not considered feasible.

#### 3. Alternative Site Layout or Location

Relocating the development to another site is not a viable alternative. The proposal is specific to the zoning, serviced land availability, and strategic redevelopment opportunity presented by this site. Developing an alternative site would not achieve the specific planning objectives associated with this location and would fail to meet identified local needs within Castletroy.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 11 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)**

A small Leisler's roost is present within one of the trees due for felling on site. Leisler's bats are widespread and abundant in Ireland and are in favourable conservation status. These species are also adaptable and tend to use multiple roosting features.

Suitable and proportionate mitigation has been proposed, including the provision of alternative roosts in the form of bat boxes. The specific number of bat boxes have not been specified in the Mitigation Measures. I recommend that a minimum of 3 bat boxes, suitable for use by Leisler's bats, are erected on site. 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. The mitigation measures outlined in the report should be implemented in full
2. A minimum of 3 bat boxes, suitable for use by Leisler's bats, shall be erected on site.
- 3.
- 4.

[add additional conditions where required]

Signed: .

Date: February 10, 2026

Position: Ecologist