Derogation Number
DER-BAT-2027-05

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 **Údarás na Gaeltachta** of **Na Forbacha, Contae na Gaillimhe, H91 TY22** 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**:

- **Common Pipistrelle** **Pipistrellus Pipistrellus**

Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Colaiste Lurgan, Kilroe East, Inverin, County Galway (Grid Ref: M 08911 22641)** for **Údarás na Gaeltachta**
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 License Application Supporting documents Proposed Redevelopment Colaiste Lurgan Inverin, Co. Galway)** 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 **1st January 2027 – 31st December 2028, inclusive.**
6. The works will be supervised by bat ecologist(s): **Ian Douglas**
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 District Conservation Officer – Aonghus O'Donaill,** aonghus.odonaill@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

For the Minister for Housing, Local Government & Heritage

Fiona O' Mahony.

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

20 November 2026

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

National Parks & Wildlife Service LICENCE

Derogation Assessment

Name of Applicant: Údarás na Gaeltachta

Location/Name of Project: Colaiste Lurgan, Kilroe East, Inverin, 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	☐
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☐
(c) Deliberately take or destroy eggs of the relevant species in the wild	☐
(d) Damage or destroy a breeding or resting place of such an animal, or	☒
(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.	☐
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
(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.	☐

Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason <u>the applicant claims</u> should be applied to the derogation

(a) In the interests of protecting wild flora and fauna 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 re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including 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.	☐

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	☒
	No	☐

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 three of the accompanying report titled "Derogation Licence Application Supporting Documents", a derogation is required for proposed works in Kilroe East, Inverin, Co. Galway.

The objective of the works involves the demolition of the vacant Colaiste Lurgan building and the construction of a new building to facilitate emergency accommodation, a children's play area and associated works. The application further outlines the works will provide "temporary accommodation for people experiencing an immediate need for accommodation and associated support services." Due to its location, the accommodation will provide social infrastructure within an "established urban environment" while making use of an existing developed site.

The applicant has provided evidence as to the nature and scale of the public interest including those of a social or economic nature 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	☒
	No	☐

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 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.

The documentation submitted by the applicant has been reviewed, including the evidence for alternative solutions.

building

The specific situation that needs to be addressed is the exclusion of a single Pipistrelle bat from a domestic building that is to be demolished and a new building and associated structures developed.

The alternative solutions suggested by the applicant are:

1: 'Do nothing alternative' – The application states 'Under the do-nothing alternative, the existing dwelling would remain in its current condition and continue to deteriorate, and the proposed emergency accommodation facility would not be delivered. This option would fail to meet the objectives of the project, namely the provision of additional emergency accommodation and associated support facilities to address an identified social and accommodation need. The do-nothing option would therefore not provide a satisfactory means of achieving the objectives of the proposed development.'
This scenario would lead to the further and inevitable deterioration of the building and likely lead to the loss of the site as a roost site.]

2: 'Alternative Design Retaining Existing Roost Features In Situ'. The application states 'Alternative design approaches that sought to retain the existing dwelling and the confirmed bat roost entirely in situ were also considered. However, the proposed development requires the demolition of the existing dwelling to facilitate the construction of the purpose-designed emergency accommodation building and associated facilities. Retaining the existing dwelling solely to avoid impacts on the identified roost would prevent the proposed

development from being delivered in its intended form and would not achieve the accommodation objectives of the project'

3: Alternative timing and construction methods: The application states: 'Alternative construction methods and timings have been considered. Where practicable, demolition works affecting the existing roost will be scheduled outside the principal bat activity period, with the proposed demolition period targeted between 1st September and 1st May. Contractors will be briefed regarding the potential presence of bats and will be required to exercise particular vigilance when disturbing roof, eaves, fascia, soffit and other building features. Ecological supervision will be undertaken where required. However, no reasonable construction method or timing would allow the existing dwelling to be demolished and the proposed development constructed while completely avoiding the loss of the confirmed roost. The use of appropriate timing, ecological supervision and replacement roosting provision therefore represents a more appropriate approach than retaining the existing building solely to avoid the loss of a single low-level day roost.'

4: Alternative location: The application states: 'An alternative location was also considered. The proposed development is specifically intended to provide emergency accommodation and associated support facilities on the subject site. Relocating the development would require the identification and development of an alternative site and would not necessarily provide the same combination of accessibility, existing services and suitability for the intended use. Development at an alternative location could also result in additional environmental effects associated with new land take, infrastructure provision and construction. The use of the existing developed site therefore represents an appropriate and efficient means of delivering the required accommodation.'

The application concludes that: 'Consequently, no satisfactory alternative has been identified that would achieve the objectives of the proposed development while completely avoiding impacts on the confirmed common pipistrelle roost. The proposed scheme represents the least damaging option while allowing the significant social and public interest objectives of the development to be achieved. Appropriate mitigation and compensation measures will be implemented to ensure that the impact on the species is minimised and that suitable replacement roosting opportunities are provided.'

The applicant has provided satisfactory evidence in the accompanying report that alternative solutions, including the 'do-nothing' scenario, have been explored and 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. The derogation licence concerns the exclusion of a single Common Pipistrelle bat which is common locally and enjoys a favourable conservation status nationally and the granting of the licence in this instance will not alter this status either locally or nationally.

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	☒
	No	☐

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 pipistrelle roost is present within one of the buildings on site. Both common and soprano pipistrelles are widespread and abundant in Ireland and are in favourable conservation status. These species are also adaptable and quick to occupy new roosting features.

Suitable and proportionate mitigation has been proposed, including the provision of alternative roosts in the form of bat boxes. 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: November 20, 2026

Position: Ecologist