



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2025-287**

**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 **Sean Devaney of Galway National Roads Project Office, City Hall, College Road, Galway, County Galway, H91 X4K8** 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 |
| • Brown Long-Eared Bat | Plecotus Auritus |
| • Natterer’s Bat | Myotis Nattereri |
| • Common Pipistrelle | Pipistrellus Pipistrellus |
| • Soprano Pipistrelle | Pipistrellus Pygmaeus |
| • Leisler’s Bat | Nycatalus Leisler |
| • Daubenton’s Bat | Myotis Daubentonii |
| • Whiskered Bat | Myotis Mystacinus |



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Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works specified under Section 2 of the accompanying report for **Sean Devaney**.
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 (**N6 Galway City Ring Road**), 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 **29th August - 31st December 2025, inclusive**
6. The works will be supervised by bat ecologist: **Colm Clarke**.
7. Further survey work should be carried out in the run up to works commencing in 2028, resulting potentially in modified proposals for mitigation/compensation, before a derogation could issue covering the proposed works period.
8. 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.
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 Regional Manager**, 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.
12. 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 detailing results of works and success of mitigation.
Both documents must be submitted to constitute a derogation return.



NPWS

An tScribhís Páircanna
Náisiúnta agus Fiadhúra
National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

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

29 August 2025

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



Derogation Assessment

Name of Applicant: Shane Devaney

Location/Name of Project: Galway National Roads 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 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 aspect of Reason C

The applicant has provided reasoning to support test 1 in section 3 of the accompanying report. The applicant has discussed in section 3.2 of the report 'Galway City and its environs have critical transport issues that require urgent resolution. To address these transport issues, Galway County Council, Galway City Council, Transport Infrastructure Ireland and the National Transport Authority are collaborating in developing a transport vision for Galway where all elements of transport are working together to achieve an integrated sustainable transport solution. The proposed N6 GCRR which is the subject of this derogation licence, forms an essential part of this transport solution.

The total breakdown of the existing transport network in Galway occurs on a frequent basis as there is no resilience in the network e.g. wet afternoon, road maintenance, vehicle collision and/or signal outage. This random unpredictable shutdown of Galway's transport network costs millions and has the real potential to prohibit Galway functioning as a city or economic engine for the Western Region. The transport issues facing Galway City and its environs as a result of the inadequacy of the existing road network are wide ranging with associated consequential impacts''

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="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 application form and associated documentation provided by the applicant has been reviewed in full. Sections 3 and 4 of the Bat Derogation Licence Application Report outlines the development of the Galway Transport Strategy and the development of the N6 Galway City Ring Road, the constraints and fully explores the absence of satisfactory alternatives. The design team for the proposed N6 GCRR, carefully considered and analysed the traffic issues in Galway with the aim of finding a transport solution to create a safer, smarter and sustainable transport system for Galway City and its environs taking into account travel demands, existing infrastructure and environmental constraints. Extensive analysis was undertaken, with full details of this analysis included in Chapter 6 of the N6 Galway City Ring Road (GCRR) 2018 EIAR. Following on from the initial feasibility studies, taking cognisance of the judgement on the 2006 Galway City Outer Bypass scheme and the key constraints of the Lough Corrib Special Area of Conservation (SAC) the several options and scenarios were considered.

At the constraints and option selection stage of the project, a greater proportion of the bat survey effort was focused on describing the Lesser Horseshoe Bat population, given its status as a qualifying interest species of the Lough Corrib Special Area of Conservation (SAC). The presence of other bat species at the constraints and option selection phase had been established by a series of walked and vehicle-based acoustic surveys, surveys of a selection of properties and use of automated detectors to record bat activity across the site. A full assessment of the route options including public consultation was undertaken.

In reviewing the viable route options in each section, an assessment was undertaken under various criteria which sought to balance the potential impact on the ecological constraints, human beings and other constraints. In terms of impacts on bats all of these route options have the potential to adversely affect local population of bats. Further, once chosen, the design of the emerging preferred route option has been refined in as much as possible to eliminate and reduce impacts on the receiving environment.

The applicant has provided satisfactory evidence that there is an absence of any satisfactory alternatives..

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):

I am satisfied that the development will not impact on the conservation status of the listed species.
It should be noted however, that my assessment is based on the currently provided bat information and the prospect of works commencing in the coming months. This is clearly not the case, as the request is for a licence starting in 2028.
While the applicants have completed extensive bat surveys to date, it is likely that some changes in bat numbers and locations will occur between now and 2028. As a result, further survey work would be needed in the run up to works commencing in 2028, resulting potentially in modified proposals for mitigation/compensation, before a derogation licence could issue covering the proposed works period. |

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: .

Kate Greaney

Date: August 29, 2025

Position: Ecologist