



NPWS

An tSeirbhís Páircanna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2025-291**

**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 & Gary McNamara of Tinerana Stables, Tinerana Beg, Ogonnolloe, County Clare, V94 E2WF** 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 |
| • Common Pipistrelle | Pipistrellus Pipistrellus |
| • Soprano Pipistrelle | Pipistrellus Pygmaeus |
| • Leisler’s Bat | Nycatalus Leisler |
| • Daubenton’s Bat | Myotis Daubentonii |



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Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Tinerana Stables, Tinerana Beg, Ogonnolloe, County Clare, V94 E2WF**, for **Michelle & Gary 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.
4. The mitigation measures outlined in the application report (**Bat Survey and Mitigation Plan for Proposed Works at Tinerana Stables, Ogonnolloe, County Clare**), 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 October – 31st December 2025, inclusive**.
6. The works will be supervised by bat ecologist: **Ruth Minogue**.
7. Any works to the roof areas should take place during the months of October to April when bats are least likely to be present. However it is possible that individual bats could be hibernating in these old buildings so care should be taken if removing slates or insulation. If a bat is found it should be removed by hand while wearing gloves and placed in a box and put in a safe place for release at sunset. Contact should be made with either the bat ecologist overseeing the works or NPWS Conservation Ranger Sinéad Biggane 087 2739841.
8. All bat roost access points and roosting areas should be constructed as suggested in the bat report.
9. All mitigation involving landscaping and additional planting of the site should include the use of native tree and hedge species.
10. All lighting should be designed in line with the most recent Bat Conservation Trust guidelines for lighting "Guidance note 08/23 Bats and artificial lighting at night". There should be no lighting of any type within treelines, hedgerows or woodlands.
11. 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.
12. 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.
13. 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.
14. The local **NPWS District Conservation Officer**, davida.lyons@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.
15. 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.**



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An tScribhís Páircanna
Náisiúnta agus Fiadhúra
National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

Claire Bowley

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

03 September 2025

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



Derogation Assessment

Name of Applicant: Michelle McNamara

Location/Name of Project: Tinerana Stables. County Clare

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 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 in converting the stables into a family home. The provision of housing in Ireland is at a critical juncture and the public interest of same can be balanced against the conservation aims of the Directive. The applicants have provided evidence as to the nature and scale of the overriding public interest 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: Renovation of outbuildings to provide a dwelling

The specific situation that needs to be addressed is the proposed works will lead to the loss of a structure used by a number of bat species

The alternative solutions suggested by the applicant are:

1. "Do-Nothing" scenario – *"Without works to maintain the roof and roof structure, proposed as part of the works, there will be continued decline and deterioration of the buildings, this will adversely affect the roof and supporting structures. Over time, the decline will affect the suitability of the building for bats via increased light, change in ambient conditions and temperature etc"* - I agree with this conclusion.

2. Alternative 1 – *"the demolition of the buildings and replacement with a new build"* – This will result in the total loss of the roosting space and less likely that Bat species will begin using a new modern structure. Not suitable.

3. Alternative 2 – *"renovation of the building to reuse as a family home and alternative timing of works to avoid works to roof when bats are most vulnerable to disturbance"* – the most likely alternative that will result in the least disturbance to the species and the highest possibility of long term future usage of the renovated building.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 5 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 detailed mitigation strategy has been developed, in consultation with local staff. Providing all the mitigation measures are implemented in full, and given the fact that the bat species are well established in the area and (bar lesser horseshoe bat) are currently classified as 'Least Concern', it can be concluded that the renovation of the existing buildings will not have a detrimental impact on the conservation status of the local bat populations. With regard to the lesser horseshoe bat, the proposed mitigation measures should ensure no negative impact on this species and if anything could lead to enhanced roosting options for this species.

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 following conditions should be attached to the derogation: All mitigation suggested in the bat report should be implemented in full and overseen by a licensed bat ecologist including the following:

1. Any works to the roof areas should take place during the months of October to April when bats are least likely to be present. However it is possible that individual bats could be hibernating in these old buildings so care should be taken if removing slates or insulation. If a bat is found it should be removed by hand while wearing gloves and placed in a box and put in a safe place for release at sunset. Contact should be made with either the bat ecologist overseeing the works or NPWS Conservation Ranger Sinéad Biggane 087 2739841.

2. All bat roost access points and roosting areas should be constructed as suggested in the bat report.

4. All mitigation involving landscaping and additional planting of the site should include the use of native tree and hedge species.

5. All lighting should be designed in line with the most recent Bat Conservation Trust guidelines for lighting "Guidance note 08/23 Bats and artificial lighting at night". There should be no lighting of any type within treelines, hedgerows or woodlands.]

[



Signed:

Date: September 3, 2025

Position: Ecologist