



**NPWS**

An tSeirbhís Páircenna  
Náisiúnta agus Fiadhúlra  
National Parks and Wildlife  
Service

**Derogation Number  
DER-BAT-2025-296**

**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 **Emma Fitzpatrick of Castlecrine, Sixmilbridge, County Clare** 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**



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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 **Castlecrine, Sixmilbridge, County Clare** for **Emma Fitzpatrick**
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 (**Derogation License Supporting Information**), 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 **8<sup>th</sup> September – 31<sup>st</sup> December 2025, inclusive**.
6. The works will be supervised by bat ecologist: **Anne Mullen**.
7. The roof of the existing roost can only be removed once a survey confirms that the bats have vacated the structure. This is likely to be during the winter months.
8. The new roost shall be roofed and renovated and made ready for bat occupation within 12 months of the roof being removed from the building which is currently being used by the bats.
9. A post construction monitoring survey of the new roost shall take place for 2 breeding seasons to confirm bat usage and results shall be sent to NPWS
10. The mitigation measures outlined in the bat report relating to the retention of mature trees and the use of bat friendly lighting will also be implemented.
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](mailto: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](mailto: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)

**08 September 2025**

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:** Emma Fitzpatrick

**Location/Name of Project:** Castlecrine, Sixmilebridge

**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 checked="" 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 have 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 the applicant is relying on the imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences aspect of Reason C. The proposed works outlined in the supporting documentation involve the renovation and extension of an uninhabited building in a structural decline for several years. The works are required to make the building safe and suitable for residential use, without this intervention the building is at risk of collapse which may result in the destruction of the roof.

The cottage is intended for personal residential use and its restoration supports local planning objectives relating to housing development, which is at a critical juncture and noted as a priority under the County Clare Development Plan.

The applicants have provided evidence as to the nature and scale of the social and economic reasoning and the proposed activity is necessary to achieve the overall objective. 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 a cottage and 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 Lesser Horseshoe Bats for roosting.

The alternative solutions suggested by the applicant are:

1. "Do-Nothing" scenario – *"The option of leaving the structure untouched was considered but is not viable. The building is structurally unsound and poses a risk of collapse. If no action is taken, the roost will be lost in an uncontrolled manner, without any mitigation or monitoring. The outcome would be more detrimental to the species than a managed intervention"* – NPWS regional staff agree with this assessment.

2. Alternative 1 – *"Avoiding works to the roost area was explored. However, the roost is located within the attic space of the cottage, which is integral to the structure and cannot be isolated from the necessary repairs. Attempting to retain the roost in situ while carrying out works would expose the bats to significant disturbance and risk of injury and would not meet the legal requirement to avoid harm to protected species."* – NPWS staff agree with this assessment

3. Alternative 2 – *"Provision for attic space within the renovated cottage was considered, but was considered unlikely to be utilised, as LHB rarely used occupied domestic dwellings"* - NPWS regional staff agree with this assessment

4. Alternative 3 – *"Relocation of the development is not feasible. The project involves the renovation of an existing historic dwelling on a fixed site. The applicant is not proposing a new build but the restoration and extension of a long-standing structure for personal use. The location is intrinsic to the project and cannot be altered"* - This is more relevant to test 1.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on pages 11 & 12 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):**

The building in question supports a roost of lesser horseshoe bats. This is not a maternity roost nor a hibernation roost but appears to be a satellite roost used by 12-15 bats. The building is structurally unsound and poses a risk of collapse. If no action is taken, the roost will gradually become less suitable for bats and eventually will be lost.

The proposed works include mitigation plans to renovate an adjacent outbuilding specifically for use by lesser horseshoe bats. This building would provide dedicated roosting for the species and has the potential to become a more secure long-term home for these bats. Providing this new dedicated roost is completed to the specification outlined in the bat report (together with the other mitigation measures therein) and that the necessary works are completed without delay then I am satisfied that there should be no significant impact on the conservation status of the bats in the area

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 roof of the existing roost can only be removed once a survey confirms that the bats have vacated the structure. This is likely to be during the winter months.
2. The new roost shall be roofed and renovated and made ready for bat occupation within 12 months of the roof being removed from the building which is currently being used by the bats.
3. A post construction monitoring survey of the new roost shall take place for 2 breeding seasons to confirm bat usage and results shall be sent to NPWS
4. The mitigation measures outlined in the bat report relating to the retention of mature trees and the use of bat friendly lighting will also be implemented.



Signed: .

Date: September 8, 2025

Position: Ecologist