



NPWS

An tSeirbhís Páircanna
Náisiúnta agus Fíadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2025-317**

**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 **Michael Guiney of Kilgobbin Castle, Kilgobbin, County Dublin, D18 K5W7** 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 |
| • Nathusius Pipistrelle | Pipistrellus Nathusii |



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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 **Kilgobbin Castle, Kilgobbin, County Dublin, D18 K5W7** for **Michael Guiney**
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 Derogation Licence Application Supplementary Report**), 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 **26th September – 30th November**
6. The works will be supervised by bat ecologist: **Ruth Minogue**.
7. 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.
8. 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.
9. 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.
10. The local **NPWS Conservation Ranger – Sean Meehan**, sean.meehan@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.
11. 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 date of this derogation**. Included with the 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 Fiadhúla
National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

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

26 September 2025

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



Derogation Assessment

Name of Applicant: Michael Guiney

Location/Name of Project: Kilgobbin Castle, County Dublin

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 the applicant claims 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, the applicants are relying on the public health and public safety aspect of Reason C in that the proposed works at Kilgobbin Castle are necessary to ensure the castle does not deteriorate further due to its poor condition which will occur without intervention. These works and repairs will alleviate the potential for collapse of the castle and reduce the health and safety risks currently posed.

The applicants are also relying on the imperative reasons of overriding public interest aspect of Reason C in that the conservation management plan outlined for Kilgobbin Castle will allow the castle to open to the public and allow for further research into the building.

The applicants have provided evidence as to the nature and scale of the public health and public safety 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	☒
	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 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: *The maintenance and restoration of Kilgobbin Castle, a national monument, to ensure that its structural condition does not deteriorate further, potentially creating a threat to public safety.* The specific situation that needs to be addressed is to *ensure that the undertaking of the proposed maintenance and restoration works does not impact negatively on bats that may be roosting in the structure at the time of the works. A single common pipistrelle bat was confirmed emerging from the structure during surveys in July 2025.*

The alternative solutions suggested by the applicant are:

1. "Do-Nothing" scenario

In the absence of the proposed works (ie Do Nothing) the structural condition of the building will continue to decline with ongoing loss of historic features of significance. There is risk of full or partial collapse of the extant two walls. This would result in complete loss of any bat roosting opportunities in the castle and the outcome would be adverse impacts on the local bat population and risk of potential masonry falling onto public road and /or damage to adjacent mature treeline. The loss or damage to the mature treeline could also result in adverse local effects to bats using the treeline for foraging and commuting.

CR's assessment - In the absence of intervention works, the castle's structure will further deteriorate, posing a risk to public safety and also a loss of a structure that may offer bats roosting opportunities into the future.

2. Alternative 1 - Timing of vegetation removal

In order to assess the structural condition of the castle at the upper elevations, vegetation removal is required in line with the scope of works. This could be deferred to later in the season, such as November however, this would result in the works not being completed by end of October 2025 which is a requirement for grant approval under the Community Monuments Fund 2025. In the absence of the works being completed, which are in line with best conservation practice, the grant will not be issued, and in fact works will not be scheduled at all. This will result in the same effects on bat species as outlined under the above Do Nothing Alternative.

CR's assessment – Deferring the vegetation removal until later in the year would risk jeopardising the grant and consequently, the project. Given the low numbers of bats using the structure and its historical importance, pushing out the timing of these works is not a viable option and will not resolve the situation.

3. Alternative 2 - Supervision of vegetation removal in September 2025 and identification of suitable crevices and cavities for retention

Once the scaffolding is erected, vegetation is proposed for removal at the upper elevations of the castle. Given the survey data indicates the castle functions as a minor roost in line with the Bat Mitigation Guidance, the mitigation proposed for this application includes supervision by the ecologist Ruth Minogue of scaffolding erection (to ensure access by bats at night) plus supervision of the vegetation removal on site should bats be disturbed in September. Immediately adjacent to the castle is a mature treeline and a small building with access for bats should any be disturbed and fly away. Given the open aspect of the castle, attempting to capture disturbed bats at height in open conditions is not possible. Therefore, this alternative, whereby vegetation clearance is done later in the activity season (mid Sept) under supervision and mitigation is advanced as the most appropriate and suitable option. This avoids disturbance to bat roosts at the most sensitive time of year and will be undertaken under supervision. The identification of appropriate crevices to remain open by the ecologist in consultation with the conservation specialists will allow continue access for bats roosting in the castle.

CR's assessment – The proposed methodology as per the above alternative is appropriate and proportionate to ensure that scaffolding erection and vegetation removal can proceed in mid / late September whilst ensuring the welfare of any bats that may be roosting in the structure at this time. The presence of an ecologist during this phase of the works provides an additional mitigation measure. This will resolve the situation and enable the project to meet the grant conditions whilst ensuring the conservation of bats.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 22 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	☒
	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 ruined castle provides roosting for individual common pipistrelles. This species is widespread and abundant and currently assessed as least concern. The proposed works will have no impact on the conservation status of the 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 ☐



Kate Greaney

Signed: _____

Date: September 26, 2025

Position: Ecologist