



- **Brown Long-Eared Bat** **Plecotus Auritus**
- **Natterer's Bat** **Myotis Nattereri**



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife
Service

Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Kilpatrick Church, Kilpatrick, Mullingar, County Westmeath** for **Eadaoin Healy**
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 (**Report in Support of an Application For Derogation Licence Under Regulation 54 & 54A Of The European Communities (Birds And Natural Habitats) Regulations 2011, As Amended With Regard To Bats Occurring At Kilpatrick Church July 2025**), 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 2025, inclusive**.
6. The works will be supervised by bat ecologist: **Patrick Moran**.
7. No works should take place during the hibernation period (December – February inclusive.)
8. An endoscope survey should be conducted in advance of works taking place. This survey needs to be carried out by a bat expert. Any crevices where bats are recorded must be preserved and no works should take place that impact on them
9. 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.
10. 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.
11. 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.
12. The local **NPWS Conservation Ranger – Triona Finnen**, triona.finnen@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.
13. 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 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)

26 September 2025

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



Derogation Assessment

Name of Applicant: Eadaoin Healy

Location/Name of Project: Kilpatrick Church, Mullingar

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 and that as outlined in the supporting report, a conservation plan is currently being implemented for Kilpatrick Church. It is further noted that the Kilpatrick Church conservation plan requires urgent works to preserve the structure and that emphasis during the works will be primarily on stabilising the existing building. If the proposed works do not commence, then Kilpatrick Church will fall into further disrepair and is in danger of collapse. The application therefore falls under the public health and public safety aspect of Reason C.

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, these are outlined in an ecological report dated July 2025, submitted as part of the application with regard to bats occurring at Kilpatrick Church.

The purpose of the derogation is to allow the following activity to take place:

The objective of the works is the conservation of a historic structure. The conservation works are vital to the preservation of the historic structure present at Kilpatrick Church. Emphasis during conservation works will be primarily on stabilising the existing fabric, retaining all masonry elements, as far as possible, in their current location. Rebuilding will only to be considered if deemed essential to stabilise the overall structure or where the original fabric and a record of the original construction are present, and if executed, to be based on interpretation of existing evidence. All interventions will be recorded.

The specific situation that needs to be addressed is repair and restoration works are required at Kilpatrick Church in order to prevent the further deterioration of the structure, an investigation of the structure will be conducted and repairs undertaken where the structure is in danger of collapse.

The alternative solutions suggested by the applicant are:

According to the applicant, the only realistic solution is the "Do Nothing Scenario". If the do nothing scenario is implemented, the structure at Kilpatrick will deteriorate further, and this historic structure will be lost. This will not resolve the issue as the structure will eventually collapse destroying any bat roosts present and posing a danger to any roosting bats. *Therefore, the 'do nothing scenario' is not considered viable.*

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 5 of the accompanying report *the "do-nothing alternative" was examined by the applicant and this was considered not a viable option. – regional agree with this assessment*

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 applicants' 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):

| This ruin contains a hibernation roost of 5-10 natterer's bats and a number of individual brown long-eared bats.

Natterer's bats are relatively rare in Ireland and their hibernation roosts are seldom recorded. Hence this roost is of conservation significance.

It is important that the proposed works are carried out sensitively with the protection of these bats in mind.

Mitigation measures are proposed and providing these are implemented there should be no significant impact on the conservation status of the bats on site |

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. No works should take place during the hibernation period December – February inclusive
2. An endoscope survey should be conducted in advance of works taking place. This survey needs to be carried out by a bat expert. Any crevices where bats are recorded must be preserved and no works should take place that impact on them.



Signed: .

Date: September 26, 2025

Position: Ecologist