



**NPWS**

An tSeirbhís Páircanna  
Náisiúnta agus Fíadhúlra  
National Parks and Wildlife  
Service

**Derogation Number  
DER-BAT-2025-319**

**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 **Cairn Homes Construction Ltd. of 45 Mespil Road, Dublin 4, D04 W2F1** 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  | <b>Rhinolophus Hipposideros</b>  |
| • Brown Long-Eared Bat  | <b>Plecotus Auritus</b>          |
| • Natterer’s Bat        | <b>Myotis Nattereri</b>          |
| • Common Pipistrelle    | <b>Pipistrellus Pipistrellus</b> |
| • Soprano Pipistrelle   | <b>Pipistrellus Pygmaeus</b>     |
| • Leisler’s Bat         | <b>Nycatalus Leisler</b>         |
| • Daubenton’s Bat       | <b>Myotis Daubentonii</b>        |
| • Whiskered Bat         | <b>Myotis Mystacinus</b>         |
| • Nathusius Pipistrelle | <b>Pipistrellus Nathusii</b>     |



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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 **Ballymoneen Road, Galway, County Galway (Grid Ref : M 25344 25400)** for **Cairn Homes Construction Ltd.**
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 (**220137 - Ballymoneen - Derogation Licence Letter - 2024.09.20**), 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 **2<sup>nd</sup> October – 31<sup>st</sup> December 2025, inclusive**
6. The works will be supervised by bat ecologist(s): **Sara Fissolo, Aoife Joyce, David Culleton, Nora Szijarto**
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 Regional Manager – Rebecca Teesdale**, [rebecca.teesdale@npws.gov.ie](mailto: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.
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](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 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)

**02 October 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:** Cairn Homes Construction Ltd.

**Location/Name of Project:** Ballymoneen Road, Galway [Grid Ref : M 25344 25400]

**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 for the proposed works within the townlands of Keeraun and Ballynahown East, Co. Galway. As outlined on page 5 of the accompanying report, the proposed works encompasses a strategic housing development on zoned residential land, which comply with the National and Regional Planning policy contained in the Galway City Development plan 2023-2029. A derogation is required to demolish a number of buildings on the proposed site to allow the proposed works to commence.

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="" 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 Bat Derogation Licence Application report look at a number of alternative options. There is an absence of satisfactory alternatives.

The buildings are required to be demolished in order to allow for the construction of new units to comply with national housing needs. The bat survey showed a small amount of historic use of the buildings by bats but no current use as a bat roost, however 5 species plus *Myotis spp* were recorded foraging and commuting around the site in surveys in June and July 2024. The species recorded included Soprano and Common pipistrelle, Leisler's, Brown long-eared and Lesser Horseshoe bats. It is noted Nathusius pipistrelle was also recorded at the site in 2022.

Whilst there is no alternative to the demolition of these two structures as outlined in the licence application, alternative roosting habitats will be provided throughout the site and the derogation licence application states that no significant impact on protected bat species is anticipated. – *Regional agree with this assessment*

Mitigation measures are outlined for this project in the supporting documentation and trees and linear features deemed of importance to protected bat species are to be retained where specified. Bat boxes are to be erected in trees near the structures to be demolished also. A pre-commencement survey will also be carried out prior to any demolition works. Lighting on site will be designed with consideration of current guidelines.

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):**

There is evidence of historical use of the buildings in question by small numbers of bats, but no recent evidence of bat usage. Measures are proposed which will enhance the roosting opportunities for bats in the area. The proposed works will have no impact on the conservation status of 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. |
2. |
3. |
4. |

*Kate Greaney*

Signed: .

Date: October 2, 2025

Position: Ecologist