Derogation Number
DER-BAT-2025-335

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 **Kevin Traynor** of **Roycroft Developments Ltd., Ardee House, River Road, Dublin 15, D15 HW26** 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**:

- **Brown Long-Eared Bat** **Plecotus Auritus**
- **Common Pipistrelle** **Pipistrellus Pipistrellus**
- **Soprano Pipistrelle** **Pipistrellus Pygmaeus**
- **Leisler's Bat** **Nycatalus Leisler**

Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Roycroft Developments Ltd., Ardee House, River Road, Dublin 15, D15 HW26** for **Kevin Traynor**
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 Application for Approved Housing Development at St. Helen's, Tandy's Lane, Adamstown, County Dublin**), 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 **17th October – 31st December 2025, inclusive.**
6. The works will be supervised by bat ecologist(s): **Brian Keeley**
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 District Conservation Officer – Katie Gordon,** katie.gordon@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.**

For the Minister for Housing, Local Government & Heritage

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

17 October 2025

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

Derogation Assessment

Name of Applicant: Kevin Traynor

Location/Name of Project: Ardee House, Dublin 15

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 <u>the applicant claims</u> 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, it is clear that the applicants are relying on the interests of public health and public safety aspect of reason C. As outlined on page two of the accompanying report the proposed works located along Tandy's Lane, just off Adamstown Park Road, Co. Dublin involve the demolition of a number of buildings including houses and farm structures.

These structures identified for demolition pose a significant risk of collapse, making it unsafe for the public, and contractors entering the site. The proposed works are therefore required to eliminate any further risk

The applicants are also relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. The proposed works will also involve the construction of a number of residential units and apartments and support national and local housing objectives

The applicants have provided evidence as to the nature and scale of the Health and Safety aspect and for reasons of public interest including those of a social or economic nature for the proposed works 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	☒
	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 application is being considered under 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". The purpose of the derogation is to allow the demolition of buildings with bat roosts at St Helen's Adamstown Lucan Dublin for the approved housing development.
The documentation that was submitted by the applicant has been reviewed, including that regards to the suggestions for alternative solutions. The alternative solutions suggested by the applicant are:

1. 'Do nothing' – The buildings in their current state pose a health and safety risk. The 'do nothing' alternative would retain these structures while will leave the bats undisturbed, will also allow the buildings to continue to pose a health and safety hazard. Some buildings have been marked as risk for immediate collapse. In time with continued deterioration of the buildings, they may become unusable to the bats.
2. Avoidance of roosts – The roosts are located in structures that overlap with the SDZ layout. This would require the deviation from the agreed framework of the SDZ and reduce the number of deliverable housing.
3. Avoidance of main roost buildings – The main roost buildings have been identified as being unsafe and unsuitable for re-use. Their removal is required in order to eliminate the health and safety risk that they currently pose. Retention of the buildings also conflicts with the deliverables of the SDZ project.

The applicant has providence satisfactory evidence that alternative solutions were considered for this project. NPWS has reviewed the alternative solutions that were considered and agree that no other alternative solutions are available.

Based on the above that the application has passed test one and can proceed to test three.

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 bat survey reports that the buildings due for demolition hold 40 Leisler's bats, 6 – 7 soprano pipistrelles, 2 common pipistrelles and 1 -2 brown long-eared bats. While the maternity roost of Leisler's bats in notable, this species is widespread and common in Ireland. All four species identified are in favourable conservation status.
An extensive mitigation plan has been put forward and providing all the detailed measures are implemented 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. Mitigation plan put forward in the Aug 2025 bat report should be implemented in full.
2.
3.
4.

[add additional conditions where required]

Signed: Date: October 17, 2025

Position: Ecologist