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An tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

Derogation Number
DER-BAT-2025-345

EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS, 2011 (S.I. No 477 of 2011)

DEROGATION

Granted under Regulation 54A 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 54A of the Habitats Regulations hereby grants to **Eamonn Meskell** of **NPWS, Dromyrourk, Killarney, County Kerry, V93 N673** 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**:

- **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 **Torc Cottages, Killarney, County Kerry**, for **Eamonn Meskell.**
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 (**Application for Derogation Licence**
5. **Supporting Document**), 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.
6. The actions which this derogation authorise shall be completed between **5th November – 31st December 2025, inclusive.**
7. The works will be supervised by bat ecologist: **Colette Murray & Kate Handel**
8. 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.
9. 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.
10. 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.
11. 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 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)

05 November 2025

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

Derogation Assessment

Name of Applicant: **Eamonn Meskell**

Location/Name of Project: **Torc Cottages, Killarney, County Kerry**

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 derogation is considered under Regulation 54(2)(c) for the construction of a nature education centre, and all ancillary site development works at Torc Cottages, Killarney National Park, Killarney, County Kerry. The site is situated within the Killarney National Park SPA and directly beside the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC. The planning application (24/60960) for the proposed activity is currently at F.I. stage and an NIS has been submitted. The derogation application form and associated documentation provided by the applicant has been reviewed in full.

The building has been identified as a maternity roost for both Soprano pipistrelle (approx. 30) and Leisler's bats (approx. 34). The current roost will be damaged due to the proposed renovation works on the building. However, the renovation of this building provides an opportunity to improve the roost for both species through the replacement of the roof lining with the more suitable bitumen materials. Additionally, space will be provided for a Lesser horseshoe bat roost within the loft space, an Annex II species that has been recorded foraging and commuting within the area. Furthermore, a detailed and comprehensive suite of mitigation measures are proposed.

Renovation of the building will allow for the provision of an education centre within the national park, with reduced requirement for additional construction resources, reducing cost and carbon footprint and promoting green development. The applicants are relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment stated in Regulation 54(2)(c). The EAU is of the opinion that this application meets the criteria to satisfy reason 54(2)(c). Based on the above, the application 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):

Alternative solutions to the proposed approach have been considered by the applicant, and the evidence has been reviewed. The alternative solutions suggested by the applicant are:

1. 'Do Nothing': This is deemed unsatisfactory as the building will be retained in derelict condition without maintenance. It is expected that the building will eventually become unsuitable for bat roosting due to the continued deterioration of the roof over time. The lining within the roof at present is known to be unsuitable for roosting bats, with many becoming stuck in the material as it begins to degrade.

2. 'Proceed without mitigation': This is deemed unsatisfactory as commencing the project without implementing the suggested mitigation could result in direct harm and/or disturbance to Soprano pipistrelle and Leisler's bats that are currently using the building as a roost. Additionally, other bat species such as Lesser horseshoe bat, which was recorded foraging/commuting beside the building, could be disturbed as a result of a removal of habitat and/or implementation of unsuitable lighting. The proposed development is for the renovation of an existing building, therefore an alternative location is not a feasible option.

The proposed building refurbishment will incorporate a modified roof tile to allow the bats to access the roof cavity species between the tiles and the internal wooden slats. The proposed works also include alternative roosting habitat for crevice dwelling bats (bat box) as well as the provision of a nature education centre; an alternative design is not considered to be required. The existing building is in disrepair with the potential to lose the roost in the future. This option provides a long term alternative roost at the same location.

Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and the proposed approach is the only satisfactory alternative. The EAU has 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 estimated Soprano pipistrelle population is approximately 1.2-2.7 million in Republic of Ireland, and the estimated Leisler's population is approximately 112,800-202,300 in the Republic of Ireland. Trends for both species have shown a significant increase since the inception of the Car-based Bat Monitoring Scheme in 2003.[1]

The granting of the derogation for the proposed approach will not be detrimental to the long-term viability or ecological function of the Soprano pipistrelle and Leisler's bat populations. The works are temporary, limited in scale, and will be carried out under best practice mitigation. Integrated roosting features and a bat box will be provided to maintain local roost availability. Surrounding foraging and commuting habitats will remain functional.

Given the widespread and stable national population of the Soprano pipistrelle and Leisler's bat and the limited, temporary nature of the impacts, the EAU is of the opinion the proposed derogation would not be detrimental to the maintenance of the population of these bat species at a favourable conservation status in their natural range

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.

[1] Roche, N. & Langton, S. (2024) Population estimates, trends and background information for six Irish bat species. Article 17 reporting 2018-2023: Supporting document. Unpublished report to National Parks & Wildlife Service

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.

[add additional conditions where required]

Signed: Laura Connolly Date: November 5, 2025

Position: Ecologist Grade II, Ecological Assessment Unit, Department of Housing, Local Government and Heritage