



NPWS

An tSeirbhís Páircenna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2025-355**

**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 **Peter Lavelle of Building Surveyors & Fire Engineers, Doonard Lower, Tarbert, County Kerry** 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 |
| • Soprano Pipistrelle | Pipistrellus Pygmaeus |



Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Ballykilty Manor, Quin, County Clare** for **Peter Lavelle**
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 Assessment of Ballykilty Manor, Quin, Co. Clare**) 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 **19th November – 31st December 2025, inclusive**.
6. The works will be supervised by bat ecologist(s): **Tina Aughney**, who should be retained to oversee the full and careful implementation of all mitigation measures.
7. A heating source is required to be installed into the attic space of the bat house. Such heating is recommended to be turned on from April to September annually. A data logger is required to be located within the attic space of the bat house to confirm that a minimum daily temperature of 25°C is achieved within the attic space. **This heating source must be installed and in operation prior to any proposed development of Ballykilty House**
8. Pruning of over-hanging branches of trees located along the boundary of the bat house is required to increase solar energy on the roof of the bat house. It is important that the pruning is done under supervision of the bat specialist to ensure that pruning is completed without removing features that may be important for other bat species.
9. An additional pump house will be constructed to provide additional roosting for Lesser Horseshoe Bats in the landscape. This will be completed before works are undertaken to the current pump house
10. 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.
11. 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.
12. 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.
13. The local **NPWS District Conservation Officer – David Lyons**, davida.lyons@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.
14. 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 tSeirbhís Páirceanna
Náisiúnta agus Fiadhúlra
National Parks and Wildlife
Service

For the Minister for Housing, Local Government & Heritage

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

19 November 2025

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





Derogation Assessment

Name of Applicant: Peter Lavelle

Location/Name of Project: Ballykilty Manor, County Clare

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, 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 5 of the accompanying report the derogation is required to assist with proposed works at Ballykilty Manor House, Quinn, Co. Clare. Further outlined on page 53 of the report, the works will prevent the continued deterioration of the buildings within the development site currently posing a health and safety concern due to security issues.

It is clear that 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. As outlined in the accompanying benefit analysis report, the aim of the proposed works is to provide a hotel, anticipated to bring both economic and social benefits through job creation and increased revenue for the locality.

The applicants have provided evidence as to interests of public health and public safety aspect plus the nature and scale of the 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):

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 restoration of an old manor building for development into a boutique hotel with associated structures.

The specific situation that needs to be addressed is the works have the potential to destroy the roosting place of 4 separate bat species. Lesser Horseshoe, Brown Long eared, Natterers & Common Pipistrelle.

The alternative solutions suggested by the applicant are:

"1. Do-Nothing" scenario – "This will cause the buildings to continue to deteriorate, which will increase the health and safety concerns, reduce the suitability of the buildings as bat roosting.

There will be loss of cultural heritage to the Quin area of Co. Clare.

A missed opportunity to set up a Lesser horseshoe bat conservation zone that would increase the foraging and commuting habitat for this species, which will also benefit other local bat populations with great connection to the wider landscape. The latter point is an important future conservation concern as the lesser horseshoe bat population is becoming more fragmented. Positive measures to ensure landscape connectivity along with the existing bat house and the proposed Lesser Horseshoe Bat Pump House (Daytime Roost) will ensure roosting resources will be supported"- This assessment is accepted. The building and roosts will be lost if extensive works are not carried out and an economically viable development is not permitted.

Alternative 2 –"Temporary patch up" – "Patch-up works are not an economically viable option for the owner of the estate" – This assessment is accepted. The building needs to have an economically future to fund the extensive expensive repair works required. Patch work repairs will not produce a building suitable for accommodation and cohabitation in this instance will not be viable.

Alternative 3 - Developing other buildings apart from Ballykilty House

"Ballykilty House is the principal building where the bat roosts were recorded during the current bat survey report. All additional roosts recorded in additional buildings are Day or Night Roosts and therefore of lesser importance compared to Maternity or Satellite roosts. The proposed development of the hotel currently entails the array of buildings located within close proximity to each other. Unfortunately Ballykilty House is the primary building within the complex and is the primary focus for the hotel structure with all other buildings proposed as support building for the hotel development. Therefore leaving Ballykilty House undeveloped while developing all other buildings would not be feasible and therefore not considered an option". - This assessment is accepted.

Alternative 4 - Retaining Roosting Sites in Ballykilty House

“Ballykilty House is the principal building where the bat roosts were recorded during the current bat survey report. All additional roosts recorded in additional buildings are Day or Night Roosts and therefore of lesser importance compared to Maternity or Satellite roosts. Lesser horseshoe bats have a preference to roost in un-occupied buildings, such as the current condition of Ballykilty House. Therefore the renovation of the buildings will result in the buildings as unsuitable roosting sites for the lesser horseshoe bat. And while the outdoor public lighting scheme is designed to be bat friendly, with a particular emphasis to ensure minimum impact on lesser horseshoe bats, the increased human activity and noise levels would also make the core of the proposed development unsuitable for this bat species. The option of retaining bat roosts for other recorded bat species within the buildings proposed to be developed was explored. This is possible for all other bat species recorded apart from lesser horseshoe bats. Therefore bat mitigation measures are provided to do this, but there will be a temporary disturbance until such bat mitigation measures are completed” – This assessment is accepted.. Robust mitigation is included with the proposal providing long term suitable roosting locations within the estate.

The applicant has provided satisfactory evidence that alternative solutions have clearly been considered. As outlined on page 58-60 of the accompanying report. The applicant has considered 4 alternatives to the proposed option. It is regarded that the applicant has considered all available alternative solutions and at this time, no other alternative solutions are apparent. Extensive survey and mitigation works have taken place on the site over the last 20 years. A suitable dedicated roost has been created for the species which will ensure their long term presence within the estate.

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)

Ballykilty House and its outbuildings support roosts of several bat species, notably Lesser horseshoe bats (Annex II species in Unfavourable conservation status). The proposed works would lead to significant impacts on the bat populations on site. However, a large suite of mitigation measures are proposed and full implementation of these should ensure that impacts are minimized and may help ensure the long-term conservation of lesser horseshoe bats in the area as well as benefiting the other bat species present.

In particular, a bat house has already been constructed for lesser horseshoe bats and while monitoring has shown that it is already used by this bat species some improvements have been identified to make the bat house suitable as a maternity roost. Specifically, a heating source is required to be installed into the attic space of the bat house. Such heating is recommended to be turned on from April to September annually. A data logger is required to be located within the attic space of the bat house to confirm that a minimum daily temperature of 25°C is achieved within the attic space. This work must be undertaken prior to any proposed development of Ballykilty House.

In addition, pruning of over-hanging branches of trees located along the boundary of the bat house is required to increase solar energy on the roof of the bat house. This will also help to increase the temperature within the attic space. It is important that the pruning is done under supervision of the bat specialist to ensure that pruning is completed without removing features that may be important for other bat species. An additional pump house (Lesser Horseshoe Bat Pump House or Day Roost) will be constructed to provide additional roosting in the landscape while foraging and commuting will be conserved and connected to the wider landscape. Detailed measures are also proposed for the retention and enhancement of roosting spaces in the renovated main building for other bats species.

In summary, providing all mitigation measures are implemented in full and the experienced bat consultant who is currently advising on the project is retained to oversee the careful execution of these measures, it is deemed that the works will not be detrimental to the conservation status of the local lesser horseshoe bat population or to the conservation status of the other bat species 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. All mitigation measures detailed in the accompanying bat report should be implemented in full.
2. The experienced bat specialist currently employed (Dr Tina Aughney) should be retained to oversee the full and careful implementation of all mitigation measures.
3. A heating source is required to be installed into the attic space of the bat house. Such heating is recommended to be turned on from April to September annually. A data logger is required to be located within the attic space of the bat house to confirm that a minimum daily temperature of 25°C is achieved within the attic space. **This heating source must be installed and in operation prior to any proposed development of Ballykilty House.**
4. In addition, pruning of over-hanging branches of trees located along the boundary of the bat house is required to increase solar energy on the roof of the bat house. It is important that the pruning is done under supervision of the bat specialist to ensure that pruning is completed without removing features that may be important for other bat species.
5. An additional pump house will be constructed to provide additional roosting for Lesser Horseshoe Bats in the landscape. This will be completed before works are undertaken to the current pump house.

Signed: .

Date: November 19, 2025

Position: Ecologist