



- **Common Pipistrelle** **Pipistrellus Pipistrellus**



### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with the works located at **Creggan Upper, Dublin Road, Athlone, Co. Westmeath** for **Michael Moore Car Sales Limited**
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 Licence Application –**
5. **Supporting Information for Proposed Motor Sales and Service Buildings, Creggan Upper, Dublin Road, Athlone, Co. Westmeath**) 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 **20<sup>th</sup> November – 31<sup>st</sup> December 2025, inclusive.**
7. The works will be supervised by bat ecologist(s): **Donnacha Woods**
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. The local **NPWS Conservation Ranger – Damian Murtagh**, [damian.murtagh@npws.gov.ie](mailto:damian.murtagh@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.
12. 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 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)

**20 November 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:** Michael Moore Car Sales Limited

**Location/Name of Project:** Creggan Upper, Dublin Road, Athlone, Co. Westmeath

**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 interests of public health and public safety aspect of reason C. As outlined on page five of the accompanying report, the proposed works located Creggan Upper, Dublin Road, Athlone involve the demolition of a derelict dwelling and associated outbuildings on the site to facilitate the expansion of the existing facility.

In the report, it is noted that the buildings are in a poor state of repair and are structurally unsound and collapsed in places with the ceilings in danger of collapse. It is also noted there is evidence of previous vandalism and the potential for further activity within the buildings on-site, which could pose a significant health and safety risk to the public.

The applicants have provided evidence as to the nature and scale of the Health and Safety aspect 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	<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):**

All documents provided (Bat Derogation Licence Application and Supporting Information) regarding the application for a Regulation 54 derogation to complete works at the commercial premises of Michael Moore Car Sales, Old Dublin road, Creggan Upper, Athlone, County Westmeath have been reviewed in full.

In seeking the Regulation 54 derogation, the applicant wishes to demolish existing derelict buildings on the abovementioned site that they indicate pose a risk to public health and safety. The applicant then wishes to replace those buildings with commercial buildings for which they have received planning permission.

If the existing derelict buildings on the abovementioned site are demolished, the action will remove one roost of Common Pipistrelle *Pipistrellus pipistrellus* (5 individuals on site total [p 5 derogation application], likely 1 in roost [p 17 supporting documentation]). Construction of the commercial buildings on site will include mitigation to accommodate for the loss of this roost with the addition of stable roosting structures to the new buildings to be constructed on site. Necessary works to achieve demolition are also to be conducted outside the main period of activity for bat species.

In the documentation provided by the applicant, they have provided evidence of and have considered a number of alternative solutions to the proposed demolition and development including the do nothing approach. They are listed below and taken from the applicant's derogation application.

### **Do nothing**

The buildings in their current state comprise a risk to public health and safety. As such, the do-nothing scenario is unsatisfactory. (Agreed that this is the case, intervention is required)

### **Alternative 1 Demolition of buildings on-site and no new development**

The potential for the demolition of the existing buildings on-site with no further development was considered. Under this scenario, the bat roost would similarly be lost and derogation required. This scenario would not allow for new development and is therefore unsatisfactory. (Agreed given the location and context from information provided in supporting documentation to the application that this is the case).

### **Alternative 2 Renovation of existing buildings**

The potential for the renovation of the existing buildings on-site was considered. Under this scenario, significant works would be required to the existing buildings, including complete removal/replacement of existing roofs and interior components. These works would result in the disturbance / loss of the existing bat roost and would themselves require derogation licence. As such, this scenario is unsatisfactory. (Agreed that this is the case as this will not resolve all aspects of the situation presented to the applicant).

In the supporting documentation provided (p20), the applicant has noted that there are no alternative solutions that meet the need of the works, adhere to the public health and safety risk presented by the site and the bat species

encountered in extensive survey on site (over a three-year period [pgs 10 to 16 of supporting documentation]). The applicant notes further that derogation would still be required in two of the three instances proposed as alternative solutions.

In the suggested development to the site, the new buildings will provide stable habitat for roosting bat species, something that cannot be provided ongoing by the currently dilapidating derelict buildings present on the site proposed for development.

Given the evidence provided by the applicant, it is considered here that the applicant has met the requirements of test 2 and can move to assessment under 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="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 building in question contains a minor roost of soprano/common pipistrelles. Pipistrelles are widespread, abundant and in favourable conservation status. The loss of this roost will have no impact on the conservation status of the bat species 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. | |

[add additional conditions where required]

*Kate Greaney*

Signed: \_\_\_\_\_

Date: November 20, 2025

Position: Ecologist