



NPWS

An tSeirbhís Páircanna
Náisiúnta agus Fiadhúla
National Parks and Wildlife
Service

**Derogation Number
DER-BAT-2025-109**

**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 **Ian Ó Catháin** of **Toonagh, Fountain, Ennis, County Clare** 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**
- **Soprano Pipistrelle** **Pipistrellus Pygmaeus**



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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 **Dromeen, Ruan, County Clare**, for **Ian Ó Catháin**.
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 (**Appropriate Assessment Screening & Natura Impact Statement Residential Redevelopment, Dromeen, Ruan 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 **18th February – 31st December 2025, inclusive**.
6. The works will be supervised by bat ecologist: **Tom O'Donnell**.
7. No destruction of former roost until replacement completed and significant usage demonstrated as per *The Bat Mitigation Guidelines (Irish Wildlife Manual)* in relation to for Lesser horseshoe bat maternity roosts.
8. Monitoring should be for as long as possible, with the timescale for the changeover from the old roost site to the new roost building to be agreed with NPWS. It is recommended that at least a full **12 months' time period** is allowed between completion of the new roost building and the commencement of works on the old roost (i.e. the cottage) in order to allow the bats familiarise themselves with the new building and hopefully decide to roost there. The applicant must provide evidence of significant usage of the new build bat roost by lesser horseshoe bats to NPWS before any works or exclusion of the species can take place on the cottage and the timing and method of exclusion shall be agreed with NPWS.
9. The replacement bat roost should be built following the exact specifications as detailed in the NIS and in the location as indicated on the maps. The materials, dimensions and internal configuration should follow exactly what has been outlined in the NIS. In addition to this it is recommended that a **second exit/entrance point is provided** for the bats rather than one as is currently proposed in the design. Any other changes in the design of the building should be agreed with NPWS local staff in advance of being implemented. The new roost should be built and the associated landscaping completed before any other development takes place on the site. The roost construction should be supervised by the Ecologist and upon completion should be inspected by NPWS to advise of any changes.
10. Any heavy excavation or construction works on the proposed renovation and extension of the existing cottage should not be carried out during the months of **May – August** to avoid any disturbance to bats which may be roosting in the new bat house.
11. Any introduction of lighting into the area could have a negative impact on the Lesser Horseshoe bats as the species is known to avoid lit up areas. There should be no external lighting placed on the side of the renovated cottage and extension that faces

- out on to the new bat roost. There should be no lighting placed at the road entrance or along the proposed road into the house. The applicant should ensure that proposed lighting is not located within habitats or does not spill into the surrounding hedgerows or treelines. All lighting must follow best practice guidelines as outlined in the *Bat Conservation Trust guidance note "Bats and artificial lighting at night"*.
12. The surrounding hedgerows, treelines and scrub provide very important feeding habitat for this maternity colony. These habitats should remain undisturbed from construction works. Any landscaping should use only native tree and shrub species. The area surrounding the newly constructed bat house should be heavily planted as proposed in the NIS.
 13. 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.
 14. 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.
 15. 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.
 16. The local **NPWS District Conservation Officer**, 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.
 17. 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 licence**. 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.**



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For the Minister for Housing, Local Government & Heritage

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

18 February 2025

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





Article 16 (Habitats Directive) - Returns Form

This returns form is for use in respect of:

Regulation 54 – Derogation to protect wild fauna and conserving natural habitats

1st January to 31st December 2025, inclusive

Derogation Number: DER-BAT-2025-109

Derogation Holder: Ian Ó Catháin

Species (English & Scientific)	No. of Individuals Affected	No. of Breeding Places	No. of Resting Places

Derogation Holder Signature: _____ Date: _____

Returns must be emailed to the following email address:

wildlife.reports@npws.gov.ie